

82. Zakon o ratifikaciji Mednarodne konvencije o zatiranju financiranja terorizma (MMKZFT)

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI MEDNARODNE KONVENCIJE O ZATIRANJU FINANCIRANJA TERORIZMA (MMKZFT)

Razgllašam Zakon o ratifikaciji Mednarodne konvencije o zatiranju financiranja terorizma (MMKZFT), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-173/04
Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI MEDNARODNE KONVENCIJE O ZATIRANJU FINANCIRANJA TERORIZMA (MMKZFT)

1. člen

Ratificira se Mednarodna konvencija o zatiranju financiranja terorizma, podpisana 10. januarja 2000 v New Yorku.

2. člen

Besedilo konvencije se v izvirniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:*

International Convention for the Suppression of the Financing of Terrorism

Preamble

*The States Parties to this Convention,
Bearing in mind the purposes and principles of the
Charter of the United Nations concerning the maintenance
of international peace and security and the promotion of
good-neighbourliness and friendly relations and cooperation
among States,*

*Deeply concerned about the worldwide escalation of
acts of terrorism in all its forms and manifestations,*

*Recalling the Declaration on the Occasion of the Fiftieth
Anniversary of the United Nations, contained in General As-
sembly resolution 50/6 of 24 October 1995,*

Mednarodna konvencija o zatiranju financiranja terorizma

Uvod

*Države pogodbenice te konvencije
se zavedajo ciljev in načel Ustanovne listine Združenih
narodov, ki se nanašajo na ohranjanje mednarodnega miru
in varnosti, na spodbujanje dobrih sosedskih in prijateljskih
odnosov ter na sodelovanje med državami,*

*so globoko zaskrbljene zaradi stopnjevanja vseh oblik
in vrst terorizma po vsem svetu,*

*se sklicujejo na Deklaracijo, sprejeto ob 50. obletnici
ustanovitve Združenih narodov, ki jo vsebuje Resolucija Ge-
neralne skupščine 50/6 z dne 24. oktobra 1995,*

* Besedilo konvencije v arabskem, francoskem, kitajskem, ruskem in španskem jeziku je na vpogled v Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve.

Recalling also all the relevant General Assembly resolutions on the matter, including resolution 49/60 of 9 December 1994 and the annex thereto on the Declaration on Measures to Eliminate International Terrorism, in which the States Members of the United Nations solemnly reaffirmed their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States,

Noting that the Declaration on Measures to Eliminate International Terrorism also encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Recalling General Assembly resolution 51/210 of 17 December 1996, paragraph 3, subparagraph (f), in which the Assembly called upon all States to take steps to prevent and counteract, through appropriate domestic measures, the financing of terrorists and terrorist organizations, whether such financing is direct or indirect through organizations which also have or claim to have charitable, social or cultural goals or which are also engaged in unlawful activities such as illicit arms trafficking, drug dealing and racketeering, including the exploitation of persons for purposes of funding terrorist activities, and in particular to consider, where appropriate, adopting regulatory measures to prevent and counteract movements of funds suspected to be intended for terrorist purposes without impeding in any way the freedom of legitimate capital movements and to intensify the exchange of information concerning international movements of such funds,

Recalling also General Assembly resolution 52/165 of 15 December 1997, in which the Assembly called upon States to consider, in particular, the implementation of the measures set out in paragraphs 3 (a) to (f) of its resolution 51/210 of 17 December 1996,

Recalling further General Assembly resolution 53/108 of 8 December 1998, in which the Assembly decided that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should elaborate a draft international convention for the suppression of terrorist financing to supplement related existing international instruments,

Considering that the financing of terrorism is a matter of grave concern to the international community as a whole,

Noting that the number and seriousness of acts of international terrorism depend on the financing that terrorists may obtain,

Noting also that existing multilateral legal instruments do not expressly address such financing,

Being convinced of the urgent need to enhance international cooperation among States in devising and adopting effective measures for the prevention of the financing of terrorism, as well as for its suppression through the prosecution and punishment of its perpetrators,

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "Funds" means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit.

se sklicujejo tudi na vse ustrezne resolucije Generalne skupščine o tej zadevi, vključno z Resolucijo 49/60 z dne 9. decembra 1994 ter njeno prilogo o Deklaraciji o ukrepih za odpravo mednarodnega terorizma, v kateri države članice Združenih narodov ponovno svečano potrjujejo, da soglasno obsojajo vsa dejanja, metode in oblike terorizma kot kriminalne in neopravičljive ne glede na to, kje in kdo jih stori, vključno s tistimi, ki ogrožajo prijateljske odnose med državami in narodi ter ozemeljsko celovitost in varnost držav,

ugotavljajo, da tudi Deklaracija o ukrepih za odpravo mednarodnega terorizma spodbuja države, da nujno ponovno pregledajo področje uporabe obstoječih mednarodnih predpisov o preprečevanju, zatiranju in odpravi vseh oblik in vrst terorizma z namenom, da se zagotovi vsestranski pravni okvir za vse vidike problematike,

se sklicujejo na pododstavek f) tretjega odstavka Resolucije Generalne skupščine 51/210 z dne 17. decembra 1996, v kateri Skupščina poziva vse države, da sprejmejo ustrezne notranje ukrepe za preprečevanje in zatiranje financiranja teroristov in terorističnih organizacij ne glede na to, ali tako financiranje poteka neposredno ali posredno prek organizacij, ki imajo ali trdijo, da imajo dobrodelne, socialne ali kulturne cilje, ali so vpletene tudi v nezakonite dejavnosti, kot so nedovoljena trgovina z orožjem, drogami in izsiljevanje, vključno z izkoriščanjem oseb za financiranje terorističnih dejavnosti, ter zlasti da proučijo, kjer je to primerno, sprejetje ureditvenih ukrepov za preprečevanje in zatiranje prenosa sredstev, za katera sumijo, da so namenjena terorizmu, ne da bi pri tem kakor koli omejevale prost pretok zakonitega kapitala, in okrepijo izmenjavo informacij o mednarodnem prenosu takih sredstev,

se sklicujejo tudi na Resolucijo Generalne skupščine 52/165 z dne 15. decembra 1997, v kateri Skupščina poziva države, naj proučijo zlasti izvajanje ukrepov iz pododstavkov a) do f) tretjega odstavka Resolucije 51/210 z dne 17. decembra 1996;

se prav tako sklicujejo na Resolucijo Generalne skupščine 53/108 z dne 8. decembra 1998, v kateri je Skupščina sklenila, da ad hoc odbor, ustanovljen na podlagi Resolucije Generalne skupščine 51/210 z dne 17. decembra 1996, izdela osnutek mednarodne konvencije o zatiranju financiranja terorizma kot dopolnitev obstoječih mednarodnih instrumentov s tega področja,

upoštevajo, da je financiranje terorizma skrb vzbujajoč problem za mednarodno skupnost kot celoto,

ugotavljajo, da sta število in teža dejanj mednarodnega terorizma odvisna od finančnih sredstev, ki jih teroristi lahko pridobijo,

ugotavljajo tudi, da obstoječi večstranski pravni instrumenti takega financiranja izrecno ne obravnavajo,

so prepričane, da je nujno treba razširiti mednarodno sodelovanje med državami pri načrtovanju in sprejemanju učinkovitih ukrepov za preprečevanje financiranja terorizma in za njegovo zatiranje s pregonom in kaznovanjem storilcev,

so se dogovorile:

1. člen

V tej konvenciji:

1. »sredstva« pomenijo kakršno koli premoženje, materialno ali nematerialno, premično ali nepremično, pridobljeno na kakršen koli način, ter pravne dokumente ali listine v kakršni koli obliki, tudi v elektronski ali digitalni, ki dokazujejo pravico do takega premoženja ali udeležbo na njem, vključno, vendar ne samo, z bančnimi krediti, potovalnimi čeki, bančnimi čeki, denarnimi nakaznicami, delnicami, vrednostnimi papirji, obveznicami, menicami, akreditivi;

2. "A State or government facility" means any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

3. "Proceeds" means any funds derived from or obtained, directly or indirectly, through the commission of an offence set forth in article 2.

Article 2

1. Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out:

(a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex; or

(b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.

2. (a) On depositing its instrument of ratification, acceptance, approval or accession, a State Party which is not a party to a treaty listed in the annex may declare that, in the application of this Convention to the State Party, the treaty shall be deemed not to be included in the annex referred to in paragraph 1, subparagraph (a). The declaration shall cease to have effect as soon as the treaty enters into force for the State Party, which shall notify the depositary of this fact;

(b) When a State Party ceases to be a party to a treaty listed in the annex, it may make a declaration as provided for in this article, with respect to that treaty.

3. For an act to constitute an offence set forth in paragraph 1, it shall not be necessary that the funds were actually used to carry out an offence referred to in paragraph 1, subparagraph (a) or (b).

4. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of this article.

5. Any person also commits an offence if that person:

(a) Participates as an accomplice in an offence as set forth in paragraph 1 or 4 of this article;

(b) Organizes or directs others to commit an offence as set forth in paragraph 1 or 4 of this article;

(c) Contributes to the commission of one or more offences as set forth in paragraph 1 or 4 of this article by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

(i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence as set forth in paragraph 1 of this article; or

(ii) Be made in the knowledge of the intention of the group to commit an offence as set forth in paragraph 1 of this article.

Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender is a national of that State and is present in the territory of that State and no other State has a basis under article 7, paragraph 1 or 2, to exercise jurisdiction, except that the provisions of articles 12 to 18 shall, as appropriate, apply in those cases.

2. »državni ali vladni objekt« pomeni vse stalne aličasne objekte ali prevozna sredstva, ki jih pri opravljanju svojih uradnih dolžnosti uporabljajo ali zasedajo predstavniki države, člani vlade, zakonodajne oblasti ali sodstva, uradniki ali zaposleni v državni upravi ali v katerem koli drugem javnem organu ali subjektu, zaposleni ali uradniki v medvladni organizaciji;

3. »premoženjska korist« pomeni vsa sredstva, ki neposredno ali posredno izhajajo iz ali so pridobljena s storitvijo kaznivega dejanja iz 2. člena.

2. člen

1. Oseba stori kaznivo dejanje v smislu te konvencije, če kakor koli neposredno ali posredno, nezakonito in naklepno zagotovi ali zbere sredstva z namenom, da se uporabijo, ali z vednostjo, da se bodo v celoti ali delno uporabila za storitev:

(a) dejanja, ki je v kateri koli mednarodni pogodbi iz priloge določeno kot kaznivo dejanje, ali

(b) vsakega drugega dejanja, katerega cilj je povzročiti smrt ali hudo telesno poškodbo civilista ali katere koli druge osebe, ki ne sodeluje aktivno v sovražnostih v oboroženem spopadu, in je namen takšnega dejanja po naravi ali vsebini prestrašiti ljudi oziroma prisiliti vlado ali mednarodno organizacijo, da stori ali opusti kakšno dejanje.

2. (a) Država pogodbenica, ki ni pogodbenica katere od mednarodnih pogodb iz priloge, lahko ob deponiranju listine o ratifikaciji, sprejetju, potrditvi ali pristopu izjavi, da se pri uporabi te konvencije zanjo šteje, da pogodba ni vključena v prilogi iz pododstavka a) prvega odstavka. Ta izjava preneha veljati takoj, ko mednarodna pogodba začne veljati za državo pogodbenico, ki o tem obvesti depozitarja.

(b) Ko država pogodbenica preneha biti pogodbenica mednarodne pogodbe iz priloge, lahko glede te mednarodne pogodbe da izjavo, kot določa ta člen.

3. Za obstoj kaznivega dejanja iz prvega odstavka tega člena ni potrebno, da so bila sredstva dejansko uporabljena za storitev kaznivega dejanja iz pododstavka (a) ali (b) prvega odstavka.

4. Kaznivo dejanje stori tudi oseba, ki poskusi storiti kaznivo dejanje iz prvega odstavka tega člena.

5. Kaznivo dejanje stori tudi oseba, ki:

(a) sodeluje kot sostorilec pri kaznivem dejanju iz prvega ali četrtega odstavka tega člena;

(b) organizira ali napeljuje druge, da storijo kaznivo dejanje iz prvega ali četrtega odstavka tega člena;

(c) pomaga pri storitvi enega ali več kaznivih dejanj iz prvega ali četrtega odstavka tega člena, ki jih za doseganje skupnega cilja stori skupina oseb. Taka pomoč mora biti naklepna in je

(i) njen namen podpreti kriminalno dejavnost ali cilj skupine, če takšna dejavnost ali cilj vključujejo storitev kaznivega dejanja iz prvega odstavka tega člena, ali

(ii) je ob tem oseba vedela za namen skupine, da stori kaznivo dejanje iz prvega odstavka tega člena.

3. člen

Ta konvencija se ne uporablja, kadar je kaznivo dejanje storjeno v eni sami državi, kadar je domnevni storilec državljan te države in je na ozemlju te države ter kadar nobena druga država nima pristojnosti na podlagi prvega ali drugega odstavka 7. člena te konvencije, razen da se v takih primerih smiselno uporabljajo določbe 12. do 18. člena.

Article 4

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its domestic law the offences as set forth in article 2;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of the offences.

Article 5

1. Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for the management or control of that legal entity has, in that capacity, committed an offence as set forth in article 2. Such liability may be criminal, civil or administrative.

2. Such liability is incurred without prejudice to the criminal liability of individuals who have committed the offences.

3. Each State Party shall ensure, in particular, that legal entities liable in accordance with paragraph 1 above are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions.

Article 6

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

Article 7

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

(a) The offence is committed in the territory of that State;

(b) The offence is committed on board a vessel flying the flag of that State or an aircraft registered under the laws of that State at the time the offence is committed;

(c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) The offence was directed towards or resulted in the carrying out of an offence referred to in article 2, paragraph 1, subparagraph (a) or (b), in the territory of or against a national of that State;

(b) The offence was directed towards or resulted in the carrying out of an offence referred to in article 2, paragraph 1, subparagraph (a) or (b), against a State or government facility of that State abroad, including diplomatic or consular premises of that State;

(c) The offence was directed towards or resulted in an offence referred to in article 2, paragraph 1, subparagraph (a) or (b), committed in an attempt to compel that State to do or abstain from doing any act;

(d) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State;

(e) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established in accordance with paragraph 2. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. člen

Vsaka država pogodbenica sprejme take ukrepe, kot so potrebni, da:

(a) v svoji notranji zakonodaji kot kazniva dejanja določi kazniva dejanja iz 2. člena;

(b) za ta kazniva dejanja določi primerne kazni, pri čemer upošteva težo kaznivih dejanj.

5. člen

1. Vsaka država pogodbenica v skladu s svojimi notranjimi pravnimi načeli sprejme potrebne ukrepe, ki omogočajo uveljavitev odgovornosti pravnih oseb, ki so na njenem ozemlju ali so organizirane na podlagi njenih predpisov, kadar oseba, odgovorna za vodenje ali nadzor te pravne osebe, v tej vlogi stori kaznivo dejanje iz 2. člena. Ta odgovornost je lahko kazenska, civilna ali upravna.

2. Takšna odgovornost obstaja ne glede na kazensko odgovornost posameznikov, ki so storili kazniva dejanja.

3. Vsaka država pogodbenica predvsem zagotovi, da se pravne osebe, odgovorne po prvem odstavku, kaznujejo z učinkovitimi, sorazmernimi in odvračilnimi kazenskimi, civilnimi ali upravnimi sankcijami. Takšne sankcije lahko vključujejo denarne sankcije.

6. člen

Vsaka država pogodbenica sprejme vse potrebne ukrepe, vključno, kadar je to potrebno, z notranjo zakonodajo, s katerimi zagotovi, da kazniva dejanja iz te konvencije na noben način niso opravičljiva iz političnih, filozofskih, ideoloških, rasnih, etničnih, verskih ali podobnih razlogov.

7. člen

1. Vsaka država pogodbenica sprejme vse potrebne ukrepe za vzpostavitev svoje pristojnosti glede kaznivih dejanj iz 2. člena, kadar:

(a) je kaznivo dejanje storjeno na ozemlju te države;

(b) je kaznivo dejanje storjeno na ladji, ki pluje pod zastavo te države, ali na letalu, ki je v času storitve kaznivega dejanja registrirano po predpisih te države;

(c) kaznivo dejanje stori državljani te države.

2. Država pogodbenica lahko vzpostavi svojo pristojnost tudi glede kaznivega dejanja:

(a) katerega namen ali posledica je bila storitev kaznivega dejanja iz pododstavka (a) ali (b) prvega odstavka 2. člena na ozemlju te države ali proti državljanu te države;

(b) katerega namen ali posledica je bila storitev kaznivega dejanja iz pododstavka (a) ali (b) prvega odstavka 2. člena proti njenemu državnemu ali vladnemu objektu v tujini, vključno z diplomatskimi ali konzularnim prostori te države;

(c) katerega namen ali posledica je bila storitev kaznivega dejanja iz pododstavka (a) ali (b) prvega odstavka 2. člena z namenom, da se država skuša prisiliti v izvršitev ali opustitev nekega dejanja;

(d) kadar je kaznivo dejanje storila oseba brez državljanstva, ki prebiva na ozemlju te države;

(e) kadar je kaznivo dejanje storjeno na letalu, ki ga uporablja vlada te države.

3. Ob ratifikaciji, sprejetju, potrditvi konvencije ali pristopu k njej vsaka država pogodbenica obvesti generalnega sekretarja Združenih narodov o pristojnosti, vzpostavljeni v skladu z drugim odstavkom. Ob kakršni koli spremembi ta država takoj obvesti generalnega sekretarja.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties that have established their jurisdiction in accordance with paragraphs 1 or 2.

5. When more than one State Party claims jurisdiction over the offences set forth in article 2, the relevant States Parties shall strive to coordinate their actions appropriately, in particular concerning the conditions for prosecution and the modalities for mutual legal assistance.

6. Without prejudice to the norms of general international law, this Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

Article 8

1. Each State Party shall take appropriate measures, in accordance with its domestic legal principles, for the identification, detection and freezing or seizure of any funds used or allocated for the purpose of committing the offences set forth in article 2 as well as the proceeds derived from such offences, for purposes of possible forfeiture.

2. Each State Party shall take appropriate measures, in accordance with its domestic legal principles, for the forfeiture of funds used or allocated for the purpose of committing the offences set forth in article 2 and the proceeds derived from such offences.

3. Each State Party concerned may give consideration to concluding agreements on the sharing with other States Parties, on a regular or case-by-case basis, of the funds derived from the forfeitures referred to in this article.

4. Each State Party shall consider establishing mechanisms whereby the funds derived from the forfeitures referred to in this article are utilized to compensate the victims of offences referred to in article 2, paragraph 1, subparagraph (a) or (b), or their families.

5. The provisions of this article shall be implemented without prejudice to the rights of third parties acting in good faith.

Article 9

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence set forth in article 2 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 are being taken shall be entitled:

(a) To communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) To be visited by a representative of that State;

(c) To be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

4. Vsaka država pogodbenica prav tako sprejme vse potrebne ukrepe za vzpostavitev svoje pristojnosti glede kaznivih dejanj iz 2. člena tudi v primerih, ko je domnevni storilec na njenem ozemlju in ga ne izroči nobeni od držav pogodbenic, ki so vzpostavile svojo pristojnost v skladu s prvim ali drugim odstavkom.

5. Kadar več držav pogodbenic uveljavlja svojo pristojnost glede kaznivih dejanj iz 2. člena, si te države pogodbenice prizadevajo primerno uskladiti svoja ravnanja, zlasti v zvezi s pogoji za kazenski pregon in načini medsebojne pravne pomoči.

6. Ne glede na splošna načela mednarodnega prava ta konvencija ne izključuje izvajanja kazenske pristojnosti, ki jo država pogodbenica vzpostavi v skladu s svojo notranjo zakonodajo.

8. člen

1. Zaradi morebitnega odvzema sredstev vsaka država pogodbenica v skladu s svojimi notranjepravnimi načeli sprejme ustrezne ukrepe za identifikacijo, odkrivanje, zamrznitev ali zaseg kakršnih koli sredstev, uporabljenih ali namenjenih za storitev kaznivih dejanj iz 2. člena, kot tudi premoženjske koristi, pridobljene s takimi kaznivimi dejanji.

2. Vsaka država pogodbenica v skladu s svojimi notranjepravnimi načeli sprejme ustrezne ukrepe za odvzem sredstev, uporabljenih ali namenjenih za storitev kaznivih dejanj iz 2. člena, in premoženjske koristi, pridobljene s takimi kaznivimi dejanji.

3. Vsaka država pogodbenica lahko prouči možnost sklenitve sporazumov z drugimi državami pogodbenicami o delitvi odvzetih sredstev iz tega člena za vse primere ali za vsak primer posebej.

4. Vsaka država pogodbenica prouči vzpostavitev mehanizmov, da se sredstva, odvzeta po tem členu, uporabijo za nadomestilo škode žrtvam kaznivih dejanj iz pododstavka (a) ali (b) prvega odstavka 2. člena ali njihovim družinam.

5. Izvajanje določb tega člena ne vpliva na pravice tretjih, ki ravnajo v dobri veri.

9. člen

1. Ko država pogodbenica prejme informacijo, da je storilec ali osumljenec kaznivega dejanja iz 2. člena lahko na njenem ozemlju, sprejme ukrepe, ki so v skladu z njenim notranjim pravom potrebni za preveritev dejstev iz informacije.

2. Ko se država pogodbenica, na ozemlju katere je storilec ali osumljenec kaznivega dejanja, prepriča, da okoliščine to narekujejo, v skladu s svojim notranjim pravom sprejme ustrezne ukrepe za zagotovitev navzočnosti te osebe zaradi kazenskega pregona ali izročitve.

3. Vsaka oseba, proti kateri so bili uvedeni ukrepi iz drugega odstavka, ima pravico:

(a) takoj obvestiti najbližjega ustreznega predstavnika države, katere državljan je, ali države, ki je pooblaščen za zaščito pravic te osebe, ali v primeru osebe brez državljanstva, države, na ozemlju katere ta oseba prebiva;

(b) do obiska predstavnika te države;

(c) do seznanitve s pravicami iz pododstavkov (a) in (b).

4. Pravice iz tretjega odstavka se uresničujejo v skladu z zakoni in predpisi države, na katere ozemlju je storilec ali osumljenec kaznivega dejanja, če ti zakoni in predpisi omogočajo učinkovito uveljavitev pravic, ki izhajajo iz določb tretjega odstavka.

5. The provisions of paragraphs 3 and 4 shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 7, paragraph 1, subparagraph (b), or paragraph 2, subparagraph (b), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to the present article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 7, paragraph 1 or 2, and, if it considers it advisable, any other interested States Parties, of the fact that such person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

Article 10

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 7 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

Article 11

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 7, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

5. Določbe tretjega in četrtega odstavka ne vplivajo na pravice katere koli države pogodbenice, ki ima pravico do uveljavitve svoje pristojnosti v skladu s pododstavkom (b) prvega odstavka ali pododstavkom (b) drugega odstavka 7. člena, da povabi Mednarodni odbor Rdečega križa, da naveže stik z domnevnim storilcem in ga obišče.

6. Kadar država pogodbenica na podlagi tega člena pripre osebo, takoj neposredno ali prek generalnega sekretarja Združenih narodov obvesti države pogodbenice, ki so vzpostavile svojo pristojnost v skladu s prvim in drugim odstavkom 7. člena, in če se ji to zdi primerno, katero koli drugo zainteresirano državo pogodbenico o tem, da je ta oseba priprta, ter o okoliščinah, ki pripor te osebe opravičujejo. Država, ki opravlja preiskavo iz prvega odstavka, takoj obvesti omenjene države pogodbenice o svojih ugotovitvah in o tem, ali namerava uveljavljati pristojnost.

10. člen

1. Če v primerih iz 7. člena država pogodbenica, na katere ozemlju je domnevni storilec kaznivega dejanja, te osebe ne izroči, mora brez izjeme in ne glede na to, ali je bilo kaznivo dejanje storjeno na njenem ozemlju, zaradi pregona zadevo takoj predati svojim pristojnim organom po postopkih, predvidenih v njeni zakonodaji. Ti organi o zadevi odločijo na enak način kot pri katerem koli drugem hudem kaznivem dejanju po pravu te države.

2. Kadar država pogodbenica v skladu s svojo notranjo zakonodajo lahko izroči ali kako drugače preda svoje državljane samo pod pogojem, da bo oseba vrnjena v to državo zaradi prestajanja kazni, izrečene na sodni obravnavi, ali kot posledica postopka, zaradi katerega se zahteva izročitev oziroma predaja, ter ta država in država, ki zaprosi za izročitev osebe, soglašata s to možnostjo in drugimi pogoji, ki se jima zdijo ustrezni, takšna pogojna izročitev ali predaja zadošča za izpolnitev obveznosti iz prvega odstavka.

11. člen

1. Šteje se, da so kazniva dejanja iz 2. člena, vključena kot kazniva dejanja, za katera se lahko zahteva izročitev, v vse mednarodne pogodbe med državami pogodbenicami, ki so obstajale pred začetkom veljavnosti te konvencije. Države pogodbenice se zavezujejo, da bodo ta kazniva dejanja vključena med kazniva dejanja, za katera se lahko zahteva izročitev, v vse mednarodne pogodbe o izročitvi, ki jih bodo sklenile pozneje.

2. Kadar država pogodbenica, ki pogojuje izročitev z obstojem mednarodne pogodbe, prejme zaprosilo za izročitev od druge države pogodbenice, s katero takšne pogodbe ni sklenila, lahko zaprosena država pogodbenica upošteva to konvencijo kot pravno podlago za izročitev zaradi kaznivih dejanj iz 2. člena. Za izročitev morajo biti izpolnjeni drugi pogoji, določeni z zakonodajo zaprosene države.

3. Države pogodbenice, ki ne pogojujejo izročitve z obstojem mednarodne pogodbe, medsebojno priznavajo kazniva dejanja iz 2. člena kot kazniva dejanja, za katera se lahko zahteva izročitev, v skladu s pogoji, določenimi z zakonodajo zaprosene države.

4. Če je potrebno, se zaradi izročitve med državami pogodbenicami kazniva dejanja iz 2. člena obravnavajo, kot da niso bila izvršena samo na kraju storitve, ampak tudi na ozemlju držav, ki so vzpostavile svojo pristojnost v skladu s prvim in drugim odstavkom 7. člena.

5. Šteje se, da so določbe mednarodnih pogodb in dogovorov o izročitvi med državami pogodbenicami glede kaznivih dejanj iz 2. člena ustrezno spremenjene, če niso skladne s to konvencijo.

Article 12

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal or extradition proceedings in respect of the offences set forth in article 2, including assistance in obtaining evidence in their possession necessary for the proceedings.

2. States Parties may not refuse a request for mutual legal assistance on the ground of bank secrecy.

3. The requesting Party shall not transmit or use information or evidence furnished by the requested Party for investigations, prosecutions or proceedings other than those stated in the request without the prior consent of the requested Party.

4. Each State Party may give consideration to establishing mechanisms to share with other States Parties information or evidence needed to establish criminal, civil or administrative liability pursuant to article 5.

5. States Parties shall carry out their obligations under paragraphs 1 and 2 in conformity with any treaties or other arrangements on mutual legal assistance or information exchange that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 13

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a fiscal offence. Accordingly, States Parties may not refuse a request for extradition or for mutual legal assistance on the sole ground that it concerns a fiscal offence.

Article 14

None of the offences set forth in article 2 shall be regarded for the purposes of extradition or mutual legal assistance as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 15

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 16

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences set forth in article 2 may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent;

(b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

12. člen

1. Države pogodbenice si pri preiskovanju kaznivih dejanj, kazenskih ali izročitvenih postopkih v zvezi s kaznivimi dejanji iz 2. člena čim bolj pomagajo, vključno pri pridobivanju dokazov, s katerim razpolagajo in so potrebni za izvajanje postopkov.

2. Države pogodbenice ne smejo zavrniti zaprosila za medsebojno pravno pomoč zaradi varovanja bančne tajnosti.

3. Pogodbenica prosilka ne sme brez predhodnega soglasja zaprosene pogodbenice posredovati ali uporabiti informacij ali dokazov, pridobljenih od zaprosene pogodbenice, za preiskovanje, pregon ali postopke, ki niso navedeni v zaprosilu.

4. Vsaka država pogodbenica lahko prouči vzpostavitev mehanizmov za izmenjavo informacij ali dokazov, potrebnih za vzpostavitev kazenske, civilne ali upravne odgovornosti na podlagi 5. člena, z drugimi državami pogodbenicami.

5. Države pogodbenice izvajajo svoje obveznosti iz prvega in drugega odstavka v skladu z že obstoječimi mednarodnimi pogodbami ali drugimi dogovori o medsebojni pravni pomoči ali izmenjavi informacij. Če takšnih mednarodnih pogodb ali dogovorov ni, si države pogodbenice med seboj pomagajo v skladu s svojo zakonodajo.

13. člen

Nobeno od kaznivih dejanj iz 2. člena se za namene izročitve ali medsebojne pravne pomoči ne šteje kot davčno kaznivo dejanje. Države pogodbenice ne smejo zavrniti prošnje za izročitev ali zaprosila za medsebojno pravno pomoč samo iz razloga, da se nanaša na davčno kaznivo dejanje.

14. člen

Nobeno kaznivo dejanje iz 2. člena se za namene izročitve ali medsebojne pravne pomoči ne šteje kot politično kaznivo dejanje, kot kaznivo dejanje v zvezi s političnim kaznivim dejanjem ali kot kaznivo dejanje s političnimi motivi. Prošnja za izročitev ali medsebojno pravno pomoč glede takšnega kaznivega dejanja se ne sme zavrniti samo iz razloga, da se nanaša na politično kaznivo dejanje, kaznivo dejanje v zvezi s političnim kaznivim dejanjem ali kaznivo dejanje s političnimi motivi.

15. člen

Nič v tej konvenciji se ne razlaga, kot da nalaga dolžnost izročitve ali medsebojne pravne pomoči, če zaprosena država pogodbenica utemeljeno domneva, da je bila prošnja za izročitev ali medsebojno pravno pomoč zaradi kaznivih dejanj iz 2. člena posredovana z namenom pregona ali kaznovanja osebe zaradi rase, vere, državljanstva, etničnega izvora ali političnega prepričanja ali da bi iz navedenih razlogov ugoditev prošnji poslabšala položaj te osebe.

16. člen

1. Oseba, ki je v priporu ali prestaja kazen na ozemlju ene od držav pogodbenic in katere navzočnost v drugi državi pogodbenici se zahteva zaradi identifikacije, pričanja ali druge oblike pomoči pri pridobivanju dokazov za preiskavo ali pregon kaznivih dejanj iz 2. člena, se lahko premesti, če so izpolnjeni naslednji pogoji:

(a) če je oseba o tem ustrezno obveščena in v to prostovoljno privoli;

(b) če se o tem sporazumejo pristojni organi obeh držav pod pogoji, ki jih državi štejeta za primerne.

2. For the purposes of the present article:

(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State to which he or she was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

Article 17

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international human rights law.

Article 18

1. States Parties shall cooperate in the prevention of the offences set forth in article 2 by taking all practicable measures, *inter alia*, by adapting their domestic legislation, if necessary, to prevent and counter preparations in their respective territories for the commission of those offences within or outside their territories, including:

(a) Measures to prohibit in their territories illegal activities of persons and organizations that knowingly encourage, instigate, organize or engage in the commission of offences set forth in article 2;

(b) Measures requiring financial institutions and other professions involved in financial transactions to utilize the most efficient measures available for the identification of their usual or occasional customers, as well as customers in whose interest accounts are opened, and to pay special attention to unusual or suspicious transactions and report transactions suspected of stemming from a criminal activity. For this purpose, States Parties shall consider:

(i) Adopting regulations prohibiting the opening of accounts, the holders or beneficiaries of which are unidentified or unidentifiable, and measures to ensure that such institutions verify the identity of the real owners of such transactions;

(ii) With respect to the identification of legal entities, requiring financial institutions, when necessary, to take measures to verify the legal existence and the structure of the customer by obtaining, either from a public register or from the customer or both, proof of incorporation, including information concerning the customer's name, legal form, address, directors and provisions regulating the power to bind the entity;

(iii) Adopting regulations imposing on financial institutions the obligation to report promptly to the competent authorities all complex, unusual large transactions and unusual patterns of transactions, which have no apparent economic or obviously lawful purpose, without fear of assuming criminal or civil liability for breach of any restriction on disclosure of information if they report their suspicions in good faith;

2. Za namene tega člena:

(a) ima država, v katero je oseba premeščena, pravico in dolžnost to osebo obdržati v priporu, če država, iz katere je oseba premeščena, ne zahteva ali dovoli drugače;

(b) država, v katero je oseba premeščena, brez odlašanja izpolni svojo obveznost in osebo vrne v pripor države, iz katere je bila premeščena, v skladu s predhodnim ali kakšnim drugačnim dogovorom pristojnih organov obeh držav;

(c) država, v katero je oseba premeščena, ne more zahtevati, da država, iz katere je bila oseba premeščena, začne z izročitvenim postopkom za vrnitev te osebe;

(d) se premeščeni osebi čas, ki ga prebije v priporu države, v katero je bila premeščena, upošteva pri prestajanju kazni v državi, iz katere je bila premeščena.

3. Razen če se država pogodbenica, iz katere je oseba premeščena v skladu s tem členom, strinja, se ta oseba na ozemlju države, v katero je premeščena, ne glede na državljanstvo ne sme sodno preganjati ali pridržati ali se ji kakor koli drugače omejiti osebna svoboda zaradi dejanj ali obsodb pred njenim odhodom z ozemlja države, iz katere je bila premeščena.

17. člen

Osebi, ki je v skladu s to konvencijo v priporu ali so proti njej uvedeni kakšni drugi ukrepi ali postopki, se zagotavlja pravično obravnavanje, vključno z vsemi pravicami in jamstvi po pravu države, na ozemlju katere je ta oseba, ter po veljavnem mednarodnem pravu, vključno z mednarodnim pravom o človekovih pravicah.

18. člen

1. Države pogodbenice sodelujejo pri preprečevanju kaznivih dejanj iz 2. člena tako, da sprejmejo vse ustrezne ukrepe, med drugim po potrebi prilagodijo tudi svojo notranjo zakonodajo, da bi na svojem ozemlju in zunaj njega preprečile in ustavile priprave za storitev kaznivih dejanj, in sicer:

(a) ukrepe, da se na njihovih ozemljih prepovejo nezakonite dejavnosti oseb in organizacij, ki zavestno spodbujajo ali napeljujejo k storitvi kaznivih dejanj iz 2. člena, jih organizirajo ali sodelujejo pri njihovi storitvi;

(b) ukrepe, ki od finančnih organizacij in drugih poklicev, vpletenih v finančne transakcije, zahtevajo, da uporabijo najučinkovitejše ukrepe za identifikacijo njihovih stalnih ali občasnih strank in strank, za katere so odprti računi, in da posebno pozornost posvetijo neobičajnim ali sumljivim transakcijam in sporočajo transakcije, v zvezi s katerimi obstaja sum, da so povezane s kriminalno dejavnostjo. V ta namen države pogodbenice proučijo možnost:

(i) da sprejmejo predpise, ki prepovedujejo odpiranje računov, katerih imetniki ali upravičenci niso identificirani ali jih ni mogoče identificirati, ter ukrepe za zagotovitev, da te organizacije preverijo identiteto dejanskih nosilcev takih transakcij;

(ii) da v zvezi z identifikacijo pravnih oseb od finančnih organizacij po potrebi zahtevajo sprejetje ukrepov za preverjanje pravnega obstoja in strukture njihovih strank, tako da iz javnega registra ali od stranke ali od obeh pridobijo dokaz o ustanovitvi, vključno s podatki o nazivu, pravni obliki, naslovu, odgovornih osebah in določbah o zastopanju pravne osebe;

(iii) da sprejmejo predpise, ki od finančnih organizacij zahtevajo, da pristojnim organom takoj poročajo o vseh zapletenih finančnih transakcijah, finančnih transakcijah v neobičajno visokih zneskih in o nenavadnih oblikah transakcij brez jasnega ekonomskega ali očitnega pravnega razloga brez strahu pred kazensko ali civilno odgovornostjo zaradi kršitve kakršnih koli omejitev pri razkrivanju informacij, če o svojih sumih poročajo v dobri veri;

(iv) Requiring financial institutions to maintain, for at least five years, all necessary records on transactions, both domestic and international.

2. States Parties shall further cooperate in the prevention of offences set forth in article 2 by considering:

(a) Measures for the supervision, including, for example, the licensing, of all money-transmission agencies;

(b) Feasible measures to detect or monitor the physical cross-border transportation of cash and bearer negotiable instruments, subject to strict safeguards to ensure proper use of information and without impeding in any way the freedom of capital movements.

3. States Parties shall further cooperate in the prevention of the offences set forth in article 2 by exchanging accurate and verified information in accordance with their domestic law and coordinating administrative and other measures taken, as appropriate, to prevent the commission of offences set forth in article 2, in particular by:

(a) Establishing and maintaining channels of communication between their competent agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of offences set forth in article 2;

(b) Cooperating with one another in conducting inquiries, with respect to the offences set forth in article 2, concerning:

(i) The identity, whereabouts and activities of persons in respect of whom reasonable suspicion exists that they are involved in such offences;

(ii) The movement of funds relating to the commission of such offences.

4. States Parties may exchange information through the International Criminal Police Organization (Interpol).

Article 19

The State Party where the alleged offender is prosecuted shall, in accordance with its domestic law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 20

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 21

Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes of the Charter of the United Nations, international humanitarian law and other relevant conventions.

Article 22

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction or performance of functions which are exclusively reserved for the authorities of that other State Party by its domestic law.

Article 23

1. The annex may be amended by the addition of relevant treaties:

(a) That are open to the participation of all States;

(b) That have entered into force;

(c) That have been ratified, accepted, approved or acceded to by at least twenty-two States Parties to the present Convention.

(iv) da zahtevajo, da finančne organizacije najmanj pet let hranijo vso potrebno dokumentacijo o domačih in mednarodnih transakcijah.

2. Države pogodbenice sodelujejo pri preprečevanju kaznivih dejanj iz 2. člena tudi tako, da proučijo:

(a) ukrepe za nadzor vseh organizacij, ki se ukvarjajo s prenosom denarja, vključno z izdajanjem dovoljenj za opravljanje njihove dejavnosti;

(b) ustrezne ukrepe za odkrivanje in spremljanje fizičnega prenosa gotovine in vrednostnih papirjev na prinosnika čez državno mejo ob strogih zaščitnih ukrepih, ki zagotavljajo pravilno uporabo informacij in na noben način ne ovirajo prostega pretoka kapitala.

3. Države pogodbenice sodelujejo pri preprečevanju kaznivih dejanj iz 2. člena tudi tako, da v skladu s svojo notranjo zakonodajo izmenjujejo natančne in verodostojne informacije ter usklajujejo upravne in druge potrebne ukrepe, še posebej tako, da:

(a) vzpostavijo in vzdržujejo komunikacijske poti med pristojnimi agencijami in službami, da bi omogočile varno in hitro izmenjavo informacij o vseh vidikih kaznivih dejanj iz 2. člena;

(b) med seboj sodelujejo pri zbiranju obvestil o kaznivih dejanjih iz 2. člena, ki se nanašajo na:

(i) identiteto, bivališče in dejavnosti oseb, v zvezi s katerimi obstajajo razlogi za sum, da so udeležene pri teh kaznivih dejanjih;

(ii) prenos finančnih sredstev, povezanih s temi kaznivimi dejanji.

4. Države pogodbenice lahko izmenjujejo informacije prek Mednarodne organizacije kriminalistične policije (Interpol).

19. člen

Država pogodbenica, v kateri je proti domnevemu storilcu uveden kazenski pregon, v skladu s svojo notranjo zakonodajo ali veljavnimi postopki sporoči generalnemu sekretarju Združenih narodov končni izid postopkov, ta pa informacijo pošlje drugim državam pogodbenicam.

20. člen

Države pogodbenice obveznosti iz te konvencije izpolnjujejo na način, ki je v skladu z načeli državne suverenosti, ozemeljske celovitosti držav in nevmešavanja v notranje zadeve drugih držav.

21. člen

Nič v tej konvenciji ne vpliva na druge pravice, obveznosti in odgovornosti držav in posameznikov po mednarodnem pravu, še posebej ne na cilje Ustanovne listine Združenih narodov, mednarodnega humanitarnega prava in drugih ustreznih konvencij.

22. člen

Nič v tej konvenciji državi pogodbenici ne daje pravice, da bi lahko na ozemlju druge države pogodbenice izvajala svojo pristojnost ali opravljala naloge, ki so v izključni pristojnosti organov te druge države pogodbenice na podlagi njene notranje zakonodaje.

23. člen

1. Priloga se lahko spremeni tako, da se dodajo ustrezne mednarodne pogodbe, ki:

(a) so na voljo za sodelovanje vsem državam;

(b) so že začele veljati;

(c) jih je ratificiralo, sprejelo, potrdilo ali k njim pristopilo vsaj dvaindvajset držav pogodbenic te konvencije.

2. After the entry into force of this Convention, any State Party may propose such an amendment. Any proposal for an amendment shall be communicated to the depositary in written form. The depositary shall notify proposals that meet the requirements of paragraph 1 to all States Parties and seek their views on whether the proposed amendment should be adopted.

3. The proposed amendment shall be deemed adopted unless one third of the States Parties object to it by a written notification not later than 180 days after its circulation.

4. The adopted amendment to the annex shall enter into force 30 days after the deposit of the twenty-second instrument of ratification, acceptance or approval of such amendment for all those States Parties that have deposited such an instrument. For each State Party ratifying, accepting or approving the amendment after the deposit of the twenty-second instrument, the amendment shall enter into force on the thirtieth day after deposit by such State Party of its instrument of ratification, acceptance or approval.

Article 24

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 25

1. This Convention shall be open for signature by all States from 10 January 2000 to 31 December 2001 at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 26

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 27

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

2. Po začetku veljavnosti te konvencije lahko tako spremembo predlaga vsaka država pogodbenica. Predlog spremembe se pisno sporoči depozitarju. Depozitar o predlogih, ki so v skladu z zahtevami iz prvega odstavka, obvesti vse države pogodbenice in pridobi njihova mnenja o tem, ali naj se predlagana sprememba sprejme.

3. Šteje se, da je predlagana sprememba sprejeta, razen če tretjina držav pogodbenic s pisnim obvestilom najpozneje 180 dni od obvestila o spremembi temu nasprotuje.

4. Sprejeta sprememba priloge začne veljati 30 dni po deponiranju dvaindvajsete listine o ratifikaciji, sprejetju ali potrditvi te spremembe za vse tiste države pogodbenice, ki so deponirale takšno listino. Za vsako državo pogodbenico, ki ratificira, sprejme ali potrdi spremembo po deponiranju dvaindvajsete listine, sprememba začne veljati trideseti dan po tem, ko je ta država pogodbenica deponirala svojo listino o ratifikaciji, sprejetju ali potrditvi.

24. člen

1. Kakršen koli spor med dvema ali več državami pogodbenicami glede razlage ali uporabe te konvencije, ki ga ni mogoče rešiti s pogajanjem v razumnem času, se na zahtevo ene od njih predloži v arbitražo. Če se v šestih mesecih od dneva, ko je bila vložena prošnja za arbitražo, strankam v sporu ne uspe dogovoriti o organizaciji arbitraže, lahko katera koli stranka v sporu preda spor v reševanje Meddržavnemu sodišču v skladu z njegovim statutom.

2. Vsaka država lahko ob podpisu, ratifikaciji, sprejetju ali potrditvi te konvencije ali ob pristopu k njej izjavi, da je prvi odstavek ne zavezuje. Drugih držav pogodbenic prvi odstavek ne zavezuje glede držav pogodbenic, ki so izrazile takšen pridržek.

3. Vsaka država, ki je izrazila pridržek v skladu z drugim odstavkom, ga lahko kadar koli umakne z obvestilom generalnemu sekretarju Združenih narodov.

25. člen

1. Ta konvencija je na voljo za podpis vsem državam od 10. januarja 2000 do 31. decembra 2001 na sedežu Združenih narodov v New Yorku.

2. Ta konvencija se ratificira, sprejme ali potrdi. Listine o ratifikaciji, sprejetju ali potrditvi se deponirajo pri generalnem sekretarju Združenih narodov.

3. K tej konvenciji lahko pristopi vsaka država. Listina o pristopu se deponira pri generalnem sekretarju Združenih narodov.

26. člen

1. Ta konvencija začne veljati trideseti dan po datumu deponiranja dvaindvajsete listine o ratifikaciji, sprejetju, potrditvi ali pristopu pri generalnem sekretarju Združenih narodov.

2. Za vsako državo, ki ratificira, sprejme, potrdi konvencijo ali k njej pristopi po deponiranju dvaindvajsete listine o ratifikaciji, sprejetju, potrditvi ali pristopu, konvencija začne veljati trideseti dan po tem, ko je ta država deponirala svojo listino o ratifikaciji, sprejetju, potrditvi ali pristopu.

27. člen

1. Vsaka država pogodbenica lahko to konvencijo odpove s pisnim obvestilom generalnemu sekretarju Združenih narodov.

2. Odpoved začne veljati eno leto po datumu, ko je generalni sekretar Združenih narodov prejel obvestilo.

Article 28

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on 10 January 2000.

Annex

1. Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970.

2. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971.

3. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.

4. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.

5. Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980.

6. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.

7. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.

8. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988.

9. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

28. člen

Izvirnik te konvencije, katerega besedila v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku so enako verodostojna, se hrani pri generalnem sekretarju Združenih narodov, ki overjene kopije pošlje vsem državam.

V POTRDITEV TEGA so podpisani, ki so jih za to pravilno pooblastile njihove vlade, 10. januarja 2000 podpisali to konvencijo, ki je na voljo za podpis na sedežu Združenih narodov v New Yorku.

PRILOGA

1. Konvencija o zatiranju nezakonite ugrabitve zrakoplovov, sestavljena v Haagu 16. decembra 1970.

2. Konvencija o zatiranju nezakonitih dejanj zoper varnost civilnega zrakoplovstva, sestavljena v Montrealu 23. septembra 1971.

3. Konvencija o preprečevanju in kaznovanju kaznivih dejanj zoper mednarodno zaščitene osebe, vključno z diplomatskim osebjem, ki jo je 14. decembra 1973 sprejela Generalna skupščina ZN.

4. Mednarodna konvencija o preprečevanju jemanja talcev, ki jo je 17. decembra 1979 sprejela Generalna skupščina ZN.

5. Konvencija o fizični zaščiti jedrskih materialov, sprejeta na Dunaju 3. marca 1980.

6. Protokol o zatiranju nezakonitih nasilnih dejanj na letališčih za mednarodni civilni zračni promet kot dopolnilo Konvencije o zatiranju nezakonitih dejanj zoper varnost civilnega zrakoplovstva, sestavljen v Montrealu 24. februarja 1988.

7. Konvencija o zatiranju nezakonitih dejanj zoper varnost v pomorskem prometu, sestavljena v Rimu 10. marca 1988.

8. Protokol o zatiranju nezakonitih dejanj zoper varnost na pritrjenih ploščadih na epikontinentalnem pasu, sestavljen v Rimu 10. marca 1988.

9. Mednarodna konvencija o zatiranju terorističnih bombnih napadov, ki jo je 15. decembra 1997 sprejela Generalna skupščina ZN.

3. člen

Za izvajanje konvencije skrbi Ministrstvo za pravosodje.

4. člen

Republika Slovenija bo ob deponiranju listine o ratifikaciji Mednarodne konvencije o zatiranju financiranja terorizma dala naslednjo izjavo:

»Skladno s tretjim odstavkom 7. člena Mednarodne konvencije o zatiranju financiranja terorizma Republika Slovenija izjavlja, da ima pristojnost glede kaznivih dejanj iz drugega odstavka 7. člena konvencije.«

5. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 212-05/04-46/1

Ljubljana, dne 15. julija 2004

EPA 1387-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

83. Zakon o ratifikaciji Konvencije, pripravljene na podlagi člena K.3(2)(c) Pogodbe o Evropski uniji, o boju proti korupciji uradnikov Evropskih skupnosti ali uradnikov držav članic Evropske unije (MKKUES)

Na podlagi druge alinee prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

**O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE,
PRIPRAVLJENE NA PODLAGI ČLENA K.3(2)(c) POGODBE O EVROPSKI UNIJI,
O BOJU PROTI KORUPCIJI URADNIKOV EVROPSKIH SKUPNOSTI
ALI URADNIKOV DRŽAV ČLANIC EVROPSKE UNIJE (MKKUES)**

Razglašam Zakon o ratifikaciji Konvencije, pripravljene na podlagi člena K.3(2)(c) Pogodbe o Evropski uniji, o boju proti korupciji uradnikov Evropskih skupnosti ali uradnikov držav članic Evropske unije (MKKUES), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-180/04

Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N

**O RATIFIKACIJI KONVENCIJE, PRIPRAVLJENE NA PODLAGI ČLENA K.3(2)(c) POGODBE O
EVROPSKI UNIJI, O BOJU PROTI KORUPCIJI URADNIKOV EVROPSKIH SKUPNOSTI ALI URADNIKOV
DRŽAV ČLANIC EVROPSKE UNIJE (MKKUES)**

1. člen

Ratificira se Konvencija, pripravljena na podlagi člena K.3(2)(c) Pogodbe o Evropski uniji, o boju proti korupciji uradnikov Evropskih skupnosti ali uradnikov držav članic Evropske unije, sestavljena v Bruslju dne 26. maja 1997.

2. člen

Besedilo konvencije se v izvirniku v angleškem in v prevodu v slovenskem jeziku glasi:

CONVENTION

drawn up on the basis of Article K.3 (2) (c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union

THE HIGH CONTRACTING PARTIES to this Convention, Member States of the European Union,

REFERRING to the Act of the Council of the European Union of 26 May 1997,

WHEREAS the Member States consider the improvement of judicial cooperation in the fight against corruption to be a matter of common interest, coming under the cooperation provided for in Title VI of the Treaty;

WHEREAS by its Act of 27 September 1996 the Council drew up a Protocol directed in particular at acts of corruption involving national or Community officials and damaging or likely to damage the European Communities' financial interests;

WHEREAS, for the purpose of improving judicial cooperation in criminal matters between Member States, it is necessary to go further than the said Protocol and to draw up a Convention directed at acts of corruption involving officials of the European Communities or officials of the Member States in general;

DESIROUS of ensuring consistent and effective application of this Convention throughout the European Union,

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

equivalent to those performed by European Community officials or other servants.

Definitions

For the purposes of this Convention:

(a) 'official' shall mean any Community or national official, including any national official of another Member State;

(b) 'Community official' shall mean:

— any person who is an official or other contracted employee within the meaning of the Staff Regulations of officials of the European Communities or the Conditions of Employment of other servants of the European Communities,

— any person seconded to the European Communities by the Member States or by any public or private body, who carries out functions

Members of bodies set up in accordance with the Treaties establishing the European Communities and the staff of such bodies shall be treated as Community officials, inasmuch as the Staff Regulations of officials of the European Communities or the Conditions of Employment of other servants of the European Communities do not apply to them;

(c) 'national official' shall be understood by reference to the definition of 'official' or 'public officer' in the national law of the Member State in which the person in question performs that function for the purposes of application of the criminal law of that Member State.

Nevertheless, in the case of proceedings involving a Member State's official initiated by another Member State, the latter shall not be bound to apply the definition of 'national official' except insofar as that definition is compatible with its national law.

Article 2

Passive corruption

1. For the purposes of this Convention, the deliberate action of an official, who, directly or through an intermediary, requests or receives advantages of any kind whatsoever, for himself or for a third party, or accepts a promise of such an advantage, to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties shall constitute passive corruption.
2. Each Member State shall take the necessary measures to ensure that conduct of the type referred to in paragraph 1 is made a criminal offence.

Article 3

Active corruption

1. For the purposes of this Convention, the deliberate action of whosoever promises or gives, directly or through an intermediary, an advantage of any kind whatsoever to an official for himself or for a third party for him to act or refrain from acting in accordance with his duty or in the exercise of his functions in breach of his official duties shall constitute active corruption.
2. Each Member State shall take the necessary measures to ensure that conduct of the type referred to in paragraph 1 is made a criminal offence.

Article 4

Assimilation

1. Each Member State shall take the necessary measures to ensure that in its criminal law the descriptions of the offences referred to in Articles 2 and 3 committed by or against its Government Ministers, elected members of its parliamentary chambers, the members of its highest Courts or the members of its Court of Auditors in the exercise of their functions apply similarly in cases where such offences are committed by or against Members of the Commission of the European Communities, the European Parliament, the Court of Justice and the Court of Auditors of the European Communities respectively in the exercise of their duties.
2. Where a Member State has enacted special legislation concerning acts or omissions for which Government Ministers are responsible by reason of their special political position in that Member State, paragraph 1 may not apply to such legislation, provided that the Member State ensures that Members of the

Commission of the European Communities are also covered by the criminal legislation implementing Articles 2 and 3.

3. Paragraphs 1 and 2 shall be without prejudice to the provisions applicable in each Member State concerning criminal proceedings and the determination of the competent court.

4. This Convention shall apply in full accordance with the relevant provisions of the Treaties establishing the European Communities, the Protocol on the Privileges and Immunities of the European Communities, the Statutes of the Court of Justice and the texts adopted for the purpose of their implementation, as regards the withdrawal of immunity.

Article 5

Penalties

1. Each Member State shall take the necessary measures to ensure that the conduct referred to in Articles 2 and 3, and participating in and instigating the conduct in question, is punishable by effective, proportionate and dissuasive criminal penalties, including, at least in serious cases, penalties involving deprivation of liberty which can give rise to extradition.
2. Paragraph 1 shall be without prejudice to the exercise of disciplinary powers by the competent authorities against national officials or Community officials. In determining the penalty to be imposed, the national criminal courts may, in accordance with the principles of their national law, take into account any disciplinary penalty already imposed on the same person for the same conduct.

Article 6

Criminal liability of heads of businesses

Each Member State shall take the necessary measures to allow heads of businesses or any persons having power to take decisions or exercise control within a business to be declared criminally liable in accordance with the principles defined by its national law in cases of corruption, as referred to in Article 3, by a person under their authority acting on behalf of the business.

Article 7

Jurisdiction

1. Each Member State shall take the measures necessary to establish its jurisdiction over the offences it has established in accordance with the obligations arising out of Articles 2, 3 and 4 where:

(a) the offence is committed in whole or in part within its territory;

(b) the offender is one of its nationals or one of its officials;

(c) the offence is committed against one of the persons referred to in Article 1 or a member of one of the European Community institutions referred to in Article 4 (1) who is at the same time one of its nationals;

(d) the offender is a Community official working for a European Community institution or a body set up in accordance with the Treaties establishing the European Communities which has its headquarters in the Member State in question.

2. Each Member State may declare, when giving the notification provided for in Article 13 (2), that it will not apply or will apply only in specific cases or conditions one or more of the jurisdiction rules laid down in paragraph 1 (b), (c) and (d).

Article 8

Extradition and prosecution

1. Any Member State which, under its law, does not extradite its own nationals shall take the necessary measures to establish its jurisdiction over the offences it has established in accordance with the obligations arising out of Articles 2, 3 and 4, when committed by its own nationals outside its territory.

2. Each Member State shall, when one of its nationals is alleged to have committed in another Member State an offence established in accordance with the obligations arising out of Articles 2, 3 and 4 and it does not extradite that person to that other Member State solely on the ground of his nationality, submit the case to its competent authorities for the purpose of prosecution if appropriate. In order to enable prosecution to take place, the files, information and exhibits relating to the offence shall be transmitted in accordance with the procedures laid down in Article 6 of the European Convention on Extradition of 13 December 1957. The requesting Member State shall be informed of the prosecution initiated and of its outcome.

3. For the purposes of this Article, the term 'national' of a Member State shall be construed in accordance with any declaration made by that State under Article 6 (1) (b) of the European Convention on Extradition and with paragraph 1 (c) of that Article.

Article 9

Cooperation

1. If any procedure in connection with an offence established in accordance with the obligations arising out of Articles 2, 3 and 4 concerns at least two Member States, those States shall cooperate effectively in the investigation, the prosecution and in carrying out the punishment imposed by means, for example, of mutual legal assistance, extradition, transfer of proceedings or enforcement of sentences passed in another Member State.

2. Where more than one Member State has jurisdiction and has the possibility of viable prosecution of an offence based on the same facts, the Member States involved shall cooperate in deciding which shall prosecute the offender or offenders with a view to centralizing the prosecution in a single Member State where possible.

Article 10

Ne bis in idem

1. Member States shall apply, in their national criminal laws, the *ne bis in idem* rule, under which a person whose trial has been finally disposed of in a Member State may not be prosecuted in another Member State in respect of the same facts, provided that if a penalty was imposed, it has been enforced, is actually in the process of being enforced or can no longer be enforced under the laws of the sentencing State.

2. A Member State may, when giving the notification referred to in Article 13 (2), declare that it shall not be bound by paragraph 1 of this Article in one or more of the following cases:

(a) if the facts which were the subject of the judgment rendered abroad took place in its own territory either in whole or in part; in the latter case this exception shall not apply if those facts took place partly in the territory of the Member State where the judgment was rendered;

(b) if the facts which were the subject of the judgment rendered abroad constitute an offence directed against the security or other equally essential interests of that Member State;

(c) if the facts which were the subject of the judgment rendered abroad were committed by an official of that Member State contrary to the duties of his office.

3. If a further prosecution is brought in a Member State against a person whose trial, in respect of the same facts, has been finally disposed of in another Member State, any period of deprivation of liberty served in the latter Member State arising from those facts shall be deducted from any sanction imposed. To the extent

permitted by national law, sanctions not involving deprivation of liberty shall also be taken into account insofar as they have been enforced.

4. The exceptions which may be the subject of a declaration under paragraph 2 shall not apply if the Member State concerned in respect of the same facts requested the other Member State to bring the prosecution or granted extradition of the person concerned.

5. Relevant bilateral or multilateral agreements concluded between Member States and relevant declarations shall remain unaffected by this Article.

Article 11

Internal provisions

No provision in this Convention shall prevent Member States from adopting internal legal provisions which go beyond the obligations deriving from this Convention.

Article 12

Court of Justice

1. Any dispute between Member States on the interpretation or application of this Convention which it has proved impossible to resolve bilaterally must in an initial stage be examined by the Council in accordance with the procedure set out in Title VI of the Treaty on European Union with a view to reaching a solution. If no solution has been found within six months, the matter may be referred to the Court of Justice of the European Communities by one of the parties to the dispute.

2. Any dispute between one or more Member States and the Commission of the European Communities concerning Article 1, with the exception of point (c), or Articles 2, 3 and 4, insofar as it concerns a question of Community law or the Communities' financial interests, or involves members of officials of Community institutions of bodies set up in accordance with the Treaties establishing the European Communities, which it has proved impossible to settle through negotiation, may be submitted to the Court of Justice by one of the parties to the dispute.

3. Any court in a Member State may ask the Court of Justice to give a preliminary ruling on a matter concerning the interpretation of Articles 1 to 4 and 12 to 16 raised in a case pending before it and involving members or officials of Community institutions or bodies set up in accordance with the Treaties establishing the European Communities, acting in the exercise of their

functions, if it considers that a decision on that matter is necessary to enable it to give judgment.

4. The competence of the Court of Justice provided for in paragraph 3 shall be subject to its acceptance by the Member State concerned in a declaration to that effect made at the time of the notification referred to in Article 13 (2) or at any subsequent time.

5. A Member State making a declaration under paragraph 4 may restrict the possibility of asking the Court of Justice to give a preliminary ruling to those of its courts against the decisions of which there is no judicial remedy under national law.

6. The Statute of the Court of Justice of the European Community and its Rules of Procedure shall apply. In accordance with those Statutes, any Member State, or the Commission, whether or not it has made a declaration pursuant to paragraph 4, shall be entitled to submit statements of case or written observations to the Court of Justice in cases which arise under paragraph 3.

Article 13

Entry into force

1. This Convention shall be subject to adoption by the Member States in accordance with their respective constitutional requirements.

2. Member States shall notify the Secretary-General of the Council of the European Union of the completion of the procedures laid down by their respective constitutional requirements for adopting this Convention.

3. This Convention shall enter into force ninety days after the notification, referred to in paragraph 2, by the last Member State to fulfil that formality.

4. Until the entry into force of this Convention, any Member State may, when giving the notification referred to in paragraph 2 or at any time thereafter, declare that this Convention, with the exception of Article 12 thereof, shall apply to it in its relationships with those Member States which have made the same declaration. This Convention shall become applicable in respect of the Member State that makes such a declaration on the first day of the month following the expiry of a period of ninety days after the date of deposit of its declaration.

5. A Member State that has not made any declaration as referred to in paragraph 4 may apply this Convention with respect to the other contracting Member States on the basis of bilateral agreements.

*Article 14***Accession of new Member States**

1. This Convention shall be open to accession by any State that becomes a member of the European Union.
2. The text of this Convention in the language of the acceding State, drawn up by the Council of the European Union, shall be authentic.
3. Instruments of accession shall be deposited with the depositary.
4. This Convention shall enter into force with respect to any State acceding to it ninety days after the date of deposit of its instrument of accession or on the date of entry into force of the Convention if it has not already entered into force at the time of expiry of the said period of ninety days.
5. If this Convention has not yet entered into force when the instrument of accession is deposited, Article 13 (4) shall apply to acceding States.

*Article 15***Reservations**

1. No reservation shall be authorized with the exception of those provided for in Articles 7 (2) and 10 (2).
2. Any Member State which has entered a reservation may withdraw it at any time in whole or in part by notifying the depositary. Withdrawal shall take effect on the date on which the depositary receives the notification.

*Article 16***Depositary**

1. The Secretary-General of the Council of the European Union shall act as depositary of this Convention.
2. The depositary shall publish in the *Official Journal of the European Communities* information on the progress of adoptions and accessions, declarations and reservations and any other notification concerning this Convention.

In witness whereof, the undersigned Plenipotentiaries have hereunto set their hand.

Done at Brussels, on the twenty-sixth day of May in the year one thousand nine hundred and ninety-seven in a single original, in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic, such original remaining deposited in the archives of the General Secretariat of the Council of the European Union.

K O N V E N C I J A,**pripravljena na podlagi člena K.3(2)(c) Pogodbe o Evropski uniji, o boju proti korupciji uradnikov Evropskih skupnosti ali uradnikov držav članic Evropske unije**

VISOKE POGODBENICE te konvencije, države članice Evropske unije

SO SE –

OB SKLICEVANJU na Akt Sveta Evropske unije z 26. maja 1997,

KER države članice štejejo izboljšanje pravosodnega sodelovanja v boju proti korupciji za zadevo skupnega interesa v okviru sodelovanja iz naslova VI Pogodbe;

KER je z Aktom z dne 27. septembra 1996 Svet pripravil protokol, namenjen predvsem boju proti korupciji državnih uradnikov in uradnikov Skupnosti, ki škoduje ali bi lahko škodovala finančnim interesom Evropskih skupnosti;

KER je zaradi izboljšanja pravosodnega sodelovanja v kazenskih zadevah med državami članicami treba nadgraditi omenjeni protokol in pripraviti konvencijo zoper dejanja korupcije uradnikov Evropskih skupnosti ali uradnikov držav članic na splošno;

V ŽELJI zagotoviti enotno in učinkovito uporabo te konvencije v celotni Evropski uniji –

DOGOVORILE O NASLEDNJEM:**Člen 1****Opredelitve**

Za namene te konvencije:

a) »uradnik« pomeni uradnike Skupnosti ali državne uradnike, vključno z državnimi uradniki druge države članice,

b) »uradnik Skupnosti« pomeni:

– osebo, ki je uradnik ali druge vrste delavec v skladu s Kadrovskimi predpisi za uradnike Evropskih skupnosti ali s Pogoji za zaposlovanje drugih uradnikov Evropskih skupnosti,

– osebo, ki jo v Evropske skupnosti pošljejo države članice ali kateri koli javni ali zasebni organ, in ki opravlja funkcijo, enakovredno funkciji uradnikov ali drugih uradnikov Evropskih skupnosti.

Člani organov, ustanovljenih v skladu s pogodbami o ustanovitvi Evropskih skupnosti, in zaposleni delavci v teh organih se štejejo za uradnike Skupnosti, v kolikor zanje ne veljajo Kadrovski predpisi za uradnike ali Pogoji za zaposlovanje drugih uradnikov Evropskih skupnosti;

c) »državni uradnik« se za namene uporabe kazenskega prava države članice, v kateri zadevna oseba opravlja svojo funkcijo, razlaga v skladu z definicijo izraza »funkcionar« ali »državni uradnik« v nacionalnem pravu te države članice.

V primeru sodnega postopka proti uradniku države članice, ki ga sproži druga država članica, ta ni dolžna upoštevati definicije »državnega uradnika«, razen če ni enaka kot v njenem nacionalnem pravu.

Člen 2**Pasivna korupcija**

1. Za namene te konvencije je pasivna korupcija premissljeno dejanje uradnika, ki za dejanje ali opustitev dejanja s področja svojega dela ali pri izvajanju svojih funkcij, ki je v nasprotju z njegovimi uradnimi dolžnostmi, neposredno ali preko posrednika zahteva ali prejme kakršno koli korist zase ali za tretjo osebo, ali sprejme obljubo takšne koristi.

2. Vsaka država članica sprejme vse potrebne ukrepe, da se ravnanje iz odstavka 1 obravnava kot kaznivo dejanje.

Člen 3**Aktivna korupcija**

1. Za namene te konvencije je aktivna korupcija premissljeno dejanje katere koli osebe, ki uradniku za dejanje ali opustitev dejanja s področja njegovega dela ali pri izva-

janju njegovih funkcij, ki je v nasprotju z njegovimi uradnimi dolžnostmi, neposredno ali preko posrednika obljubi ali da kakršno koli korist zanj ali za tretjo osebo.

2. Vsaka država članica sprejme vse potrebne ukrepe, da se ravnanje iz odstavka 1 obravnava kot kaznivo dejanje.

Člen 4**Asimilacija**

1. Vsaka država članica sprejme potrebne ukrepe, da se v njenem kazenskem pravu opisi dejanj iz členov 2 in 3, ki jih pri izvajanju svojih funkcij storijo ali so storjena zoper vladne ministre, izvoljene člane domov parlamenta, člane najvišjih sodišč ali člane računskega sodišča, na enak način uporabljajo tudi v primerih, ko pri opravljanju svojih dolžnosti takšno dejanje storijo ali so storjena zoper člane Komisije Evropskih skupnosti, Evropskega parlamenta, Sodišča Evropskih skupnosti in Računskega sodišča Evropskih skupnosti.

2. Če država članica sprejme posebne predpise za dejanja ali opustitve, za katera so vladni ministri odgovorni zaradi svojega posebnega političnega položaja v tej državi članici, za te predpise odstavka 1 tega člena ne velja, pod pogojem, da država članica zagotovi, da so člani Komisije Evropskih skupnosti zajeti v kazenskih predpisih za izvedbo členov 2 in 3.

3. Odstavka 1 in 2 pa ne vplivata na predpise, ki veljajo v posamezni državi članici glede kazenskih postopkov in določitve pristojnega sodišča.

4. Ta konvencija se glede odvzema imunitete uporablja v skladu z ustreznimi določbami pogodb o ustanovitvi Evropskih skupnosti, Protokola o privilegijih in imunitetah Evropskih skupnosti, statuta Evropskega sodišča in besedil, sprejetih za njihovo izvajanje.

Člen 5**Kazni**

1. Vsaka država članica sprejme potrebne ukrepe, da se za ravnanje iz členov 2 in 3 ter sodelovanje in ščuvanje k takšnemu ravnanju predpiše učinkovite, sorazmerne in odvračilne kazni, vsaj za najhujša dejanja pa tudi kazni, ki vključujejo odvzem prostosti in s tem tudi izročitev.

2. Odstavka 1 ne vpliva na uporabo disciplinskih ukrepov, ki jih lahko pristojni organi izrečejo državnim uradnikom ali uradnikom Skupnosti. Pri določanju kazni lahko državna kazenska sodišča v skladu z načeli nacionalnega prava upoštevajo disciplinske kazni, ki so bile osebi za ista dejanja že izrečene.

Člen 6

Kazenska odgovornost vodilnih delavcev v podjetjih

Vsaka država članica sprejme vse potrebne ukrepe, da lahko v primerih korupcije iz člena 3 vodilne delavce v podjetjih ali osebe, ki imajo pooblastila za sprejemanje odločitev ali nadzor v podjetjih, v skladu z načeli, opredeljenimi v nacionalnem pravu, kot kazensko odgovorne v imenu podjetja prijavijo podrejeni delavci.

Člen 7

Sodna pristojnost

1. Vsaka država članica sprejme potrebne ukrepe, da uveljavi svojo pristojnost za kazniva dejanja, ki jih kot taka opredeli v skladu z obveznostmi na podlagi členov 2, 3 in 4, če:

a) je bilo kaznivo dejanje v celoti ali delno storjeno na njenem ozemlju;

b) je storilec kaznivega dejanja njen državljani ali uradnik;

c) je bilo kaznivo dejanje storjeno zoper osebo iz člena 1 ali zoper člana katere od institucij Evropske skupnosti iz člena 4(1), ki je hkrati njen državljani;

d) če je storilec kaznivega dejanja uradnik Skupnosti, ki dela za katero od institucij Evropske skupnosti ali organa, ustanovljenega v skladu s pogodbami o ustanovitvi Evropskih skupnosti, ki ima sedež v tej državi članici.

2. Vsaka država članica lahko v obvestilu iz člena 13(2) izjavi, da ne bo uporabljala ali da bo uporabljala samo v določenih primerih ali pod določenimi pogoji eno ali več pravil glede pristojnosti iz odstavka 1(b), (c) in (d).

Člen 8

Izročitev in sodni pregon

1. Vsaka država članica, katere pravo ne predvideva izročitve njenih državljanov, sprejme vse potrebne ukrepe, da uveljavi svojo sodno pristojnost za kazniva dejanja, ki jih je kot taka opredelila v skladu z obveznostmi iz členov 2, 3 in 4 in ki jih storijo njeni državljani izven njenega ozemlja.

2. Če se za državljana določene države članice domneva, da je v drugi državi članici storil kaznivo dejanje, ki je bilo kot tako opredeljeno v skladu z obveznostmi iz členov 2, 3 in 4, in če ta država članica osebe ne izroči drugi državi članici na podlagi državljanstva, je vsaka država članica zaradi morebitnega pregona dolžna zadevo predložiti svojim pristojnim organom. Za potrebe pregona se spise, podatke in dokaze v zvezi s kaznivim dejanjem pošilja v skladu s postopki iz člena 6 Evropske konvencije o izročitvi z dne 13. decembra 1957. Državo članico prosilko se obvesti o začetku pregona in o izrečeni sodbi.

3. Za namene tega člena se izraz »državljan« države članice tolmači v skladu z vsako izjavo te države članice na podlagi člena 6 (1)(b) Evropske konvencije o izročitvi in v skladu z odstavkom 1(c) omenjenega člena.

Člen 9

Sodelovanje

1. Če kateri koli postopek v zvezi s kaznivim dejanjem, ki je bilo kot tako opredeljeno v skladu z obveznostmi iz členov 2, 3 in 4, zadeva najmanj dve državi članici, ti državi učinkovito sodelujeta pri preiskovanju, pregonu in izvršitvi izrečene kazni, na primer, z medsebojno pravno pomočjo, izročitvijo, prenosom postopka ali z izvršitvijo sodbe, izrečene v drugi državi članici.

2. Če ima sodno pristojnost in možnost za dejanski pregon kaznivega dejanja na podlagi istih dejstev več kot ena država, države članice sodelujejo pri odločitvi, katera od njih bo kazensko preganjala storilca ali storilce z namenom, da se po možnosti pregon prepusti eni sami državi članici.

Člen 10

Ne bis in idem

1. Države članice v svoji kazenskem pravu uporabljajo načelo *ne bis in idem*, po katerem se osebe, proti kateri je bil sodni postopek v določeni državi članici zaključen, ne more za ista dejanja sodno preganjati v drugi državi članici, pod pogojem, da je bila izrečena kazen tudi izvršena, da je v postopku izvrševanja ali je po pravu države, ki jo je izrekla, ni več mogoče izvršiti.

2. Država članica lahko v obvestilu iz člena 13(2) izjavi, da je odstavek 1 tega člena ne zavezuje v enem ali v več naslednjih primerih:

a) če so bila dejanja, za katera je bila izrečena sodba v tujini, v celoti ali deloma storjena na njenem ozemlju; v zadnjem primeru ta izjema ne velja, če so bila ta dejanja storjena deloma na ozemlju države članice, v kateri je bila izrečena sodba;

b) če dejanja, za katera je bila izrečena sodba v tujini, predstavljajo kaznivo dejanje zoper varnost ali druge enako temeljne interese te države članice;

c) če je dejanja, za katera je bila izrečena sodba v tujini, storil uradnik te države članice kot kršitev svojih uradnih dolžnosti.

3. Če država članica za ista dejanja uvede nadaljnji pregon osebe, zoper katero je bil sodni postopek v drugi članici že končan, se vsakršen odvzem prostosti v tej državi članici za ista dejanja v šteje v izrečeno kazen. V obsegu, ki ga predvideva nacionalno pravo, se upoštevajo tudi kazenske sankcije, pri katerih prostost ni bila odvzeta, če so bile izvršene.

4. Izjeme, ki so predmet izjave iz odstavka 2, pa ne veljajo, če zadevna država članica v zvezi z istimi dejanji zaprosi drugo članico za kazenski pregon ali za izročitev osebe.

5. Ta člen ne vpliva na dvostranske ali večstranske sporazume, ki so jih s tem v zvezi sklenile države članice oziroma na morebitne izjave v zvezi s tem.

Člen 11

Notranji predpisi

Nobena določba te konvencije ne preprečuje državam članicam, da sprejmejo strožje notranje predpise kot so obveznosti iz te konvencije.

Člen 12

Sodišče

1. Spore med državami članicami glede razlaganja ali uporabe te konvencije, ki jih ni mogoče rešiti z dvostranskimi dogovori, na začetni stopnji rešuje Svet po postopku iz naslova VI Pogodbe o Evropski uniji, da bi se dosegla rešitev. Če rešitve ni mogoče doseči v šestih mesecih, lahko katera koli stranka v sporu zadevo predloži Sodišču Evropskih skupnosti.

2. Katera koli stranka v sporu lahko Sodišču Evropskih skupnosti predloži tudi vse spore med eno ali več državami članicami in Komisijo Evropskih skupnosti glede člena 1, razen točke (c), ali členov 2, 3 in 4, če se nanašajo na vprašanje prava Skupnosti ali finančne interese Skupnosti, ali na člane ali funkcionarje institucij ali organov Skupnosti, ustanovljenih v skladu s pogodbami o ustanovitvi Evropskih skupnosti, ki jih ni mogoče rešiti s pogajanjem.

3. Katero koli sodišče države članice lahko zaprosi Sodišče za predhodno odločanje glede razlage členov 1 do 4 in členov 12 do 16, ki se pojavi med postopkom pred tem sodiščem in ki se nanaša na izvajanje funkcij članov ali uradnikov institucij ali organov Skupnosti, ustanovljenih v skladu s pogodbami o ustanovitvi Evropskih skupnosti, če meni, da je za izrek sodbe potrebna odločitev o tem vprašanju.

4. Pristojnost Sodišča, ki jo predvideva odstavek 3, mora zadevna država članica sprejeti z ustreznimi izjavami v

tem smislu, ki jo da ob notifikaciji, predvideni v členu 13(2) ali kadar koli kasneje.

5. Država članica lahko v izjavi iz odstavka 4 možnost, da se Sodišče zaprosi za predhodno odločanje, omeji na tista sodišča, zoper odločitve katerih po nacionalnem pravu ni pravnega sredstva.

6. Uporabljata se Statut in Poslovnik Sodišča Evropskih skupnosti. V skladu s tema dvema dokumentoma ima vsaka država članica ali Komisija, ne glede na to ali je podala izjavo v skladu z odstavkom 4 ali ne, pravico, da za zadeve iz odstavka 3 Sodišču predloži obrazložitev zadeve ali pisne pripombe.

Člen 13

Začetek veljavnosti

1. To konvencijo morajo države članice sprejeti v skladu s svojimi ustavnimi pravili.

2. Države članice pošljejo generalnemu sekretarju Sveta Evropske unije obvestilo o zaključku postopkov, ki so v skladu z njihovimi ustavnimi pravili potrebni za sprejetje te konvencije.

3. Konvencija začne veljati 90 dni po tem, ko zadnja država članica pošlje uradno obvestilo iz odstavka 2.

4. Dokler ta konvencija ne začne veljati, lahko vsaka država članica v obvestilu iz odstavka 2 ali kadar koli kasneje izjavi, da ta konvencija, razen člena 12, zanjo velja v odnosih s tistimi državami članicami, ki dajo enako izjavo. Za državo članico, ki da takšno izjavo, začne ta konvencija veljati prvi dan meseca po poteku devetdeset dni od deponiranja njene izjave.

5. Država članica, ki ne da izjave iz odstavka 4, lahko uporablja to konvencijo v odnosu do drugih držav članic na podlagi dvostranskih sporazumov.

Člen 14

Pristop novih držav članic

1. Ta konvencija je odprta za pristop vsem državam, ki postanejo članice Evropske unije.

2. Besedilo te konvencije je v jeziku države, ki želi pristopiti, in ga pripravi Svet Evropske unije, enako verodostojno.

3. Listine o pristopu so deponirane pri depozitarju.

4. Za vsako državo, ki pristopi h konvenciji, začne ta veljati 90 dni po deponiranju njene listine o pristopu ali na datum začetka veljavnosti te konvencije, če že ni začela veljati po poteku navedenega roka 90 dni.

5. Če konvencija v času deponiranja listine o pristopu še ni začela veljati, se za pristopne države uporablja člen 13(4).

Člen 15

Pridržki

1. Pridržki niso dovoljeni, razen tistih iz členov 7(2) in 10(2).

2. Vsaka država članica, ki izrazi pridržek, ga lahko kadar koli v celoti ali deloma umakne z obvestilom depozitarju. Umik pridržka začne veljati na dan, ko depozitar prejme takšno obvestilo.

Člen 16

Depozitar

1. Depozitar te konvencije je generalni sekretar Sveta Evropske unije.

2. Depozitar v *Uradnem listu Evropskih skupnosti* objavi informacijo o vsakem sprejetju in pristopu, o vsaki izjavi in pridržku in o vsakem drugem obvestilu v zvezi s to konvencijo.

V potrditev tega so pooblaščenci lastnoročno podpisali to konvencijo.

Sestavljeno v Bruslju šestindvajsetega maja tisoč devetsto sedemindvetdeset v enem izvirmiku v angleškem, danskem, finskem, francoskem, grškem, holandskem, irskem, italijanskem, nemškem, portugalskem, španskem in švedskem jeziku, pri čemer so vsa besedila enako verodostojna, izvirnik pa je deponiran v arhivu generalnega sekretariata Sveta Evropske unije.

3. člen

Za izvajanje konvencije skrbi Ministrstvo za notranje zadeve Republike Slovenije.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 212-05/04-47/1

Ljubljana, dne 15. julija 2004

EPA 1418-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

84. Zakon o ratifikaciji Sporazuma med Kraljevino Belgijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Irsko, Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko, Evropsko skupnostjo za atomsko energijo in Mednarodno agencijo za atomsko energijo o izvajanju člena III (1) in (4) Pogodbe o neširjenju jedrskega orožja (MSPNJO)

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED KRALJEVINO BELGIJO, KRALJEVINO DANSKO, ZVEZNO REPUBLIKO NEMČIJO, IRSKO, ITALIJANSKO REPUBLIKO, VELIKIM VOJVODSTVOM LUKSEMBURG, KRALJEVINO NIZOZEMSKO, EVROPSKO SKUPNOSTJO ZA ATOMSKO ENERGIJO IN MEDNARODNO AGENCIJO ZA ATOMSKO ENERGIJO O IZVAJANJU ČLENA III (1) IN (4) POGODBE O NEŠIRJENJU JEDRSKEGA OROŽJA (MSPNJO)

Razglašam Zakon o ratifikaciji Sporazuma med Kraljevino Belgijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Irsko, Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko, Evropsko skupnostjo za atomsko energijo in Mednarodno agencijo za atomsko energijo o izvajanju člena III (1) in (4) Pogodbe o neširjenju jedrskega orožja (MSPNJO), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-166/04

Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPORAZUMA MED KRALJEVINO BELGIJO, KRALJEVINO DANSKO, ZVEZNO REPUBLIKO NEMČIJO, IRSKO, ITALIJANSKO REPUBLIKO, VELIKIM VOJVODSTVOM LUKSEMBURG, KRALJEVINO NIZOZEMSKO, EVROPSKO SKUPNOSTJO ZA ATOMSKO ENERGIJO IN MEDNARODNO AGENCIJO ZA ATOMSKO ENERGIJO O IZVAJANJU ČLENA III (1) IN (4) POGODBE O NEŠIRJENJU JEDRSKEGA OROŽJA (MSPNJO)

1. člen

Ratificira se Sporazum med Kraljevino Belgijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Irsko, Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko, Evropsko skupnostjo za atomsko energijo in Mednarodno agencijo za atomsko energijo o izvajanju člena III (1) in (4) Pogodbe o neširjenju jedrskega orožja, sklenjen 5. aprila 1973 v Bruslju.

2. člen

Besedilo sporazuma se v izvirniku v angleškem in v prevodu v slovenskem jeziku glasi:

AGREEMENT

between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the European Atomic Energy Community and the International Atomic Energy Agency in implementation of Article III (1) and (4) of the Treaty on the non-proliferation of nuclear weapons

[78/164/Euratom]

WHEREAS the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands (hereinafter referred to as 'the States') are signatories of the Treaty on the non-proliferation of nuclear weapons (hereinafter referred to as 'the Treaty') opened for signature at London, Moscow and Washington on 1 July 1968 and which entered into force on 5 March 1970;

RECALLING that pursuant to Article IV (1) of the Treaty nothing in the Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty;

RECALLING that according to Article IV (2) of the Treaty all the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy;

RECALLING further that under the terms of the same paragraph the Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States party to the Treaty;

WHEREAS Article III (1) of the Treaty provides that each non-nuclear-weapon State party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic

Energy Agency (hereinafter referred to as 'the Agency') in accordance with the Statute of the Agency (hereinafter referred to as 'the Statute') and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices;

WHEREAS Article III (4) provides that non-nuclear-weapon States party to the Treaty shall conclude agreements with the Agency to meet the requirements of the said Article either individually or together with other States in accordance with the Statute;

WHEREAS the States are members of the European Atomic Energy Community (Euratom) (hereinafter referred to as 'the Community') and have assigned to institutions common to the European Communities regulatory, executive and judicial powers which these institutions exercise in their own right in those areas for which they are competent and which may take effect directly within the legal systems of the Member States;

WHEREAS, with this institutional framework, the Community has in particular the task of ensuring, through appropriate safeguards, that nuclear materials are not diverted to purposes other than those for which they were intended, and will, from the time of the entry into force of the Treaty within the territories of the States, thus be required to satisfy itself through the system of safeguards established by the Euratom Treaty, that source and special fissionable material in all peaceful nuclear activities within the territories of the States is not diverted to nuclear weapons or other nuclear explosive devices;

WHEREAS these safeguards include notification to the Community of the basic technical characteristics of nuclear facilities, maintenance and submission of operating records to permit nuclear materials accounting for the Community as a whole, inspections by officials of the Community, and a system of sanctions;

WHEREAS the Community has the task of establishing with other countries and with international organizations relations which may promote progress in the use of nuclear energy for peaceful purposes and is expressly authorized to assume special safeguard obligations in an agreement with a third State or an international organization;

WHEREAS the Agency's international safeguards system referred to in the Treaty comprises, in particular, provisions for the submission of design information to the Agency, the maintenance of records, the submission of reports on all nuclear material subject to safeguards to the Agency, inspections carried out by the Agency's inspectors, requirements for the establishment and maintenance of a system of accounting for and control of nuclear material by a State, and measures in relation to verification of non-diversion;

WHEREAS the Agency, in the light of its statutory responsibilities and its relationship to the General Assembly and the Security Council of the United Nations, has the responsibility to assure the international community that effective safeguards are being applied under the Treaty;

NOTING that the States, which were members of the Community when they signed the Treaty, made it known on that occasion that safeguards provided for in Article III (1) of the Treaty would have to be set out in a verification agreement between the Community, the States and the Agency and defined in such a way that the rights and obligations of the States and the Community would not be affected;

WHEREAS the Board of Governors of the Agency (hereinafter referred to as 'the Board') has approved a comprehensive set of model provisions for the structure and content of agreements between the Agency and States required in connection with the Treaty to be used as the basis for negotiating safeguards agreements between the Agency and non-nuclear-weapon States party to the Treaty;

WHEREAS the Agency is authorized under Article III (A) (5) of the Statute, to apply safeguards, at the request of the Parties, to any bilateral or multilateral arrangements, or at the request of a State, to any of that State's activities in the field of atomic energy;

WHEREAS it is the desire of the Agency, the Community and the States to avoid unnecessary duplication of safeguards activities;

NOW, THEREFORE, THE AGENCY, THE COMMUNITY AND THE STATES HAVE AGREED AS FOLLOWS:

PART I

BASIC UNDERTAKING

Article 1

The States undertake, pursuant to Article III (1) of the Treaty, to accept safeguards, in accordance with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within their territories, under their jurisdiction or carried out under their control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

APPLICATION OF SAFEGUARDS

Article 2

The Agency shall have the right and the obligation to ensure that safeguards will be applied, in accordance

with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territories of the States, under their jurisdiction or carried out under their control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

Article 3

(a) The Community undertakes, in applying its safeguards on source and special fissionable material in all peaceful nuclear activities within the territories of the States, to cooperate with the Agency, in accordance with the terms of this Agreement, with a view to ascertaining that such source and special fissionable material is not diverted to nuclear weapons or other nuclear explosive devices.

(b) The Agency shall apply its safeguards, in accordance with the terms of this Agreement, in such a manner as to enable it to verify, in ascertaining that there has been no diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of the Community's system of safeguards. The Agency's verification shall include *inter alia* independent measurements and observations conducted by the Agency in accordance with the procedures specified in this Agreement. The Agency, in its verification, shall take due account of the effectiveness of the Community's system of safeguards in accordance with the terms of this Agreement.

COOPERATION BETWEEN THE AGENCY, THE COMMUNITY AND THE STATES

Article 4

The Agency, the Community and the States shall cooperate, in so far as each Party is concerned, to facilitate the implementation of the safeguards provided for in this Agreement and shall avoid unnecessary duplication of safeguards activities.

IMPLEMENTATION OF SAFEGUARDS

Article 5

The safeguards provided for in this Agreement shall be implemented in a manner designed:

- (a) to avoid hampering the economic and technological development in the Community or international cooperation in the field of peaceful nuclear activities, including international exchange of nuclear material;
- (b) to avoid undue interference in the peaceful nuclear activities in the Community, and in particular in the operation of facilities; and
- (c) to be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

Article 6

- (a) The Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of this Agreement.

(b) (i) The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing this Agreement.

- (ii) Summarized information on nuclear material subject to safeguards under this Agreement may be published upon decision of the Board if the States directly concerned or the Community, in so far as either Party is individually concerned, agree thereto.

Article 7

(a) In implementing safeguards under this Agreement, full account shall be taken of technological development in the field of safeguards, and every effort shall be made to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of nuclear material subject to safeguards under this Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits.

(b) In order to ensure optimum cost-effectiveness, use shall be made, for example, of such means as:

- (i) containment as a means of defining material balance areas for accounting purposes;
- (ii) statistical techniques and random sampling in evaluating the flow of nuclear material; and
- (iii) concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of the nuclear material, on condition that this does not hamper the implementation of this Agreement.

PROVISION OF INFORMATION TO THE AGENCY*Article 8*

(a) In order to ensure the effective implementation of safeguards under this Agreement, the Community shall, in accordance with the provisions set out in this Agreement, provide the Agency with information concerning nuclear material subject to such safeguards and the features of facilities relevant to safeguarding such material.

(b) (i) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.

(ii) Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.

(c) If the Community so requests, the Agency shall be prepared to examine, on premises of the Community, design information which the Community regards as being of particular sensitivity. Such information need not be physically transmitted to the Agency provided that it remains readily available for further examination by the Agency on premises of the Community.

AGENCY INSPECTORS*Article 9*

(a) (i) The Agency shall secure the consent of the Community and the States to the designation of Agency inspectors to the States.

(ii) If the Community, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to the Community and the States an alternative designation or designations.

(iii) If, as a result of the repeated refusal of the Community to accept the designation of Agency inspectors, inspections to be conduc-

ted under this Agreement would be impeded, such refusal shall be considered by the Board, upon referral by the Director-General of the Agency (hereinafter referred to as 'the Director-General'), with a view to its taking appropriate action.

(b) The Community and the States concerned shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under this Agreement.

(c) The visits and activities of Agency inspectors shall be so arranged as:

(i) to reduce to a minimum the possible inconvenience and disturbance to the Community and the States and to the peaceful nuclear activities inspected; and

(ii) to ensure protection of industrial secrets or any other confidential information coming to the knowledge of Agency inspectors.

PRIVILEGES AND IMMUNITIES*Article 10*

Each State shall apply to the Agency, including its property, funds and assets, and to its inspectors and other officials, performing functions under this Agreement, the relevant provisions of the Agreement on the privileges and immunities of the International Atomic Energy Agency.

CONSUMPTION OR DILUTION OF NUCLEAR MATERIAL*Article 11*

Safeguards under this Agreement shall terminate on nuclear material upon determination by the Community and the Agency that the material has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practically irrecoverable.

TRANSFER OF NUCLEAR MATERIAL OUT OF
THE STATES

Article 12

The Community shall give the Agency notification of transfers of nuclear material subject to safeguards under this Agreement out of the States, in accordance with the provisions of this Agreement. Safeguards under this Agreement shall terminate on nuclear material when the recipient State has assumed responsibility therefore as provided for in this Agreement. The Agency shall maintain records indicating each transfer and, where applicable, the re-application of safeguards to the transferred nuclear material.

PROVISIONS RELATING TO NUCLEAR MATERIAL
TO BE USED IN NON-NUCLEAR ACTIVITIES

Article 13

Where nuclear material subject to safeguards under this Agreement is to be used in non-nuclear activities, such as the production of alloys or ceramics, the Community shall agree with the Agency, before the material is so used, on the circumstances under which the safeguards under this Agreement on such material may be terminated.

NON-APPLICATION OF SAFEGUARDS TO
NUCLEAR MATERIAL TO BE USED IN NON-
PEACEFUL ACTIVITIES

Article 14

If a State intends to exercise its discretion to use nuclear material which is required to be safeguarded under this Agreement in a nuclear activity which does not require the application of safeguards under this Agreement, the following procedures shall apply:

(a) the Community and the State shall inform the Agency of the activity, and the State shall make it clear:

(i) that the use of the nuclear material in a non-prescribed military activity will not be in conflict with an undertaking the State may

have given and in respect of which Agency safeguards apply, that the material will be used only in a peaceful nuclear activity; and

(ii) that during the period of non-application of safeguards under this Agreement the nuclear material will not be used for the production of nuclear weapons or other nuclear explosive devices;

(b) the Agency and the Community shall make an arrangement so that, only while the nuclear material is in such an activity, the safeguards provided for in this Agreement will not be applied. The arrangement shall identify, to the extent possible, the period or circumstances during which such safeguards will not be applied. In any event, the safeguards provided for in this Agreement shall apply again as soon as the nuclear material is reintroduced into a peaceful nuclear activity. The Agency shall be kept informed of the total quantity and composition of such material in the State or in the States concerned and of any transfer of such material out of that State or those States; and

(c) each arrangement shall be made in agreement with the Agency. Such agreement shall be given as promptly as possible and shall relate only to such matters as *inter alia* temporal and procedural provisions and reporting arrangements, but shall not involve any approval or classified knowledge of the military activity or relate to the use of the nuclear material therein.

FINANCE

Article 15

The Agency, the Community and the States will bear the expenses incurred by each of them in implementing their respective responsibilities under this Agreement. However, if the Community, the States or persons under their jurisdiction, incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case, the Agency shall bear the cost of any additional measuring or sampling which Agency inspectors may request.

**THIRD PARTY LIABILITY FOR NUCLEAR
DAMAGE***Article 16*

The Community and the States shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security which may be available under their laws or regulations shall apply to the Agency and its officials for the purpose of the implementation of this Agreement, in the same way as that protection applies to nationals of the States.

INTERNATIONAL RESPONSIBILITY*Article 17*

Any claims by the Community or a State against the Agency or by the Agency against the Community or a State in respect of any damage resulting from the implementation of safeguards under this Agreement, other than damage arising out of a nuclear incident, shall be settled in accordance with international law.

**MEASURES IN RELATION TO VERIFICATION
OF NON-DIVERSION***Article 18*

If the Board, upon report of the Director-General, decides that an action by the Community or a State, in so far as either Party is individually concerned, is essential and urgent in order to ensure verification that nuclear material subject to safeguards under this Agreement is not diverted to nuclear weapons or other nuclear explosive devices, the Board may call upon the Community or that State to take the required action without delay, irrespective of whether procedures have been invoked pursuant to Article 22 for the settlement of a dispute.

Article 19

If the Board, upon examination of relevant information reported to it by Director-General, finds that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded under this Agreement, to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in Article XII (C) of

the Statute and may also take, where applicable, the other measures provided for in that paragraph. In taking such action, the Board shall take account of the degree of assurance provided by the safeguards measures that have been applied and shall offer the Community or the State, in so far as either Party is individually concerned, every reasonable opportunity to furnish the Board with any necessary reinsurance.

**INTERPRETATION AND APPLICATION OF THE
AGREEMENT AND SETTLEMENT OF DISPUTES***Article 20*

At the request of the Agency, the Community or a State, there shall be consultations about any question arising out of the interpretation or application of this Agreement.

Article 21

The Community and the States shall have the right to request that any question arising out of the interpretation or application of this Agreement be considered by the Board. The Board shall invite the Community and the State concerned to participate in the discussion of any such question by the Board.

Article 22

Any dispute arising out of the interpretation or application of this Agreement except a dispute with regard to a finding by the Board under Article 19 or an action taken by the Board pursuant to such a finding, which is not settled by negotiation or another procedure agreed to by the Agency, the Community and the States shall, at the request of any one of them, be submitted to an arbitral tribunal composed of five arbitrators. The Community and the States shall designate two arbitrators and the Agency shall also designate two arbitrators, and the four arbitrators so designated shall elect a fifth, who shall be the chairman.

If, within 30 days of the request for arbitration, the Community and the States, or the Agency have not designated two arbitrators each, the Community or the Agency may request the President of the International Court of Justice to appoint these arbitrators. The same procedure shall apply if, within 30 days of the designation or appointment of the fourth arbitrator, the fifth arbitrator has not been elected.

A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall require the concurrence of at least three arbitrators. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal shall be binding on the Agency, the Community and the States concerned.

(b) All amendments shall require the agreement of the Agency, the Community and the States.

(c) The Director-General shall promptly inform all Member States of the Agency of any amendment to this Agreement.

ACCESSION

Article 23

(a) This Agreement shall come into force for non-nuclear-weapon States party to the Treaty which become Members of the Community, upon:

(i) notification to the Agency by the State concerned that its procedures with respect to the coming into force of this Agreement have been completed; and

(ii) notification to the Agency by the Community that it is in a position to apply its safeguards in respect of that State for the purposes of this Agreement.

(b) Where the State concerned has concluded other agreements with the Agency for the application of Agency safeguards, upon the coming into force of this Agreement for that State, the application of Agency safeguards under such agreements shall be suspended while this Agreement is in force; provided, however, that the State's undertaking in those agreements not to use items which are subject thereto in such a way as to further any military purpose shall continue to apply.

AMENDMENT OF THE AGREEMENT

Article 24

(a) The Agency, the Community and the States shall, at the request of any one of them, consult on amendment to this Agreement.

ENTRY INTO FORCE AND DURATION

Article 25

(a) This Agreement shall enter into force on the date upon which the Agency receives from the Community and the States written notification that their own requirements for entry into force have been met. The Director-General shall promptly inform all Member States of the Agency of the entry into force of this Agreement.

(b) This Agreement shall remain in force as long as the States are parties to the Treaty.

PROTOCOL

Article 26

The Protocol attached to this Agreement shall be an integral part thereof. The term 'Agreement' as used in this instrument means the Agreement and the Protocol together.

PART II

INTRODUCTION

Article 27

The purpose of this part of the Agreement is to specify, as required, the procedures to be applied in the implementation of the safeguards provisions of Part I.

OBJECTIVE OF SAFEGUARDS

Article 28

The objective of the safeguards procedures set forth in this Agreement is the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of

nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.

Article 29

For the purpose of achieving the objective set forth in Article 28, material accountancy shall be used as a safeguards measure of fundamental importance, with containment and surveillance as important complementary measures.

Article 30

The technical conclusion of the Agency's verification activities shall be a statement, in respect of each material balance area, of the amount of material unaccounted for over a specific period, and giving the limits of accuracy of the amounts stated.

THE COMMUNITY'S SYSTEM OF SAFEGUARDS

Article 31

Pursuant to Article 3, the Agency, in carrying out its verification activities, shall make full use of the Community's system of safeguards.

Article 32

The Community's system of accounting for and control of nuclear material under this Agreement shall be based on a structure of material balance areas. The Community, in applying its safeguards, will make use of and, to the extent necessary, make provision for, as appropriate and specified in the subsidiary arrangements such measures as:

- (a) a measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;
- (b) the evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
- (c) procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;
- (d) procedures for taking a physical inventory;
- (e) procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;

(f) a system of records and reports showing, for each material balance area, the inventory of nuclear material and the changes in that inventory including receipts into and transfers out of the material balance area;

(g) provisions to ensure that the accounting procedures and arrangements are being operated correctly; and

(h) procedures for the provision of reports to the Agency in accordance with Articles 59 to 65 and 67 to 69.

Article 33

Safeguards under this Agreement shall not apply to material in mining or ore processing activities.

Article 34

(a) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in paragraph (c) is directly or indirectly exported to a non-nuclear-weapon State not party to this Agreement, the Community shall inform the Agency of its quantity, composition and destination, unless the material is exported for specifically non-nuclear purposes.

(b) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in paragraph (c) is imported into the States, the Community shall inform the Agency of its quantity and composition, unless the material is imported for specifically non-nuclear purposes.

(c) When any nuclear material of a composition and purity suitable for fuel fabrication or for isotopic enrichment leaves the plant or the process stage in which it has been produced, or when such nuclear material, or any other nuclear material produced at a later stage in the nuclear fuel cycle, is imported into the States, the nuclear material shall become subject to the other safeguards procedures specified in this Agreement.

TERMINATION OF SAFEGUARDS

Article 35

(a) Safeguards under this Agreement shall terminate on nuclear material, under the conditions set forth

in Article 11. Where the conditions of that Article are not met, but the Community considers that the recovery of nuclear material subject to safeguards under this Agreement from residues is not for the time being practicable or desirable, the Agency and the Community shall consult on the appropriate safeguards measures to be applied.

- (b) Safeguards under this Agreement shall terminate on nuclear material, under the conditions set forth in Article 13, provided that the Agency and the Community agree that such nuclear material is practicably irrecoverable.

EXEMPTIONS FROM SAFEGUARDS

Article 36

At the request of the Community, the Agency shall exempt nuclear material from safeguards under this Agreement, as follows:

- (a) special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;
- (b) nuclear material, when it is used in non-nuclear activities in accordance with Article 13, if such nuclear material is recoverable; and
- (c) plutonium with an isotopic concentration of plutonium-238 exceeding 80 %.

Article 37

At the request of the Community the Agency shall exempt from safeguards under this Agreement nuclear material that would otherwise be subject to such safeguards, provided that the total quantity of nuclear material which has been exempted in the States in accordance with this Article may not at any time exceed:

- (a) one kilogram in total of special fissionable material, which may consist of one or more of the following:
 - (i) plutonium;
 - (ii) uranium with an enrichment of 0.2 (20 %) and above, taken account of by multiplying its weight by its enrichment; and
 - (iii) uranium with an enrichment below 0.2 (20 %) and above that of natural uranium,

taken account of by multiplying its weight by five times the square of its enrichment;

- (b) 10 tonnes in total of natural uranium and depleted uranium with an enrichment above 0.005 (0.5 %);
 - (c) 20 tonnes of depleted uranium with an enrichment of 0.005 (0.5 %) or below; and
 - (d) 20 tonnes of thorium;
- or such greater amounts as may be specified by the Board for uniform application.

Article 38

If exempted nuclear material is to be processed or stored together with nuclear material subject to safeguards under this Agreement, provision shall be made for the re-application of such safeguards thereto.

SUBSIDIARY ARRANGEMENTS

Article 39

The Community shall make subsidiary arrangements with the Agency which shall specify in detail, to the extent necessary to permit the Agency to fulfil its responsibilities under this Agreement in an effective and efficient manner, how the procedures laid down in this Agreement are to be applied. The subsidiary arrangements may be extended or changed by agreement between the Agency and the Community without amendment of this Agreement.

Article 40

The subsidiary arrangement shall enter into force at the same time as, or as soon as possible after, the entry into force of this Agreement. The Agency, the Community and the States shall make every effort to achieve their entry into force within 90 days of the entry into force of this Agreement; an extension of that period shall require agreement between the Agency, the Community and the States. The Community shall provide the Agency promptly with the information required for completing the subsidiary arrangements. Upon the entry into force of this Agreement, the Agency shall have the right to apply the procedures laid down therein in respect of the nuclear material listed in the inventory provided for in Article 41, even if the subsidiary arrangements have not yet entered into force.

INVENTORY

operator, measurements of flow and procedures for physical inventory-taking.

Article 41

On the basis of the initial report referred to in Article 62, the Agency shall establish a unified inventory of all nuclear material in the States subject to safeguards under this Agreement, irrespective of its origin, and shall maintain this inventory on the basis of subsequent reports and of the results of its verification activities. Copies of the inventory shall be made available to the Community at intervals to be agreed.

Article 44

Other information relevant to the application of safeguards under this Agreement shall also be provided to the Agency in respect of each facility, if so specified in the subsidiary arrangements. The Community shall provide the Agency with supplementary information on the health and safety procedures which the Agency shall observe and with which Agency inspectors shall comply at the facility.

DESIGN INFORMATION

General provisions

Article 42

Pursuant to Article 8, design information in respect of existing facilities shall be provided to the Agency by the Community during the discussion of the subsidiary arrangements. The time limits for the provision of design information in respect of the new facilities shall be specified in the subsidiary arrangements and such information shall be provided as early as possible before nuclear material is introduced into a new facility.

Article 43

The design information to be provided to the Agency shall include, in respect of each facility, when applicable:

- (a) the identification of the facility, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;
- (b) a description of the general arrangement of the facility with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;
- (c) a description of features of the facility relating to material accountancy, containment and surveillance; and
- (d) a description of the existing and proposed procedures at the facility for nuclear material accountancy and control, with special reference to material balance areas established by the

Article 45

The Agency shall be provided by the Community with design information in respect of a modification relevant for purposes of safeguards under this Agreement, for examination, and shall be informed of any change in the information provided to it under Article 44, sufficiently in advance for the safeguards procedures to be applied under this Agreement to be adjusted when necessary.

Article 46

Purpose of examination of design information

The design information provided to the Agency shall be used for the following purposes:

- (a) to identify the features of facilities and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;
- (b) to determine material balance areas to be used for accounting purposes under this Agreement and to select those strategic points which are key measurement points and which will be used to determine flow and inventory of nuclear material; in determining such material balance areas the following criteria shall *inter alia* be used:
 - (i) the size of the material balance area shall be related to the accuracy with which the material balance can be established;
 - (ii) in determining the material balance area advantage shall be taken of any opportunity to use containment and surveillance to help

ensure the completeness of flow measurements and thereby to simplify the application of safeguards and to concentrate measurement efforts at key measurement points;

(iii) a special material balance area may be established at the request of the Community or of the State concerned around a process step involving commercially sensitive information;

(c) to establish the nominal timing and procedures for taking of physical inventory of nuclear material for accounting purposes under this Agreement;

(d) to establish the records and reports requirements and records evaluation procedures;

(e) to establish requirements and procedures for verification of the quantity and location of nuclear material; and

(f) to select appropriate combinations of containment and surveillance methods and techniques and the strategic points at which they are to be applied.

The results of the examination of the design information, as agreed upon between the Agency and the Community, shall be included in the subsidiary arrangements.

Article 47

Re-examination of design information

Design information shall be re-examined in the light of changes in operating conditions, of developments in safeguards technology or of the experience in the application of verification procedures, with a view to modifying action taken pursuant to Article 46.

Article 48

Verification of design information

The Agency, in cooperation with the Community and the State concerned, may send inspectors to facilities to verify the design information provided to the Agency pursuant to Articles 42 to 45 for the purposes stated in Article 46.

INFORMATION IN RESPECT OF NUCLEAR MATERIAL OUTSIDE FACILITIES

Article 49

The Agency shall be provided by the Community with the following information when nuclear material is to be customarily used outside facilities, as applicable:

(a) a general description of the use of the nuclear material, its geographic location, and the user's name and address for routine business purposes; and

(b) a general description of the existing and proposed procedures for nuclear material accountancy and control, as specified in the subsidiary arrangements.

The Agency shall be informed by the Community, on a timely basis, of any change in the information provided to it under this Article.

Article 50

The information provided to the Agency pursuant to Article 49 may be used, to the extent relevant, for the purposes set out in Article 46 (b) to (f).

RECORDS SYSTEM

General provisions

Article 51

The Community shall arrange that records are kept in respect of each material balance area. The records to be kept shall be described in the subsidiary arrangements.

Article 52

The Community shall make arrangements to facilitate the examination of records by Agency inspectors, particularly if the records are not kept in English, French, Russian or Spanish.

Article 53

Records shall be retained for at least five years.

Article 54

Records shall consist, as appropriate, of:

- (a) accounting records of all nuclear material subject to safeguards under this Agreement; and
- (b) operating records for facilities containing such nuclear material.

Article 55

The system of measurements on which the records used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

Accounting records*Article 56*

The accounting records shall set forth the following in respect of each material balance area:

- (a) all inventory changes, so as to permit a determination of the book inventory at any time;
- (b) all measurement results that are used for determination of the physical inventory; and
- (c) all adjustments and corrections that have been made in respect of inventory changes, book inventories and physical inventories.

Article 57

For all inventory changes and physical inventories the records shall show, in respect of each batch of nuclear material: material identification, batch data and source data. The records shall account for uranium, thorium and plutonium separately in each batch of nuclear material. For each inventory change, the date of the inventory change and, when appropriate, the originating material balance area and the receiving material balance area or the recipient, shall be indicated.

*Article 58***Operating records**

The operating records shall set forth, as appropriate, in respect of each material balance area:

- (a) those operating data which are used to establish changes in the quantities and composition of nuclear material;
- (b) the data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) a description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, in order to ensure that it is correct and complete; and
- (d) a description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

REPORTS SYSTEMS**General provisions***Article 59*

The Community shall provide the Agency with reports as detailed in Articles 60 to 65 and 67 to 69 in respect of nuclear material subject to safeguards under this Agreement.

Article 60

Reports shall be made in English, French, Russian or Spanish, except as otherwise specified in the subsidiary arrangements.

Article 61

Reports shall be based on the records kept in accordance with Articles 51 to 58 and shall consist, as appropriate, of accounting reports and special reports.

Accounting reports*Article 62*

The Agency shall be provided by the Community with an initial report on all nuclear material subject to safeguards under this Agreement. The initial report shall be dispatched to the Agency within 30 days of the last day of the calendar month in which this

Agreement enters into force, and shall reflect the situation as of the last day of that month.

Article 63

The Community shall provide the Agency with the following accounting reports for each material balance area:

- (a) inventory change reports showing all changes in the inventory of nuclear material. The reports shall be dispatched as soon as possible and in any event within the time limits specified in the subsidiary arrangements; and
- (b) material balance reports showing the material balance based on a physical inventory of nuclear material actually present in the material balance area. The reports shall be dispatched as soon as possible and in any event within the time limits specified in the subsidiary arrangements.

The reports shall be based on data available as of the date of reporting and may be corrected at a later date, as required.

Article 64

Inventory change reports shall specify identification and batch data for each batch of nuclear material, the date of the inventory change and, as appropriate, the originating material balance area and the receiving material balance area or the recipient. These reports shall be accompanied by concise notes:

- (a) explaining the inventory changes, on the basis of the operating data contained in the operating records provided for under Article 58 (a); and
- (b) describing, as specified in the subsidiary arrangements, the anticipated operational programme, particularly the taking of a physical inventory.

Article 65

The Community shall report each inventory change, adjustment and correction, either periodically in a consolidated list or individually. Inventory changes shall be reported in terms of batches. As specified in the subsidiary arrangements, small changes in

inventory of nuclear material, such as transfers of analytical samples, may be combined in one batch and reported as one inventory change.

Article 66

The Agency shall provide the Community, for the use of the interested parties, with semi-annual statements of book inventory of nuclear material subject to safeguards under this Agreement, for each material balance area, as based on the inventory change reports for the period covered by each such statement.

Article 67

Material balance reports shall include the following entries, unless otherwise agreed by the Agency and the Community:

- (a) beginning physical inventory;
- (b) inventory changes (first increases, then decreases);
- (c) ending book inventory;
- (d) shipper/receiver differences;
- (e) adjusted ending book inventory;
- (f) ending physical inventory; and
- (g) material unaccounted for.

A statement of the physical inventory, listing all batches separately and specifying material identification and batch data for each batch, shall be attached to each material balance report.

Article 68

Special reports

The Community shall make special reports without delay:

- (a) if any unusual incident or circumstance leads the Community to believe that there is or may have been loss of nuclear material that exceeds the limits specified for this purpose in the subsidiary arrangements; or
- (b) if the containment has unexpectedly changed from that specified in the subsidiary arrangements to the extent that unauthorized removal of nuclear material has become possible.

Article 69**Amplification and clarification of reports**

If the Agency so requests, the Community shall provide it with amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards under this Agreement.

INSPECTIONS**Article 70****General provisions**

The Agency shall have the right to make inspections as provided for in this Agreement.

Purpose of inspections**Article 71**

The Agency may make *ad hoc* inspections in order to:

- (a) verify the information contained in the initial report on the nuclear material subject to safeguards under this Agreement and identify and verify changes in the situation which have occurred between the date of the initial report and the date of the entry into force of the subsidiary arrangements in respect of a given facility; and
- (b) identify, and if possible verify the quantity and composition of, nuclear material subject to safeguards under this Agreement in accordance with Articles 93 and 96, before its transfer out of or upon its transfer into the States except for transfers within the Community.

Article 72

The Agency may make routine inspections in order to:

- (a) verify that reports are consistent with records;
- (b) verify the location, identity, quantity and composition of all nuclear material subject to safeguards under this Agreement; and
- (c) verify information on the possible causes of material unaccounted for, shipper/receiver

differences and uncertainties in the book inventory.

Article 73

Subject to the procedures laid down in Article 77, the Agency may make special inspections:

- (a) in order to verify the information contained in special reports; or
- (b) if the Agency considers that information made available by the Community, including explanations from the Community and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under this Agreement.

An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in this Agreement or involves access to information or locations in addition to the access specified in Article 76 for *ad hoc* and routine inspections, or both.

Scope of inspections**Article 74**

For the purposes specified in Articles 71 to 73, the Agency may:

- (a) examine the records kept pursuant to Articles 51 to 58;
- (b) make independent measurements of all nuclear material subject to safeguards under this Agreement;
- (c) verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) apply and make use of surveillance and containment measures; and
- (e) use other objective methods which have been demonstrated to be technically feasible.

Article 75

Within the scope of Article 74, the Agency shall be enabled:

- (a) to observe that samples at key measurement points for material balance accountability are taken in accordance with procedures which produce

representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;

(b) to observe that the measurements of nuclear material at key measurement points for material balance accountancy are representative, and to observe the calibration of the instruments and equipment involved;

(c) to make arrangements with the Community and to the extent necessary with the State concerned that, if necessary:

(i) additional measurements are made and additional samples taken for the Agency's use;

(ii) the Agency's standard analytical samples are analyzed;

(iii) appropriate absolute standards are used in calibrating instruments and other equipment; and

(iv) other calibrations are carried out;

(d) to arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the subsidiary arrangements to arrange to install such equipment;

(e) to apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the subsidiary arrangements; and

(f) to make arrangements with the Community or the State concerned for the shipping of samples taken for the Agency's use.

(c) For the purposes specified in Article 72, the inspectors shall have access only to the strategic points specified in the subsidiary arrangements and to the records maintained pursuant to Articles 51 to 56.

(d) In the event of the Community concluding that any unusual circumstances require extended limitations on access by the Agency, the Community and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations. The Director-General shall report each such arrangement to the Board.

Article 77

In the circumstances which may lead to special inspections for the purposes specified in Article 73, the Community and the Agency shall consult forthwith. As a result of such consultations the Agency may:

(a) make inspections in addition to the routine inspection effort provided for in this Agreement; and

(b) obtain access, in agreement with the Community, to information or locations in addition to those specified in Article 76. Any disagreement shall be resolved in accordance with Articles 21 and 22. In case action by the Community or a State, in so far as either Party is individually concerned, is essential and urgent, Article 18 shall apply.

Frequency and intensity of routine inspections

Access for inspections

Article 76

(a) For the purposes specified in Article 71 (a) and until such time as the strategic points have been specified in the subsidiary arrangements, the Agency inspectors shall have access to any location where the initial report or any inspections carried out in connection with it indicate that nuclear material subject to safeguards under this Agreement is present.

(b) For the purposes specified in Article 71 (b), the Agency inspectors shall have access to any location of which the Agency has been notified in accordance with Article 92 (d) (iii) or 95 (d) (iii).

Article 78

The number, intensity and duration of routine inspections, applying optimum timing, shall be kept to the minimum consistent with the effective implementation of the safeguards procedures set forth in this Agreement, and optimum and most economical use of available inspection resources under the Agreement shall be made.

Article 79

The Agency may carry out one routine inspection per year in respect of facilities and material balance areas outside facilities with a content or annual

throughput, whichever is greater, of nuclear material not exceeding five effective kilograms.

Article 80

The number, intensity, duration, timing and mode of routine inspections in respect of facilities with a content or annual throughput of nuclear material exceeding five effective kilograms shall be determined on the basis that in the maximum or limiting case the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of nuclear material, and the maximum routine inspection effort in respect of such facilities shall be determined as follows:

- (a) for reactors and sealed storage installations the maximum total of routine inspection per year shall be determined by allowing one-sixth of a man-year of inspection for each such facility;
- (b) for facilities, other than reactors or sealed storage installations, involving plutonium or uranium enriched to more than 5 %a, the maximum total of routine inspection per year shall be determined by allowing for each such facility $30 \times \sqrt{E}$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms. The maximum established for any such facility shall not, however, be less than 1.5 man-years of inspection; and
- (c) for facilities not covered by paragraph (a) or (b), the maximum total of routine inspection per year shall be determined by allowing for each such facility one-third of a man-year of inspection plus $0.4 \times E$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms.

The Parties to this Agreement may agree to amend the figures for the maximum inspection effort, specified in this Article, upon determination by the Board that such amendment is reasonable.

Article 81

Subject to Articles 78 to 80 the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections in respect of any facility shall include:

- (a) *the form of the nuclear material*, in particular, whether the nuclear material is in bulk form or

contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high enrichment; and its accessibility;

- (b) *the effectiveness of the Community's safeguards*, including the extent to which the operators of facilities are functionally independent of the Community's safeguards; the extent to which the measures specified in Article 32 have been implemented by the Community; the promptness of reports provided to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the material unaccounted for, as verified by the Agency;

- (c) *characteristics of the nuclear fuel cycle in the States*, in particular, the number and types of facilities containing nuclear material subject to safeguards under this Agreement, the characteristics of such facilities relevant to safeguards under this Agreement, notably the degree of containment; the extent to which the design of such facilities facilitates verification of the flow and inventory of nuclear material; and the extent to which information from different material balance areas can be correlated;

- (d) *international interdependence*, in particular, the extent to which nuclear material is received from or sent to other States for use or processing; any verification activities by the Agency in connection therewith; and the extent to which the nuclear activities in each State are interrelated with those in other States; and

- (e) *technical developments in the field of safeguards*, including the use of statistical techniques and random sampling in evaluating the flow of nuclear material.

Article 82

The Agency and the Community shall consult if the latter considers that the inspection effort is being deployed with undue concentration on particular facilities.

Notice of inspections

Article 83

The Agency shall give advance notice to the Community and to the States concerned before

arrival of Agency inspectors at facilities or material balance areas outside facilities, as follows:

- (a) for *ad hoc* inspections pursuant to Article 71 (b), at least 24 hours; for those pursuant to Article 71 (a), as well as the activities provided for in Article 48, at least one week;
- (b) for special inspections pursuant to Article 73, as promptly as possible after the Agency and the Community have consulted as provided for in Article 77, it being understood that notification of arrival normally will constitute part of the consultations; and
- (c) for routine inspections pursuant to Article 72, at least 24 hours in respect of the facilities referred to in Article 80 (b) and sealed storage installations containing plutonium or uranium enriched to more than 5 %, and one week in all other cases.

Such notice of inspections shall include the names of the Agency inspectors and shall indicate the facilities and the material balance areas outside facilities to be visited and the period during which they will be visited. If the Agency inspectors are to arrive from outside the States, the Agency shall also give advance notice of the place and time of their arrival in the States.

Article 84

Notwithstanding the provisions of Article 83, the Agency may, as a supplementary measure, carry out without advance notification a portion of the routine inspections pursuant to Article 80 in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided to it pursuant to Article 64 (b). Moreover, whenever practicable, and on the basis of the operational programme, it shall advise the Community and the State concerned periodically of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections, the Agency shall make every effort to minimize any practical difficulties for the Community and the State concerned and for facility operators, bearing in mind the relevant provisions of Articles 44 and 89. Similarly the Community and the State concerned shall make every effort to facilitate the task of Agency inspectors.

Designation of agency inspectors

Article 85

The following procedures shall apply to the designation of Agency inspectors:

- (a) the Director-General shall inform the Community and the States in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an Agency inspector for the States;
- (b) the Community shall inform the Director-General within 30 days of the receipt of such a proposal whether the proposal is accepted;
- (c) the Director-General may designate each official who has been accepted by the Community and the States as one of the Agency inspectors for the States, and shall inform the Community and the States of such designations; and
- (d) the Director-General, acting in response to a request by the Community or on his own initiative, shall immediately inform the Community and the States of the withdrawal of the designation of any official as an Agency inspector for the States.

However, in respect of Agency inspectors needed for the activities provided for in Article 48 and to carry out *ad hoc* inspections pursuant to Article 71 (a), the designation procedures shall be completed if possible within 30 days after the entry into force of this Agreement. If such designation appears impossible within this time limit, Agency inspectors for such purposes shall be designated on a temporary basis.

Article 86

The States shall grant or renew as quickly as possible appropriate visas, where required, for each Agency inspector designated pursuant to Article 85.

Conduct and visits of Agency inspectors

Article 87

Agency inspectors, in exercising their functions under Articles 48 and 71 to 75, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of facilities, or affecting their safety. In particular, Agency inspectors shall not operate any

facility themselves or direct the staff of a facility to carry out any operation. If Agency inspectors consider that in pursuance of Articles 74 and 75, particular operations in a facility should be carried out by the operator, they shall make a request therefor.

Article 88

When Agency inspectors require services available in a State, including the use of equipment in connection with the performance of inspections, the State concerned and the Community shall facilitate the procurement of such services and the use of such equipment by Agency inspectors.

Article 89

The Community and the States concerned shall have the right to have Agency inspectors accompanied during their inspections by its inspectors and their representatives respectively, provided that Agency inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

STATEMENT ON THE AGENCY'S VERIFICATION ACTIVITIES

Article 90

The Agency shall inform the Community for the use of the interested Parties of:

- (a) the results of its inspections, at intervals to be specified in the subsidiary arrangements; and
- (b) the conclusions it has drawn from its verification activities.

TRANSFERS INTO OR OUT OF THE STATES

Article 91

General provisions

Nuclear material subject or required to be subject to safeguards under this Agreement which is transferred into or out of the States shall, for purposes of this Agreement, be regarded as being the responsibility of the Community and of the State concerned.

(a) in the case of transfers into the States, from the time that such responsibility ceases to lie with the State from which the material is transferred, and no later than the time at which the material reaches its destination; and

(b) in the case of transfers out of the States up to the time at which the recipient State has such responsibility, and no later than the time at which the nuclear material reaches its destination.

The point at which the transfer of responsibility will take place shall be determined in accordance with suitable arrangements to be made by the Community and the State concerned on the one hand, and the State to which or from which the nuclear material is transferred on the other. Neither the Community nor a State shall be deemed to have such responsibility for nuclear material merely by reason of the fact that the nuclear material is in transit on or over a State's territory, or that it is being transported on a ship under a State's flag or in the aircraft of a State.

Transfers out of the States

Article 92

(a) The Community shall notify the Agency of any intended transfer out of the States of nuclear material subject to safeguards under this Agreement if the shipment exceeds one effective kilogram, or, for facilities which normally transfer significant quantities to the same State in shipments each not exceeding one effective kilogram, if so specified in the subsidiary arrangements.

(b) Such notification shall be given to the Agency after the conclusion of the contractual arrangements leading to the transfer and within the time limit specified in the subsidiary Arrangements.

(c) The Agency and the Community may agree on different procedures for advance notification.

(d) The notification shall specify:

(i) the identification and, if possible, the expected quantity and the composition of the nuclear material to be transferred, and the material balance area from which it will come;

(ii) the State for which the nuclear material is destined;

- (iii) the dates on and locations at which the nuclear material is to be prepared for shipping;
- (iv) the approximate dates of dispatch and arrival of the nuclear material; and
- (v) at what point of the transfer the recipient State will assume responsibility for the nuclear material for the purpose of this Agreement, and the probable date on which that point will be reached.

Article 93

The notification referred to in Article 92 shall be such as to enable the Agency to make, if necessary, an *ad hoc* inspection to identify, and if possible verify, the quantity and composition of the nuclear material before it is transferred out of the States, except for transfers within the Community and, if the Agency so wishes or the Community so requests, to affix seals to the nuclear material when it has been prepared for shipping. However the transfer of the nuclear material shall not be delayed in any way by any action taken or contemplated by the Agency pursuant to such a notification.

Article 94

If nuclear material will not be subject to Agency safeguards in the recipient State the Community shall make arrangements for the Agency to receive within three months of the time when the recipient State accepts responsibility for the nuclear material, confirmation by the recipient State of the transfer.

Transfers into the States

Article 95

- (a) The Community shall notify the Agency of any expected transfer into the States of nuclear material required to be subject to safeguards under this Agreement if the shipment exceeds one effective kilogram, or, for facilities to which significant quantities are normally transferred from the same State in shipments each not exceeding one effective kilogram, if so specified in the subsidiary arrangements.
- (b) The Agency shall be notified as much in advance as possible of the expected arrival of the nuclear material, and in any case within the time limits specified in the subsidiary arrangements.

- (c) The Agency and the Community may agree on different procedures for advance notification.

- (d) The notification shall specify:

- (i) the identification and, if possible, the expected quantity and composition of the nuclear material;
- (ii) at what point of the transfer the Community and the State concerned will have responsibility for the nuclear material for the purpose of this Agreement, and the probable date on which that point will be reached; and
- (iii) the expected date of arrival, the location where, and the date on which, the nuclear material is intended to be unpacked.

Article 96

The notification referred to in Article 95 shall be such as to enable the Agency to make, if necessary, an *ad hoc* inspection to identify, and if possible verify, the quantity and composition of, the nuclear material transferred into the States, except for transfers within the Community, at the time the consignment is unpacked. However, unpacking shall not be delayed by any action taken or contemplated by the Agency pursuant to such a notification.

Article 97

Special reports

The Community shall make a special report as envisaged in Article 68 if any unusual incident or circumstance leads the Community to believe that there is or may have been loss of nuclear material, including the occurrence of significant delay, during a transfer into or out of the States.

DEFINITIONS

Article 98

For the purposes of this Agreement:

- 1. A. *Community* means both:

- (a) the legal person created by the Treaty establishing the European Atomic Energy Community (Euratom), Party to this Agreement; and

(b) the territories to which the Euratom Treaty applies.

B. *States* means the non-nuclear-weapon States, members of the Community, party to this Agreement.

2. A. *Adjustment* means an entry into an accounting record or a report showing a shipper/receiver difference or material unaccounted for.

B. *Annual throughput capacity*, for the purposes of Articles 79 and 80, the amount of nuclear material transferred annually out of a facility working at nominal capacity.

C. *Batch* means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of specifications or measurements. The nuclear material may be in bulk form or contained in a number of separate items.

D. *Batch data* means the total weight of each element of nuclear material and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:

(a) grams of contained plutonium;

(b) grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and

(c) kilograms of contained thorium, natural uranium or depleted uranium.

For reporting purposes the weights of individual items in the batch shall be added together before rounding to the nearest unit.

E. *Book inventory* of a material balance area means the algebraic sum of the most recent physical inventory of that material balance area and of all inventory changes that have occurred since that physical inventory was taken.

F. *Correction* means an entry into an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.

G. *Effective kilogram* means a special unit used in safeguarding nuclear material. The quantity in effective kilograms is obtained by taking:

(a) for plutonium, its weight in kilograms;

(b) for uranium with an enrichment of 0.01 (1 %) and above, its weight in kilograms multiplied by the square of its enrichment;

(c) for uranium with an enrichment below 0.01 (1 %) and above 0.005 (0.5 %), its weight in kilograms multiplied by 0.0001; and

(d) for depleted uranium with an enrichment of 0.005 (0.5 %) or below, and for thorium, its weight in kilograms multiplied by 0.00005.

H. *Enrichment* means the ratio of the combined weight of the isotopes uranium-223 and uranium-235 to that of the total uranium in question.

I. *Facility* means:

(a) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or

(b) any location where nuclear material in amounts greater than one effective kilogram is customarily used.

J. *Inventory change* means an increase or decrease, in terms of batches, of nuclear material in a material balance area; such a change shall involve one of the following:

(a) Increases:

(i) import;

(ii) domestic receipts: receipts from within the States; from other material balance areas; from a non-safeguarded (non-peaceful) activity; at the starting point of safeguards;

(iii) nuclear production: production of special fissionable material in a reactor; and

(iv) *de-exemption*: reapplication of safeguards on nuclear material previously exempted therefrom on account of its use or quantity;

(b) *Decreases*:

(i) *export*;

(ii) *domestic shipment*: shipments within the States to other material balance areas or for a non-safeguarded (non-peaceful) activity;

(iii) *nuclear loss*: loss of nuclear material due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;

(iv) *measured discard*: nuclear material which has been measured, or estimated on the basis of measurements, and disposed of in such a way that it is not suitable for further nuclear use;

(v) *retained waste*: nuclear material generated from processing or from an operational accident, which is deemed to be unrecoverable for the time being but which is stored;

(vi) *exemption*: exemption of nuclear material from safeguards on account of its use or quantity; and

(vii) *other loss*: for example, accidental loss (that is, irretrievable and inadvertent loss of nuclear material as the result of an operational accident) or theft.

K. *Key measurement point* means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. Key measurement points thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in material balance areas.

L. *Man-year of inspection* means, for the purposes of Article 80, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a facility at any time for a total of not more than eight hours.

M. *Material balance area* means an area in or outside of a facility such that:

(a) the quantity of nuclear material in each transfer into or out of each material balance area can be determined; and

(b) the physical inventory of nuclear material in each material balance area can be determined when necessary in accordance with specified procedures,

in order that the material balance for Agency safeguards purposes can be established.

N. *Material unaccounted for* means the difference between book inventory and physical inventory.

O. *Nuclear material* means any source or any special fissionable material as defined in Article XX of the Statute. The term 'source material' shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by the Community and the States.

P. *Physical inventory* means the sum of all the measured or derived estimates of batch quantities of nuclear material on hand at a given time within a material balance area, obtained in accordance with specified procedures.

Q. *Shipper/receiver difference* means the difference between the quantity of nuclear material in a batch as stated by the shipping material balance area and as measured at the receiving material balance area.

R. *Source data* means those data, recorded during measurement or calibration or used to derive empirical relationships, which identify nuclear material and provide batch data. Source data may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element

concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.

5. *Strategic point* means a location selected during examination of design information where, under normal conditions and when

combined with the information from all strategic points taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a strategic point may include any location where key measurements related to material balance accountability are made and where containment and surveillance measures are executed.

PROTOCOL

Article 1

This Protocol amplifies certain provisions of the Agreement and, in particular, specifies the conditions and means according to which cooperation in the application of the safeguards provided for under the Agreement shall be implemented in such a way as to avoid unnecessary duplication of the Community's safeguards activities.

Article 2

The Community shall collect the information on facilities and on nuclear material outside facilities to be provided to the Agency under the Agreement on the basis of the agreed indicative questionnaire annexed to the subsidiary arrangements.

Article 3

The Agency and the Community shall carry out jointly the examination of design information provided for in Article 46 (a) to (f) of the Agreement and shall include the agreed results thereof in the subsidiary arrangements. The verification of design information provided for in Article 48 of the Agreement shall be carried out by the Agency in cooperation with the Community.

Article 4

When providing the Agency with the information referred to in Article 2 of this Protocol, the Community shall also transmit information on the inspection methods which it proposes to use and the complete proposals, including estimates of inspection efforts for the routine inspection activities, for attachments to the subsidiary arrangements for facilities and material balance areas outside facilities.

Article 5

The preparation of the attachments to the subsidiary arrangements shall be performed together by the Community and the Agency.

Article 6

The Community shall collect the reports from the operators, keep centralized accounts on the basis of these reports and proceed with the technical and accounting control and analysis of the information received.

Article 7

Upon completion of the tasks referred to in Article 6 of this Protocol the Community shall, on a monthly basis, produce and provide the Agency with the inventory change reports within the time limits specified in the subsidiary arrangements.

Article 8

Further, the Community shall transmit to the Agency the material balance reports and physical inventory listings with frequency depending on the frequency of physical inventory taking as specified in the subsidiary arrangements.

Article 9

The form and format of reports referred to in Articles 7 and 8 of this Protocol, as agreed between the Agency and the Community, shall be specified in the subsidiary arrangements.

Article 10

The routine inspection activities of the Community and of the Agency, including the inspections referred to in Article 84 of the Agreement, for the purposes of the Agreement, shall be coordinated pursuant to the provisions of Articles 11 to 23 of this Protocol.

Article 11

Subject to Articles 79 and 80 of the Agreement, in determining the actual number, intensity, duration, timing and mode of the Agency inspections in respect of each facility, account shall be taken of the inspection effort carried out by the Community in the framework of its multinational system of safeguards pursuant to the provisions of this Protocol.

Article 12

Inspection efforts under the Agreement for each facility shall be determined by the use of the criteria of Article 81 of the Agreement. Such criteria shall be implemented by using the rules and methods set forth in the subsidiary arrangements which have been used for the calculation of the inspection efforts in respect of specific examples attached to the subsidiary arrangements. These rules and methods shall be reviewed from time to time, pursuant to Article 7 of the Agreement, to take into account new technological developments in the field of safeguards and experience gained.

Article 13

Such inspection efforts, expressed as agreed estimates of the actual inspection efforts to be applied, shall be set out in the subsidiary arrangements together with relevant descriptions of verification approaches and scopes of inspections to be carried out by the Community and by the Agency. These inspection efforts shall constitute, under normal operating conditions and under the conditions set out below, the actual maximum inspection efforts at the facility under the Agreement:

- (a) the continued validity of the information on Community safeguards provided for in Article 32 of the Agreement, as specified in the subsidiary arrangements;
- (b) the continued validity of the information provided to the Agency in accordance with Article 2 of this Protocol;
- (c) the continued provision by the Community of the reports pursuant to Articles 60, 61, 63 to 65 and 67 to 69 of the Agreement, as specified in the subsidiary arrangements;
- (d) the continued application of the coordination arrangements for inspections pursuant to Articles 10 to 23 of this Protocol, as specified in the subsidiary arrangements; and
- (e) the application by the Community of its inspection effort with respect to the facility, as specified in the subsidiary arrangements, pursuant to this Article.

Article 14

(a) Subject to the conditions of Article 13 of this Protocol, the Agency inspections shall be carried out simultaneously with the inspection activities of the Community. Agency inspectors shall be present during the performance of certain of the Community inspections.

(b) Subject to the provisions of paragraph (a), whenever the Agency can achieve the purposes of its routine inspections set out in the Agreement, the Agency inspectors shall implement the provisions of Articles 74 and 75 of the Agreement through the observation of the inspection activities of the Community inspectors, provided, however, that:

(i) with respect to inspection activities of Agency inspectors to be implemented other than through the observation of the inspection activities of the Community inspectors, which can be foreseen, these shall be specified in the subsidiary arrangements; and

(ii) in the course of an inspection, Agency inspectors may carry out inspection activities other than through the observation of the inspection activities of the Community inspectors where they find this to be essential and urgent, if the Agency could not otherwise achieve the purposes of its routine inspections and this was unforeseeable.

Article 15

The general scheduling and planning of the Community inspections under the Agreement shall be established by the Community in cooperation with the Agency.

Article 16

Arrangements for the presence of Agency inspectors during the performance of certain of the Community inspections shall be agreed in advance by the Agency and the Community for each type of facility, and to the extent necessary, for individual facilities.

Article 17

In order to enable the Agency to decide, based on requirements for statistical sampling, as to its presence at a particular Community inspection, the Community shall provide the Agency with an advance statement of the numbers, types and contents of items to be inspected according to the information available to the Community from the operators of the facility.

Article 18

Technical procedures in general for each type of facility and, to the extent necessary, for individual facilities, shall be agreed in advance by the Agency and the Community, in particular, with respect to:

- (a) the determination of techniques for random selection of statistical samples; and
- (b) the checking and identification of standards.

Article 19

The coordination arrangements for each type of facility set out in the subsidiary arrangements shall serve as a basis for the coordination arrangements to be specified in each facility attachment.

Article 20

The specific coordination actions on matters specified in the facility attachments pursuant to Article 19 of this Protocol shall be taken between Community and Agency officials designated for that purpose.

Article 21

The Community shall transmit to the Agency its working papers for these inspections at which Agency inspectors were present and inspection reports for all other Community inspections performed under the Agreement.

Article 22

The samples of nuclear material for the Agency shall be drawn from the same randomly selected batches of items as for the Community and shall be taken together with Community samples, except when the maintenance of or reduction to the lowest practical level of the Agency inspection effort requires independent sampling by the Agency, as agreed in advance and specified in the subsidiary arrangements.

Article 23

The frequencies of physical inventories to be taken by facility operators and to be verified for safeguards

purposes will be in accordance with those laid down as guidelines in the subsidiary arrangements. If additional activities under the Agreement in relation to physical inventories are considered to be essential, they will be discussed in the Liaison Committee provided for in Article 25 of this Protocol and agreed implementation.

Article 24

Whenever the Agency can achieve the purposes of its *ad hoc* inspections set out in the Agreement through observation of the inspection activities of Community inspectors, it shall do so.

Article 25

(a) With a view to facilitating the application of the Agreement and of this Protocol, a Liaison Committee shall be established, composed of representatives of the Community and of the Agency.

(b) The Committee shall meet at least once a year:

- (i) to review, in particular, the performance of the coordination arrangements provided for in this Protocol, including agreed estimates of inspection efforts;
- (ii) to examine the development of safeguards methods and techniques; and
- (iii) to consider any questions which have been referred to it by the periodic meetings referred to in paragraph (c).

(c) The Committee shall meet periodically at a lower level to discuss, in particular and to the extent necessary, for individual facilities, the operation of the coordination arrangements provided for in this Protocol, including, in the light of technical and operational developments, up-dating of agreed estimates of inspection efforts with respect to changes in throughput, inventory and facility operational programmes, and the application of inspection procedures in different types of routine inspection activities and, in general terms, statistical sampling requirements. Any questions which could not be settled would be referred to the meetings mentioned in paragraph (b).

(d) Without prejudice to urgent actions which might be required under the Agreement, should problems arise in the application of Article 13 of this Protocol, in particular, when the Agency considered that the conditions specified therein had not been met, the Committee would meet as soon as possible at the suitable level in order to assess the situation and to discuss the measures to be taken. If a problem could not be settled, the

Committee may make appropriate proposals to the Parties, in particular, with the view to modifying the estimates of inspection efforts for routine inspection activities.

(e) The Committee shall elaborate proposals, as necessary, with respect to questions which require the agreement of the Parties.

S P O R A Z U M**med Kraljevino Belgijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Irsko,
Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko,
Evropsko skupnostjo za atomsko energijo
in Mednarodno agencijo za atomsko energijo o
izvajanju člena III(1) in (4) Pogodbe o neširjenju jedrskega orožja**

(78/164/Euratom)

KER so Kraljevina Belgija, Kraljevina Danska, Zvezna republika Nemčija, Irsko, Italijanska republika, Veliko vojvodstvo Luksemburg in Kraljevina Nizozemska (v nadaljevanju »države«) podpisnice Pogodbe o neširjenju jedrskega orožja (v nadaljevanju »Pogodba«), ki je bila odprta za podpis v Londonu, Moskvi in Washingtonu 1. julija 1968 in je začela veljati 5. marca 1970;

SKLICUJOČ SE, da na podlagi člena IV(1) Pogodbe nobene določbe Pogodbe ni mogoče razlagati tako, da bi bilo to v škodo neodtujljivi pravici vseh pogodbenic, da brez diskriminacije razvijajo raziskovalno delo, proizvodnjo in uporabo jedrske energije v miroljubne namene skladno s členoma I in II Pogodbe;

SKLICUJOČ SE, na dejstvo, da se v skladu s členom IV(2) Pogodbe vse pogodbenice zavezujejo, da bodo v kar največji možni meri olajševale izmenjavo naprav, materialov ter znanstvenih in tehnoloških informacij za miroljubno uporabo jedrske energije in imajo biti pravico pri njej udeležene;

SKLICUJOČ SE NADALJE, da pod pogoji istega odstavka pogodbenice, če je to v njihovi moči, sodelujejo same, ali skupaj z drugimi državami ali mednarodnimi organizacijami tudi pri prizadevanjih za nadaljnji razvoj uporabe jedrske energije v miroljubne namene, zlasti na ozemljih držav pogodbenic, ki nimajo jedrskega orožja;

KER člen III (1) Pogodbe predvideva, da se vsaka pogodbenica, ki nima jedrskega orožja, zavezuje, da bo sprejela varovanje, določeno v sporazumu, o katerem bodo tekla pogajanja in ki bo sklenjen z Mednarodno agencijo za atomsko energijo (v nadaljevanju »Agencija«) v skladu z njenim Statutom (v nadaljevanju »Statut«) in sistemom varovanja z izključnim namenom preverjati izpolnjevanje s to pogodbo prevzetih obveznosti, da bi se preprečila zloraba miroljubne uporabe jedrske energije za jedrska orožja in druge jedrske eksplozivne naprave;

KER člen III (4) Pogodbe predvideva, da pogodbenice, ki nimajo jedrskega orožja, sklenejo sporazume z Agencijo, da izpolnijo zahteve navedenega člena posamezno ali skupaj z drugimi državami v skladu s Statutom;

KER so države članice Evropske skupnosti za atomsko energijo (Euratom) (v nadaljevanju »Skupnost«) in so skupnim institucijam Evropskih skupnosti dodelile zakonodajne, izvršilne in sodne pristojnosti, ki jih te institucije izvajajo samostojno na področjih, v njihovi pristojnosti in ki lahko začnejo veljati neposredno v notranjih pravnih sistemih držav članic;

KER ima s tem institucionalnim okvirom Skupnost zlasti nalogo, da z ustreznim varovanjem zagotavlja, da se jedrski material ne uporablja v druge namene kot so bili določeni, in bodo, ko bo Pogodba začela veljati na ozemljih držav, morali biti izpolnjeni s sistemom varovanja, vzpostavljenim s Pogod-

bo o ustanovitvi Evropske skupnosti za atomsko energijo, da se osnovni material in posebni cepljivi materiali pri vseh miroljubnih jedrskih dejavnostih na ozemljih držav ne zlorablajo za jedrsko orožje ali druge jedrske eksplozivne naprave;

KER to varovanje vključuje obveščanje Skupnosti o osnovnih tehničnih lastnostih jedrskih objektov in naprav, vodenje in predložitev obratovalnih zapisov, ki omogočajo vodenje evidenc o jedrskih materialih za Skupnost kot celoto, preglede, ki jih opravijo uslužbenci Skupnosti, in sistem sankcij;

KER ima Skupnost nalogo, da z drugimi državami in z mednarodnimi organizacijami vzpostavlja odnose, ki lahko spodbujajo napredek v uporabi jedrske energije v miroljubne namene in je izrecno pooblaščen, da prevzame obveznosti posebnega varovanja v soglasju s tretjo državo ali mednarodno organizacijo;

KER sistem mednarodnega varovanja Agencije iz Pogodbe vsebuje zlasti določbe za predložitev projektnih podatkov Agenciji, vodenje evidenc, predložitev poročil o vseh jedrskih materialih, za katere velja varovanje Agencije, pregledi, ki jih opravljajo inšpektorji Agencije, zahteve za vzpostavitev in vzdrževanje sistema obračunavanja in nadzora jedrskega materiala, ki ga izvaja država, ter ukrepi v zvezi s potrjevanjem nezlorabe jedrskega materiala;

KER je Agencija v luči svoje statutarne določene odgovornosti in svojega razmerja do Generalne skupščine in Varostnega sveta Združenih narodov odgovorna, da zagotovi mednarodni skupnosti, da se na podlagi Pogodbe uporablja učinkovito varovanje;

UGOTAVLJAJOČ, da so države, ki so bile članice Skupnosti, ko so podpisale Pogodbo, ob tej priložnosti naznanile, da bo treba varovanje, opredeljeno v členu III(1) Pogodbe, določiti v sporazumu o preverjanju med Skupnostjo, državami in Agencijo in jih opredeliti na način, da ne bodo vplivali na pravice in obveznosti držav in Skupnosti;

KER je Svet guvernerjev Agencije (v nadaljevanju »Svet«) odobril okvirni sveženj vzorčnih določb za strukturo in vsebino sporazumov med Agencijo in državami, ki jih je treba pripraviti v zvezi s Pogodbo, da se bodo uporabljali kot izhodišča za pogajanja o sporazumih o varovanju med Agencijo in državami pogodbenicami brez jedrskega orožja;

KER je Agencija v skladu s členom III(A)(5) Statuta pooblaščen za izvajanje varovanja na predlog pogodbenic za vse dvostranske in večstranske dogovore, ali na predlog države za vse dejavnosti navedene države na področju atomske energije;

KER se Agencija, Skupnost in države želijo izogniti nepotrebnemu podvajanju dejavnosti varovanja;

SO SE AGENCIJA, SKUPNOST IN DRŽAVE DOGOVORILE O NASLEDNJEM:

DEL I

TEMELJNA OBVEZNOST

Člen 1

Države se na podlagi člena III(1) Pogodbe zavezujejo, da sprejmejo varovanje v skladu s pogoji iz tega sporazuma, za vse osnovne materiale ali posebne cepljive materiale pri vseh miroljubnih jedrskih dejavnostih na svojih ozemljih, pod njihovo jurisdikcijo ali ki se pod njihovim nadzorom opravljajo kjerkoli, z izključnim namenom preverjanja, da se takšen material ne zlorablja za jedrsko orožje ali druge jedrske eksplozivne naprave.

UPORABA VAROVANJA

Člen 2

Agencija ima pravico in obveznost, da zagotovi uporabo varovanja v skladu s pogoji iz tega sporazuma za vse osnovne materiale ali posebne cepljive materiale pri vseh miroljubnih jedrskih dejavnostih na ozemljih držav, pod njihovo jurisdikcijo ali ki se pod njihovim nadzorom opravljajo kjerkoli, z izključnim namenom preverjanja, da se takšen material ne zlorablja za jedrsko orožje ali druge jedrske eksplozivne naprave.

Člen 3

(a) Skupnost se zaveže, da bo pri uporabi varovanja za vse osnovne materiale ali posebne cepljive materiale pri vseh miroljubnih jedrskih dejavnostih na ozemljih držav sodelovala z Agencijo, v skladu s pogoji iz tega sporazuma, da preveri, da se taki osnovni materiali in posebni cepljivi material ne zlorablja za jedrsko orožje ali druge jedrske eksplozivne naprave.

(b) Agencija uporablja varovanje v skladu s pogoji tega sporazuma na način, da lahko pri preverjanju, da se jedrski material pri miroljubni uporabi ne zlorablja za jedrsko orožje ali druge jedrske eksplozivne naprave, potrdi ugotovitve sistema varovanja Skupnosti. Preverjanje Agencije med drugim vključuje neodvisne meritve in opazovanja, ki jih izvede Agencija v skladu s postopki, določenimi v tem sporazumu. Agencija pri preverjanju dovolj upošteva učinkovitost sistema varovanja Skupnosti v skladu s pogoji tega sporazuma.

SODELOVANJE MED AGENCIJO, SKUPNOSTJO IN DRŽAVAMI

Člen 4

Agencija, Skupnost in države sodelujejo, kolikor se to nanaša na vsako pogodbenico, pri omogočanju izvajanja varovanja, opredeljenega v tem sporazumu in se izogibajo nepotrebnemu podvajanju dejavnosti varovanja.

IZVAJANJE VAROVANJA

Člen 5

Varovanje, opredeljeno v tem sporazumu, se uresničuje na način, ki je oblikovan tako:

(a) da ni oviran gospodarski in tehnološki razvoj v Skupnosti ali mednarodno sodelovanje na področju miroljubnih jedrskih dejavnosti, vključno z mednarodno izmenjavo jedrskega materiala;

(b) da ne pride do neumestnega vmešavanja v miroljubne jedrske dejavnosti v Skupnosti, zlasti ne v obratovanje jedrskih objektov in naprav, in;

(c) da je to v skladu s prakso preudarnega gospodarjenja, ki je potrebna za gospodarno in varno opravljanje jedrskih dejavnosti.

Člen 6

(a) Agencija stori vse potrebno, da zavaruje poslovne in industrijske skrivnosti in druge zaupne informacije, za katere izve pri izvajanju tega sporazuma.

(b) (i) Agencija nobenih informacij, ki jih pridobi v zvezi z izvajanjem tega sporazuma, ne objavi in ne posreduje nobeni državi, organizaciji ali osebi, razen posebnih informacij, ki se nanašajo na izvajanje sporazuma, ki se lahko dajo Svetu in tistemu osebju Agencije, ki takšno poznavanje potrebuje zaradi svojih uradnih dolžnosti v zvezi z varovanjem, ampak samo toliko kot je potrebno, da Agencija izpolni svoje naloge pri izvajanju tega sporazuma.

(ii) Povzetki informacij o jedrskem materialu, za katerega velja varovanje v skladu s tem sporazumom, se smejo objaviti na podlagi sklepa Sveta, če se neposredno vpletene države ali Skupnost, kolikor se to nanaša na posamezno pogodbenico, s tem strinjajo.

Člen 7

(a) Pri izvajanju varovanja na podlagi tega sporazuma je treba v celoti upoštevati tehnološki razvoj na področju varovanja in si v največji meri prizadevati za zagotovitev optimalne stroškovne učinkovitosti in za upoštevanje načela o učinkovitem varovanju pretoka jedrskega materiala, za katerega velja varovanje po tem sporazumu, z uporabo instrumentov in drugih tehnik na nekaterih strateških mestih do stopnje, ki jo dovoljuje sedanja ali prihodnja tehnologija.

(b) Da se zagotovi optimalna stroškovna učinkovitost, se uporabljajo sredstva, kot so:

(i) hramba, kot način, da se opredelijo cone materialne bilance v obračunske namene;

(ii) statistične metode in naključno vzorčenje pri vrednotenju pretoka jedrskega materiala; in

(iii) osredotočenje postopkov preverjanja na tiste faze jedrskega gorivnega cikla, ki vključujejo proizvodnjo, predelavo, uporabo ali skladiščenje jedrskega materiala, iz katerega bi se lahko neposredno izdelalo jedrsko orožje ali druge jedrske eksplozivne naprave, ter največje zmanjšanje postopkov preverjanja pri drugem jedrskem materialu pod pogojem, da to ne ovira Agencije pri uporabi varovanja po tem sporazumu.

POSREDOVANJE INFORMACIJ AGENCIJI

Člen 8

(a) Da se zagotovi učinkovito izvajanje varovanja v skladu s tem sporazumom, Skupnost v skladu z določbami tega sporazuma, pošlje Agenciji informacije o jedrskem materialu, na katerega se nanaša varovanje ter o značilnostih objektov in naprav, povezanih z varovanjem takšnega materiala.

(b)(i) Agencija v skladu z izpolnjevanjem svojih obveznosti iz tega sporazuma zahteva le minimalno količino informacij in podatkov.

(ii) Informacije o objektih in napravah so minimalne informacije, potrebne za varovanje jedrskega materiala, za katerega veljajo varovanja po tem sporazumu.

(c) Na zahtevo Skupnosti je Agencija pripravljena v prostorih Skupnosti pregledati projektne podatke, ki jih Skupnost šteje za posebno občutljive. Takih podatkov ni treba fizično pošiljati Agenciji, po pogojem, da so ji takoj na voljo za nadaljnje preučevanje v prostorih Skupnosti.

INŠPEKTORJI AGENCIJE

Člen 9

(a)(i) Agencija daje soglasje Skupnosti in državam k imenovanju svojih inšpektorjev v državah.

(ii) Če Skupnost bodisi ob predlogu za imenovanje bodisi kadar koli po opravljenem imenovanju nasprotuje imenovanju, Agencija Skupnosti in državam predlaga nadomestno imenovanje ali imenovanja.

(iii) Če bi ponavljajoče se zavračanje sprejema imenovanih inšpektorjev Agencije s strani Skupnosti oviralo opravljanje pregledov po tem sporazumu, tako zavračanje na zahtevo generalnega direktorja Agencije (v nadaljevanju

»generalnega direktorja«) obravnava Svet z namenom, da ustrezno ukrepa.

(b) Skupnost in države ustrezno ukrepajo, da inšpektorjem Agencije zagotovijo učinkovito opravljanje nalog po tem sporazumu.

(c) Obiski in dejavnosti inšpektorjev Agencije so organizirani tako, da se:

(i) kolikor je mogoče, zmanjšajo morebitne neprijetnosti in motnje za Skupnost in države ter za miroljubne jedrske dejavnosti, ki se pregledujejo; in

(ii) zagotovi varstvo industrijskih skrivnosti ali vseh drugih zaupnih informacij, za katere izvedo inšpektorji.

PRIVILEGIJI IN IMUNITETE

Člen 10

Vsaka država uporabi za Agencijo, vključno z njeno lastnino, sredstvi in premoženjem, in za njene inšpektorje in druge uradnike, ki opravljajo naloge po tem sporazumu, ustrezne določbe sporazuma o privilegijih in imunitetah Mednarodne agencije za atomsko energijo.

PORABA ALI RAZREDČITEV JEDRSKEGA MATERIALA

Člen 11

Varovanje po tem sporazumu nad jedrskim materialom preneha, ko Skupnost in Agencija ugotovita, da je bil material bodisi porabljen bodisi razredčen na način, da ni več uporaben za kakršne koli jedrske dejavnosti, pomembne s stališča varovanja, ali se praktično ne more več regenerirati.

IZNOS JEDRSKEGA MATERIALA IZ DRŽAV

Člen 12

Skupnost Agencijo vnaprej obvesti o iznosu jedrskega materiala, za katerega velja varovanje po tem sporazumu, iz držav, v skladu z določbami tega sporazuma. Varovanje po tem sporazumu za jedrski material preneha, ko država prejemnica prevzame odgovornost zanj, kot je opredeljeno v tem sporazumu. Agencija vodi evidenco o vsakem iznosu jedrskega materiala, in kjer je to primerno, ponovno uporablja varovanje za izneseni jedrski material.

DOLOČBE V ZVEZI Z JEDRSKIM MATERIALOM, KI NAJ BI SE UPORABLJAL ZA NEJEDRSKE DEJAVNOSTI

Člen 13

Kadar se bo jedrski material, za katerega velja varovanje po tem sporazumu, uporabljal za nejedrske dejavnosti, kot je proizvodnja zlitin ali keramike, se Skupnost, preden ga tako uporabi, z Agencijo sporazume o okoliščinah, v katerih varovanje po tem sporazumu za takšen material lahko preneha.

NEUPORABA VAROVANJA ZA JEDRSKI MATERIAL, KI NAJ BI SE UPORABLJAL ZA NEMIROLJUBNE DEJAVNOSTI

Člen 14

Če ima država po lastni presoji namen uporabljati jedrski material, ki mora biti po tem sporazumu varovan, za jedrsko dejavnost, za katero ni treba uporabljati varovanja po tem sporazumu, se uporabljajo naslednji postopki:

(a) Skupnost in država Agencijo obvestita o dejavnosti in država jasno nevede:

(i) da uporaba jedrskega materiala v nepredpisani vojaški dejavnosti ne bo v nasprotju z obvezo, ki jo je država morebiti dala in v zvezi s katero se uporablja varovanje Agencije, da se bo material uporabljal samo v miroljubni jedrski dejavnosti; in

(ii) da se v obdobju neuporabe varovanja po tem sporazumu jedrski material ne bo uporabljal za izdelavo jedrskega orožja ali drugih jedrskih eksplozivnih naprav.

(b) Agencija in Skupnost skleneta dogovor, po katerem se varovanje, predvideno s tem sporazumom, ne uporablja samo takrat, kadar je jedrski material v takšni dejavnosti. Kolikor je to mogoče, dogovor določa čas ali okoliščine, v katerih se takšno varovanje ne uporablja. V vsakem primeru se varovanje, predvideno s tem sporazumom, spet uporablja takoj, ko se jedrski material ponovno uvede v miroljubno jedrsko dejavnost. Agencijo se sproti obvešča o skupni količini in sestavi takšnega materiala v zadevni državi ali državah in o vsakem iznosu takšnega materiala iz navedene države ali držav; in

(c) vsak dogovor bo dosežen v soglasju z Agencijo. Takšno soglasje se da čim prej in se nanaša le na takšne zadeve, kot so med drugim začasne in postopkovne določbe ter dogovori o poročanju, ne vključuje pa nobenih odobritev ali poznavanja zaupne vojaške dejavnosti oziroma se ne nanaša na uporabo jedrskega materiala za tako dejavnost.

FINANCIRANJE

Člen 15

Agencija, Skupnost in države krijejo vsaka svoje stroške, ki jih imajo v zvezi z izpolnjevanjem njihovih obveznosti po tem sporazumu. Če pa ima Skupnost, države ali osebe pod njihovo jurisdikcijo izredne stroške, nastale zaradi posebne zahteve Agencije, Agencija takšne stroške povrne pod pogojem, da je na to vnaprej pristala. V vsakem primeru Agencija krije stroške vseh dopolnilnih meritev ali vzorčenja, ki jih lahko zahtevajo inšpektorji Agencije.

ODGOVORNOST DO TRETJIH ZA JEDRSKO ŠKODO

Člen 16

Skupnost in države zagotovijo, da se v zvezi z izvajanjem tega sporazuma vsako varstvo odgovornosti do tretjih za jedrsko škodo, vključno z zavarovanjem ali drugim finančnim jamstvom, ki je lahko na voljo po njihovih zakonih in drugih predpisih, enako uporablja za Agencijo in njene uslužbenke, kot se uporablja za državljanke držav.

MEDNARODNA ODGOVORNOST

Člen 17

Vsak odškodninski zahtevek Skupnosti ali države do Agencije ali Agencije do Skupnosti ali države glede kakršne koli škode, nastale v zvezi z izvajanjem varovanja po tem sporazumu, razen škode, povzročene z jedrsko nesrečo, se obravnavajo v skladu z mednarodnim pravom.

UKREPI ZA PREVERJANJE NEZLORABE JEDRSKEGA MATERIALA

Člen 18

Če Svet na podlagi poročila generalnega direktorja odloči, da je posamezno dejanje Skupnosti ali države, v kolikor gre za posamezno zadevo, bistveno in nujno, da se preveri in potrdi, da jedrski material, za katerega velja varovanje po tem sporazumu, ni bil zlorabljen za jedrsko orožje ali druge jedrske eksplozivne naprave, lahko Skupnost ali državo pozove, da nemudoma ustrezno ukrepa ne glede na to, ali je bil uveljavljen postopek reševanja spora na podlagi člena 22.

Člen 19

Če Svet po pregledu ustrezne informacije, o kateri mu je poročal generalni direktor, ugotovi, da Agencija ne more preveriti, da ni prišlo do zlorabe jedrskega materiala, za katerega se zahteva varovanje po tem sporazumu, za jedrska orožja ali druge jedrske eksplozivne naprave, lahko izdela poročila,

opredeljena v členu XII (C) Statuta in lahko, kjer je to primerno, sprejme še druge v tem členu opredeljene ukrepe. Pri takšnem ukrepanju Svet upošteva stopnjo gotovosti, ki jo zagotavlja uporabljeno varovanje, in da Skupnosti ali državi, v kolikor se to posamično nanaša nanjo, vsako razumno priložnost, da Svetu priskrbita potrebna dodatna zagotovila.

RAZLAGA IN UPORABA SPORAZUMA TER REŠEVANJE SPOROV

Člen 20

Na predlog Agencije, Skupnosti ali države se o vsakem vprašanju, ki se pojavi v zvezi z razlago ali uporabo tega sporazuma, opravijo posvetovanja.

Člen 21

Skupnost in države imajo pravico predlagati, da vsako vprašanje, v zvezi z razlago ali uporabo tega sporazuma, obravnava Svet. Svet povabi Skupnost in države, da se udeležijo razprave, na kateri bo Svet obravnaval vsako takšno vprašanje.

Člen 22

Katerikoli spor, ki nastane v zvezi z razlago ali uporabo tega sporazuma, razen spora v zvezi z ugotovitvijo Sveta po členu 19 ali z ukrepom Sveta na podlagi take ugotovitve, ki se ne reši s pogajanjem ali drugim primernim postopkom, s katerim se strinjajo Agencija, Skupnost in države, se na predlog ene izmed njih predloži arbitražnemu sodišču, sestavljenemu iz petih arbitrov. Skupnost in države imenujejo dva arbitra, Agencija prav tako imenuje dva arbitra, in ti štirje arbitri izvolijo petega, ki je predsednik.

Če v roku 30 dni od predloga za arbitražo Skupnost in države ali Agencija ne imenujejo vsaka po dva arbitra, lahko Skupnost ali Agencija zaprosi predsednika Mednarodnega sodišča, da imenuje arbitre. Isti postopek se uporabi, če v roku 30 dni od imenovanja četrtega arbitra peti še ni izvoljen.

Večina članov arbitražnega sodišča sestavlja sklepčnost in za vsako odločitev je potrebno soglasje najmanj treh arbitrov. Arbitražni postopek določi arbitražno sodišče. Odločitve arbitraže so zavezujoče za Agencijo, Skupnost in države.

PRISTOP

Člen 23

(a) Ta sporazum začne za države podpisnice Pogodbe, ki nimajo jedrskega orožja, in ki postanejo članice Skupnosti veljati po:

(i) uradnem obvestilu države Agenciji, da so končani njeni postopki za začetek veljavnosti tega sporazuma; in

(ii) uradnem obvestilu Skupnosti Agenciji, da lahko uporablja varovanje v zvezi z državo v namene tega sporazuma.

(b) Kadar je država sklenila z Agencijo druge sporazume za uporabo varovanja Agencije ob začetku veljavnosti tega sporazuma za navedeno državo, se uporaba varovanja Agencije na podlagi takšnih sporazumov začasno ukine, dokler velja ta sporazum; vendar pod pogojem, da še naprej ostane v veljavi obveznost države v navedenih sporazumih, da ne uporablja predmetov, ki so z njimi zajeti, na način, da bi z njim spodbujala uporabo v kakršen koli vojaški namen.

SPREMEMBA SPORAZUMA

Člen 24

(a) Agencija, Skupnost in države se na predlog katerekoli izmed njih, posvetujejo o spremembi tega sporazuma.

(b) Za vsako spremembo tega sporazuma je potrebno soglasje Agencije, Skupnosti in držav.

(c) Generalni direktor državam članicam Agencije takoj sporoči vsako spremembo tega sporazuma.

ZAČETEK VELJAVNOSTI IN VELJAVNOST

Člen 25

(a) Ta sporazum začne veljati z dnem, ko Agencija od Skupnosti in držav prejme pisno uradno obvestilo, da so izpolnjene njihove zahteve za začetek veljavnosti. Generalni direktor vsem državam članicam Agencije takoj sporoči začetek veljavnosti tega sporazuma.

(b) Ta sporazum velja dokler so države pogodbenice Pogodbe.

PROTOKOL

Člen 26

Protokol, priložen k temu sporazumu, je njegov sestavni del. V tem sporazumu uporabljen izraz "Sporazum" pomeni Sporazum in Protokol skupaj.

DEL II

UVOD

Člen 27

Namen tega dela Sporazuma je opredeliti zahtevane postopke, ki se uporabljajo pri izvajanju določb o varovanju iz Dela I.

CILJ VAROVANJA

Člen 28

Cilj postopkov varovanja, določenih v tem sporazumu, je pravočasno odkrivanje zlorab pomembnih količin jedrskega materiala iz miroljubnih jedrskih dejavnosti v izdelavo jedrskih orožij ali drugih jedrskih eksplozivnih naprav ali v nepoznane namene, ter odvracanje od takih zlorab s tveganim zgodnjega odkrivanja.

Člen 29

Za uresničevanje cilja iz člena 28, se kot ukrep varovanja temeljnega pomena uporablja materialno knjigovodstvo s hrambo in nadzorom, kot pomembnima dopolnilnima ukrepoma.

Člen 30

Tehnični zaključek dejavnosti preverjanja Agencije je izjava o vsaki coni materialne bilance in o količini neevidentiranega materiala v določenem obdobju ter podanimi mejami natančnosti za navedene količine.

SISTEM VAROVANJA SKUPNOSTI

Člen 31

Na podlagi člena 3, Agencija pri opravljanju dejavnosti preverjanja, v celoti uporablja sistem varovanja Skupnosti.

Člen 32

Sistem knjigovodstva Skupnosti in nadzora jedrskega materiala po tem sporazumu temelji na strukturi con materialne bilance. Komisija bo pri izvajanju varovanja uporabljala in, kolikor je treba, predvidela, na način kot je ustrezno in določeno v dopolnilnih dogovorih, ukrepe kot so:

(a) merilni sistem za ugotavljanje količin prejetega, proizvedenega, poslanega, izgubljenega ali kako drugače odstranjenega jedrskega materiala ter količin v inventarju;

(b) vrednotenje natančnosti in točnosti meritev ter ocena nezanesljivosti meritev;

(c) postopki za ugotavljanje, pregledovanje in vrednotenje razlik med meritvami pošiljatelja in prejemnika;

(d) postopki za popisovanje fizičnega inventarja;

(e) postopki za vrednotenje kopičenja neizmerjenega inventarja in neizmerjenih izgub;

(f) sistem evidenc in poročil, ki za vsako cono materialne bilance kažejo inventar jedrskega materiala in spremembe v njem, vključno z vnosi v cono materialne bilance in iznosi iz nje;

(g) določbe, ki zagotavljajo, da so knjigovodski postopki in režimi vodeni pravilno; in

(h) postopki za pošiljanje poročil Agenciji v skladu s členi 59 do 65 in 67 do 69.

Člen 33

Varovanje po tem sporazumu se ne uporablja za material pri rudarjenju ali predelavi rude.

Člen 34

(a) Kadar se kateri koli material, ki vsebuje uran ali torij, ki ni dosegel stopnje jedrskega gorivnega ciklusa, opisanega v odstavku (c), neposredno ali posredno izvozi v državo, ki nima jedrskega orožja, ki ni stranka tega sporazuma, Skupnost obvesti Agencijo o njegovi količini, sestavi in namembnem kraju, razen če se material izvozi za izrecno nejedrsko namene.

(b) Kadar se kateri koli material, ki vsebuje uran ali torij, ki ni dosegel stopnje jedrskega gorivnega ciklusa, opisanega v odstavku (c), uvozi v državo, Skupnost obvesti Agencijo o njegovi količini in sestavi, razen če se material uvozi za izrecno nejedrsko namene.

(c) Kadar kateri koli jedrski material, ki je po svoji sestavi in čistosti primeren za izdelavo goriva ali za izotopsko obogatitev, zapusti obrat ali fazo procesa, v kateri je bil proizveden, ali kadar se tak jedrski material ali kak drug jedrski material, proizveden v poznejši fazi jedrskega gorivnega ciklusa, uvozi v državo, zanj veljajo drugi postopki varovanja, določeni v tem sporazumu.

PRENEHANJE VAROVANJA

Člen 35

(a) Varovanje po tem sporazumu za jedrski material preneha pod pogoji, določenimi v členu 11. Kadar pogoji navedenega člena niso izpolnjeni, vendar Skupnost meni, da regeneriranje jedrskega materiala, za katerega velja varovanje po tem sporazumu iz ostankov, nekaj časa ni izvedljivo ali zaželeno, se Skupnost in Agencija posvetujeta o ustreznem varovanju, ki naj se uporablja.

(b) Varovanje po tem sporazumu za jedrski material preneha pod pogoji, določenimi v členu 13, če se Agencija in Skupnost sporazumeta, da se tak jedrski material praktično ne more več regenerirati.

IZVZETJE IZ VAROVANJA

Člen 36

Na predlog Skupnosti Agencija iz varovanja izvzame naslednji jedrski material:

(a) posebni cepljivi material, kadar se uporablja v gramskih ali manjših količinah kot senzorska komponenta v inštrumentih;

(b) jedrski material, ki se uporablja za nejedrsko dejavnost v skladu s členom 13, če se tak jedrski material lahko regenerira; in

(c) plutonij z več kot 80-odstotno vsebnostjo izotopa plutonij-238.

Člen 37

Na predlog Skupnosti Agencija izvzame iz varovanja po tem sporazumu jedrski material, za katerega bi sicer veljalo varovanje, pod pogojem, da skupna količina jedrskega materiala, ki je bil v državah izvzet v skladu s tem členom, nikoli ne sme preseči:

(a) skupaj enega kilograma posebnega cepljivega materiala, ki se lahko sestoji iz enega ali več naslednjih elementov:

(i) plutonija;

(ii) urana z obogatitvijo 0.2 (20%) in več, izračunano, da se njegova teža pomnoži z obogatitvijo; in

(iii) urana z obogatitvijo pod 0.2 (20%) in večjo od naravnega urana, izračunano, da se njegova teža pomnoži s petkratnim kvadratom njegove obogatitve;

(b) skupaj deset ton naravnega urana in osiromašene urana z obogatitvijo nad 0.005 (0.5%);

(c) dvajset ton osiromašene urana z obogatitvijo 0.005 (0.5%) ali manj; in

(d) dvajset ton torija;

ali večjih količin, ki jih Svet lahko določi za enotno uporabo.

Člen 38

Če je izvzeti jedrski material treba predelati ali uskladiščiti skupaj z jedrskim, za katerega velja varovanje po tem sporazumu, se zanj zagotovi ponovna uporaba varovanja.

DOPOLNILNI DOGOVORI

Člen 39

Skupnost in Agencija skleneta dopolnilne dogovore, v katerih so opredeljene podrobnosti o uporabi postopkov, predpisanih v tem sporazumu, v obsegu, ki je potreben, da Agencija lahko zadovoljivo učinkovito izpolnjuje svoje obveznosti po tem sporazumu. Dopolnilni dogovori se lahko razširijo ali spremenijo z dogovorom med Agencijo in Skupnostjo brez sprememb tega sporazuma.

Člen 40

Dopolnilni dogovor začne veljati hkrati ali čim prej po začetku veljavnosti tega sporazuma. Agencija, Skupnost in države storijo vse potrebno, da ti dogovori začnejo veljati v devetdesetih dneh po začetku veljavnosti tega sporazuma; za podaljšanje tega roka je potrebno soglasje Agencije, Skupnosti in držav. Skupnost nemudoma posreduje Agenciji informacije, potrebne za sklenitev dopolnilnih dogovorov. Po začetku veljavnosti tega sporazuma ima Agencija pravico uporabljati postopke, določene v tem sporazumu glede jedrskega materiala, ki je naveden v inventarju iz člena 41, tudi če dopolnilni dogovori še niso začeli veljati.

INVENTAR

Člen 41

Na podlagi začetnega poročila iz člena 62 Agencija vzpostavi enotni inventar za ves jedrski material v državah, za katerega velja varovanje po tem sporazumu, ne glede na poreklo in ga vzdržuje na podlagi poznejših poročil in rezultatov dejavnosti preverjanja. Kopije inventarja bodo na razpolago Skupnosti v dogovorjenih časovnih presledkih.

PROJEKTNI PODATKI

Splošne določbe

Člen 42

V skladu s členom 8 Skupnost projektne podatke o obstoječih objektih in napravah posreduje Agenciji med razpravo o dopolnilnih dogovorih. Roki za predložitev projektnih podatkov o novih objektih in napravah se določijo v dopolnilnih dogovorih in take podatke je treba posredovati čim prej pred vnosom jedrskega materiala v novi objekt ali napravo.

Člen 43

Projektne podatki, ki se posredujejo Agenciji, morajo za vsak objekt in napravo, kadar je primerno, obsegati:

(a) podatke o objektu in napravi z navedbo splošne narave, namena, nazivne zmogljivosti in zemljepisne lege ter ime in naslov, ki se uporabljata v vsakdanje poslovne namene;

(b) opis splošne ureditve objekta z navedbo, v izvedljivem obsegu, oblike, lokacije in pretoka jedrskega materiala ter splošni razpored pomembnejše opreme, namenjene uporabi, proizvodnji ali predelavi jedrskega materiala;

(c) opis lastnosti objekta in naprave glede na materialno knjigovodstvo, hrambo in nadzorovanje; in

(d) opis obstoječih in predlaganih postopkov pri objektu in napravi za materialno knjigovodstvo in nadzor jedrskega materiala s posebnim sklicevanjem na cone materialnih bilanc, ki jih je določil upravljavec, ter na merjenja pretoka in na postopke ugotavljanja fizičnega inventarja.

Člen 44

Agenciji se za vsak objekt in napravo posredujejo tudi druge informacije, pomembne za uporabo varovanja po tem sporazumu, če je tako določeno v dopolnilnih dogovorih. Skupnost Agenciji posreduje dodatne informacije o postopkih za zdravstveno varstvo in varnost, ki jih Agencija upošteva in v skladu s katerimi inšpektorji Agencije ravna v objektu ali napravi.

Člen 45

Skupnost Agenciji posreduje v preučitev projektne podatke v zvezi s spremembami, pomembnimi za namene varovanja po tem sporazumu, dovolj vnaprej je obveščena o vsaki spremembi podatkov, ki jih je prejela po členu 44, kar zagotavlja pravočasno prilagoditev postopkov varovanja, ki se uporabljajo po tem sporazumu, kadar je to potrebno.

Člen 46

Namen pregleda projektnih podatkov

Projektni podatki, ki se posredujejo Agenciji, se uporabljajo za naslednje namene:

(a) ugotoviti značilnosti objektov in naprav ter jedrskega materiala, pomembnih za uporabo varovanja, zadosti podrobno, da se omogoči preverjanje;

(b) določiti cone materialne bilance, ki se po tem sporazumu uporabljajo za knjigovodske namene, in izbrati tiste strateške točke, ki so ključne točke merjenja in se bodo uporabljale za ugotavljanje pretoka in inventarja jedrskega materiala; pri določanju takih con materialne bilance se med drugim uporabljajo naslednja merila:

(i) velikost cone materialne bilance je povezana z natančnostjo, s katero se lahko vzpostavi materialna bilanca;

(ii) pri določanju cone materialne bilance se izkoristi vsaka priložnost uporabe hrambe in nadzora, ki pomaga zagotoviti popolnost meritev pretoka materiala in s tem poenostavitev uporabe varovanja in osredotočenje merjenja na ključna mesta;

(iii) na predlog Skupnosti se za fazo postopka, ki vključuje komercialno občutljive informacije, lahko oblikuje posebna cona materialne bilance;

(c) določiti nominalno časovno razporeditev in postopke za ugotavljanje fizičnega inventarja jedrskega materiala za knjigovodske namene po tem sporazumu;

(d) določiti zahteve po evidencah in poročilih ter postopke za vrednotenje evidenc;

(e) določiti zahteve in postopke za preverjanje količine in lokacije jedrskega materiala; in

(f) izbrati primerne kombinacije postopkov in tehnik za hrambo in nadzor ter strateške točke, na katerih naj se uporabljajo.

Rezultati pregleda projektnih podatkov, kakor so dogovorjeni med Agencijo in Skupnostjo, se vključijo v dopolnilne aranžmaje.

Člen 47

Ponovni pregled projektnih podatkov

Projektni podatki se ponovno pregledajo glede na spremembe obratovalnih pogojev, razvoj tehnologije varovanja ali izkušnje pri uporabi postopkov preverjanja, zaradi spreminjanja ukrepanja na podlagi člena 46.

Člen 48

Preverjanje projektnih podatkov

V sodelovanju s Skupnostjo in državo lahko Agencija pošlje v objekte in naprave inšpektorje, da preverijo projektne podatke, posredovane Agenciji na podlagi členov 42 do 45 za namene, navedene v členu 46.

INFORMACIJE O JEDRSKEM MATERIALU ZUNAJ OBJEKTOV IN NAPRAV

Člen 49

Kadar se jedrski material uporablja na običajen način zunaj objekta in naprave, Skupnost Agenciji posreduje naslednje informacije, kakor je primerno:

(a) splošni opis uporabe jedrskega materiala, njegove zemljepisne lege ter ime in naslov uporabnika za vsakdanje poslovne namene;

(b) splošni opis obstoječih in predlaganih postopkov za knjigovodstvo in nadzor jedrskega materiala, kakor je določeno v dopolnilnih aranžmajih.

Skupnost Agencijo pravočasno obvešča o vseh spremembah podatkov, ki se ji posredujejo po tem členu.

Člen 50

Podatki, posredovani Agenciji na podlagi člena 49, se lahko, kolikor je ustrezno, uporabljajo za namene, določene v členu 46 (b) do (f).

SISTEM EVIDENC

Splošne določbe

Člen 51

Skupnost poskrbi, da se v zvezi z vsako cono materialne bilance vodijo evidence. Evidence, ki jih je treba voditi, so opisane v dopolnilnih dogovorih.

Člen 52

Skupnost vzpostavi ureditev, ki inšpektorjem Agencije olajša pregled evidenc, zlasti če evidence niso vodene v angleškem, francoskem, ruskem ali španskem jeziku.

Člen 53

Evidence se hranijo vsaj pet let.

Člen 54

Evidence so, kakor je ustrezno, sestavljene iz:

(a) knjigovodskih evidenc vsega jedrskega materiala, za katerega velja varovanje po tem sporazumu; in

(b) obratovalnih zapisov za objekte in naprave, ki vsebujejo tak jedrski material.

Člen 55

Sistem meritev, na katerih temeljijo evidence za pravo poročilo, morajo biti bodisi v skladu z najnovejšimi mednarodnimi standardi bodisi enakovredne kakovosti, kot so ti standardi.

Knjigovodske evidence

Člen 56

Knjigovodske evidence omogočajo za vsako cono materialne bilance vpogled v:

(a) vse spremembe inventarja na način, ki ob vsakem času dovoljuje ugotavljanje knjigovodskega inventarja;

(b) vse rezultate meritev, uporabljenih pri določanju fizičnega inventarja; in

(c) vse prilagoditve in popravke, ki so bili narejeni v zvezi s spremembami inventarja, tako knjigovodskega inventarja kot fizičnega inventarja.

Člen 57

Za vse spremembe inventarja in za fizični inventar evidence v zvezi z vsako šaržo jedrskega materiala izkazujejo: identifikacijo materiala, podatke o šarži in izvorne podatke. V evidencah se v vsaki šarži jedrskega materiala uran, torij in plutonij obračunavajo ločeno. Za vsako spremembo inventarja se navede datum spremembe inventarja, in kjer je to ustrezno, odpremna cona materialne bilance ter sprejemna cona materialne bilance oziroma prejemnika.

Člen 58**Obratovalni zapisi**

Obratovalni zapisi omogočajo za vsako cono materialne bilance, kjer je to ustrezno vpogled v:

- (a) podatke o obratovanju, ki se uporabljajo za ugotavljanje sprememb količin in sestave jedrskega materiala;
- (b) podatke, dobljene z umerjanjem cistern in instrumentov ter vzorčenjem in analizami, s postopki za nadzor kakovosti meritev in iz tega izvedenimi ocenami slučajnih in sistematičnih napak;
- (c) opis zaporedja dejavnosti pri pripravi in ugotavljanju fizičnega inventarja, da se zagotovi pravilnost in celovitost; in
- (d) opis ukrepanja, da se določi vzrok in velikost morebitno nastale naključne ali neizmerjene izgube.

SISTEMI POROČIL**Splošne določbe****Člen 59**

Skupnost predloži Agenciji poročila, kot so navedena v členih 60 do 65 in 67 do 69, za jedrski material, za katerega velja varovanje po tem sporazumu.

Člen 60

Poročila se izdelajo v angleškem, francoskem, ruskem ali španskem jeziku, če z dopolnilnimi dogovori ni določeno drugače.

Člen 61

Poročila temeljijo na evidencah, vodenih v skladu s členi 51 do 58, in so, kjer je ustrezno, sestavljena iz knjigovodskih in posebnih poročil.

Knjigovodska poročila**Člen 62**

Skupnost Agenciji predloži začetno poročilo o vsem jedrskem materialu, za katerega velja varovanje po tem sporazumu. Začetno poročilo se Agenciji pošlje v tridesetih dneh po zadnjem dnevu koledarskega meseca, v katerem začne veljati ta sporazum, in odraža stanje materiala na zadnji dan navedenega meseca.

Člen 63

Skupnost posreduje Agenciji za vsako cono materialne bilance naslednja knjigovodska poročila:

- (a) poročila o inventarnih spremembah, ki prikazujejo vse spremembe inventarja jedrskega materiala. Poročila se pošiljajo čim prej, vsekakor pa v rokih, določenih v dopolnilnih aranžmajih; in
- (b) poročila o materialni bilanci, ki prikazujejo bilanco materiala, temelječo na fizičnem inventarju jedrskega materiala, ki se dejansko nahaja v coni materialne bilance. Poročila se pošiljajo čim prej, vsekakor pa v rokih, določenih v dopolnilnih aranžmajih.

Poročila temeljijo na podatkih, ki so na voljo na dan poročanja in se lahko, če je potrebno, pozneje popravijo.

Člen 64

V poročilih o inventarnih spremembah se navedejo za vsako šaržo jedrskega materiala podatki o identifikaciji in šarži, datum inventarne spremembe, in kot je ustrezno, podatki o odpremni in sprejemni coni materialne bilance oziroma prejemnika. Tem poročilom se priložijo kratke in jedrnate opombe, v katerih se:

- (a) na podlagi podatkov o obratovanju iz obratovalnih zapisov, opredeljenih v členu 58(a), obrazložijo inventarne spremembe; in
- (b) opiše, kot je določeno v dopolnilnih aranžmajih, predvideni operativni program, zlasti ugotavljanje fizičnega inventarja.

Člen 65

Skupnost poroča o vsaki spremembi inventarja, prilagoditvi in popravku bodisi v rednih časovnih presledkih z zbirnim seznamom bodisi sproti. O inventarnih spremembah se poroča po šaržah. Kot je določeno v dopolnilnih dogovorih, se manjše spremembe inventarja jedrskega materiala, kot so prenos analitičnih vzorcev, lahko združujejo v eno šaržo in navajajo kot ena sama inventarna sprememba.

Člen 66

Agencija posreduje Skupnosti za vsako cono materialne bilance polletne izjave o knjigovodskem inventarju jedrskega materiala, za katerega velja varovanje po tem sporazumu, ki jih uporabljajo zainteresirane stranke, in izjave temeljijo na poročilih o inventarnih spremembah za obdobje, ki ga vsaka taka izjava zajema.

Člen 67

Poročila o materialni bilanci vsebujejo, če se Agencija in Skupnost ne dogovorita drugače, naslednje:

- (a) začetni fizični inventar;
- (b) inventarne spremembe (najprej povečanja, nato zmanjšanja);
- (c) končni knjigovodski inventar;
- (d) razlike med pošiljateljem in prejemnikom;
- (e) prilagojeni končni knjigovodski inventar;
- (f) končni fizični inventar; in
- (g) neevidentirani material.

Izjava o fizičnem inventarju, v kateri so ločeno navedene vse šarže in identifikacije materiala ter podatki o vsaki šarži, se priložijo vsakemu poročilu o materialni bilanci.

Člen 68**Posebna poročila**

Skupnost brez odlašanja izdela posebna poročila:

- (a) če zaradi nenavadne nezgode ali okoliščin Skupnost meni, da je ali utegne priti do izgube jedrskega materiala, ki presega meje, določene v te namene v dopolnilnih dogovorih; ali
- (b) če se hramba nepričakovano spremeni glede na stanje, določeno v dopolnilnih dogovorih, do obsega, da je mogoč nedovoljen iznos jedrskega materiala.

Člen 69**Dopolnjevanje in pojasnjevanje poročil**

Na predlog Agencije Skupnost svoja poročila dopolni ali pojasni kolikor je ustrezno za namen varovanja po tem sporazumu.

INŠPEKCIJSKI PREGLEDI**Člen 70****Splošne določbe**

Agencija ima pravico opravljati inšpekcijske preglede kakor je opredeljeno v tem sporazumu.

Namen inšpekcijskih pregledov

Člen 71

Agencija lahko opravlja ad hoc inšpekcijske preglede, da:

- (a) preveri podatke, ki jih vsebuje začetno poročilo o jedrskem materialu, za katerega velja varovanje po tem sporazumu in ugotovi in preveri spremembe stanja, ki so nastale od dne začetnega poročila do dne začetka veljavnosti dopolnilnih dogovorov glede danega objekta in naprav; in
- (b) ugotovi, in če je to mogoče, preveri količino in sestavo jedrskega materiala, za katerega velja varovanje po tem sporazumu, v skladu s členoma 93 in 96, pred iznosom iz oziroma vnosom materiala v državo, razen prenosov znotraj Skupnosti.

Člen 72

Agencija lahko opravlja redne inšpekcijske preglede, da:

- (a) preveri, ali se poročila ujemajo z evidencami;
- (b) preveri lokacijo, istovetnost, količino in sestavo vsega jedrskega materiala, za katerega velja varovanje po tem sporazumu; in
- (c) preveri podatke o možnih vzrokih za neevidentirani material, razlike med pošiljateljem in prejemnikom ter negotove podatke v knjigovodskem inventarju.

Člen 73

V skladu s postopki iz člena 77 lahko Agencija opravlja posebne inšpekcijske preglede:

- (a) da preveri podatke iz posebnih poročil; ali
- (b) če Agencija meni, da so podatki, ki jih je dobila od Skupnosti, vključno z obrazložitvami Skupnosti, in podatki, pridobljeni z rednimi inšpekcijskimi pregledi, neustrezni in Agencija z njimi ne more izpolnjevati svojih obveznosti po tem sporazumu.

Šteje se, da je inšpekcijski pregled poseben, če bodisi dopolnjuje redni inšpekcijski pregled, določen v tem sporazumu, bodisi vključuje dostop do podatkov ali lokacij poleg dostopa, določenega v členu 76 za ad hoc in redne inšpekcijske preglede ali oboje.

Obseg inšpekcijskih pregledov

Člen 74

Za namene, določene v členih 71 do 73, Agencija lahko:

- (a) preveri evidence, ki se vodijo na podlagi členov 51 do 58;
- (b) opravi samostojne meritve vsega jedrskega materiala, za katerega velja varovanje po tem sporazumu;
- (c) preveri delovanje in umerjanje inštrumentov ter drugih merilnih in kontrolnih naprav;
- (d) uporablja in izvaja ukrepe nadzora in hrambe; in
- (e) uporablja druge objektivne metode, ki so se izkazale za tehnično izvedljive.

Člen 75

Znotraj obsega člena 74 se Agenciji omogoči, da:

- (a) pazi, da se vzorci na ključnih točkah merjenja za knjigovodstvo materialne bilance jemljejo v skladu s postopki, ki dajejo reprezentativne vzorce, pazi na obdelavo in analizo vzorcev ter dobiva dvojnike takih vzorcev;
- (b) pazi, da so meritve jedrskega materiala na ključnih točkah merjenja za knjigovodstvo materialne bilance reprezentativne, in pazi na umerjanje uporabljenih inštrumentov in opreme;
- (c) se sklene s Skupnostjo in kolikor je potrebno z zadevno državo, dogovor, da se, če je potrebno;
- (i) izvedejo dodatne meritve in dodatno jemanje vzorcev za Agencijo;

- (ii) analizirajo standardni analitični vzorci Agencije;
- (iii) uporabijo ustrezni absolutni standardi pri umerjanju inštrumentov in druge opreme; in
- (iv) izvedejo druga umerjanja;
- (d) zagotovi uporabo svoje lastne opreme za samostojne meritve in nadzor, ter če je tako dogovorjeno in določeno v dopolnilnih aranžmajih, namesti tako opremo;
- (e) uporabi svoje pečate in drugo opremo za ugotavljanje in odkrivanje vlomov v hrambe, če je tako dogovorjeno in določeno v dopolnilnih aranžmajih; in
- (f) s Skupnostjo ali državo sklene dogovor o odpremi vzorcev, ki so bili vzeti za Agencijo.

Dostop za inšpekcijske preglede

Člen 76

(a) Za namene, določene v členu 71(a), in dokler v dopolnilnih dogovorih niso določene strateške točke, imajo inšpektorji Agencije dostop do vsake lokacije, na kateri se na podlagi začetnega poročila ali inšpekcijskih pregledov, opravljenih v zvezi z njim, nahaja jedrski material, za katerega velja varovanje po tem sporazumu;

(b) Za namene, določene v členu 71(b) imajo inšpektorji Agencije dostop do vsake lokacije, o kateri je bila Agencija obveščena v skladu s členom 92(d)(iii) ali 95(d)(iii).

(c) Za namene, določene v členu 72 imajo inšpektorji Agencije dostop samo do strateških točk, določenih v dopolnilnih dogovorih, in do evidenc, ki se vodijo na podlagi členov 51 do 58.

(d) Če Skupnost presodi, da so zaradi katerih koli neobičajnih okoliščin potrebne večje omejitve dostopa Agencije, Skupnost in Agencija nemudoma skleneta dogovore z namenom, da se Agencijo ustrezno razbremeni odgovornosti varovanja ob upoštevanju teh omejitev. Generalni direktor o vsaki taki ureditvi poroča Svetu.

Člen 77

V okoliščinah, ki lahko privedejo do posebnih inšpekcijskih pregledov za namene, določene v členu 73, se Skupnost in Agencija takoj posvetujeta. Kot rezultat takšnih posvetovanj Agencija lahko:

- (a) opravi inšpekcijske preglede poleg rednih inšpekcijskih pregledov, določenih v tem sporazumu; in
- (b) dobi v soglasju s Skupnostjo dostop do podatkov ali lokacij poleg podatkov in lokacij, določenih v členu 76. Vsako nesoglasje se rešuje v skladu s členoma 21 in 22. Če je ukrep Skupnosti ali države, kolikor zadeva posamezno pogodbenico, bistven in nujen, se uporablja člen 18.

Pogostnost in intenzivnost rednih inšpekcijskih pregledov

Člen 78

Število, intenzivnost in trajanje rednih inšpekcijskih pregledov so ob optimalnem izkoristku časa omejeni na minimum, ki še zagotavlja učinkovito izvajanje postopkov varovanja, določenih v tem sporazumu, ter optimalno in najgospodarnejšo uporabo razpoložljivih inšpekcijskih sredstev.

Člen 79

Agencija lahko na leto opravi en redni inšpekcijski pregled objektov in naprav ter con materialne bilance zunaj objektov in naprav, v katerih količina ali letni pretok jedrskega materiala, kar koli je večje, ne presega petih efektivnih kilogramov.

Člen 80

Število, intenzivnost, trajanje, časovni razpored in način rednih inšpekcijskih pregledov v zvezi z objekti in napravami, v katerih količina ali letni pretok jedrskega materiala presega pet efektivnih kilogramov, se določijo tako, da v največjem ali

skrajnem primeru režim inšpekcijskega pregleda ni intenzivnejši, kot je to potrebno in zadostno, da se vzdržuje kontinuiteta poznavanja pretoka in inventarja jedrskega materiala, največje število rednih inšpekcijskih pregledov takih objektov in naprav pa se določi takole:

(a) za reaktorje in zapečateni skladiščne obrate se največje število vseh rednih inšpekcijskih pregledov na leto določi tako, da se za vsak tak objekt in napravo dovoli ena šestina delovnega leta inšpektorja;

(b) za objekte in naprave, ki niso reaktorji ali zapečateni skladiščni obrati, ki vključujejo plutonij ali uran, oplemeniten nad 5%, se največje število vseh rednih inšpekcijskih pregledov na leto določi tako, da se za vsak tak objekt in napravo upošteva izračun $30 \times E$ delovnih dni inšpekcijskih pregledov na leto, pri čemer E pomeni inventar oziroma letni pretok jedrskega materiala, kar koli je večje, izraženo v efektivnih kilogramih. Vendar pa ugotovljeni maksimum za vsak tak objekt in napravo ne sme biti manjši od 1,5 delovnih let inšpekcijskega pregleda; in

(c) za objekte in naprave, ki niso zajeti v odstavku (a) ali (b), se največje število vseh rednih inšpekcijskih pregledov na leto določi tako, da se za vsak tak objekt in napravo upošteva ena tretjina delovnega leta inšpekcijskih pregledov plus $0.4 \times E$ delovnih dni inšpekcijskih pregledov na leto, pri čemer E pomeni inventar oziroma letni pretok jedrskega materiala, kar koli je večje, izraženo v efektivnih kilogramih.

Pogodbenice tega sporazuma se lahko sporazumejo, da popravijo številke, ki se nanašajo na največje število inšpekcijskih pregledov, določenih v tem členu, na podlagi odločitve Sveta, da je tak popravek primeren.

Člen 81

Ob upoštevanju členov 78 do 80 merila, ki se uporabljajo za določanje dejanskega števila, intenzivnosti, trajanja, časovnega razporeda in načina rednih inšpekcijskih pregledov v zvezi z vsakim objektom in napravo vključujejo:

(a) *obliko jedrskega materiala*, zlasti ali je jedrski material nepakiran ali pa je v večjem številu ločenih sestavin; njegovo kemično sestavo, in če gre za uran, ali je nizko ali visoko obogaten; ter njegovo dostopnost;

(b) *učinkovitost varovanja Skupnosti*, vključno s stopnjo funkcionalne neodvisnosti upravljavcev objektov in naprav od varovanja Skupnosti; obseg, do katerega Skupnost izvaja ukrepe, določene v členu 32; urnost posredovanja poročil Agenciji; njihovo skladnost s preverjanjem, ki ga neodvisno opravlja Agencija; ter količino in ujemanje neevidentiranega materiala z ugotovitvami Agencije;

(c) *lastnosti jedrskega gorivnega cikla v državah*, zlasti število in vrste objektov in naprav, ki vsebujejo jedrski material, za katerega velja varovanje po tem sporazumu, lastnosti takšnih objektov in naprav, ki so pomembne za varovanje po tem sporazumu, še zlasti pa stopnjo hrambe; nadalje obseg, do katerega projektna izvedba takih objektov in naprav olajšuje preverjanje pretoka inventarja jedrskega materiala; in obseg medsebojne povezanosti informacij iz različnih con materialne bilance;

(d) *mednarodno medsebojno odvisnost*, predvsem obseg, v katerem se jedrski material prejema iz ali pošilja v druge države v uporabo ali predelavo; vse dejavnosti preverjanja, ki jih opravlja Agencija v zvezi s tem; ter obseg, do katerega so jedrske dejavnosti vsake države medsebojno povezane z jedrskimi dejavnostmi drugih držav; in

(e) *tehnični razvoj na področju varovanja*, vključno z uporabo statističnih tehnik in naključnega vzorčenja pri vrednotenju pretoka jedrskega materiala.

Člen 82

Agencija in Skupnost se posvetujeta, če Skupnost meni, da se inšpekcijski pregledi neutemeljeno preveč usmerjajo na posamezne objekte in naprave.

Obvestilo o inšpekcijskih pregledih

Člen 83

Agencija Skupnost in države vnaprej obvešča o prihodu inšpektorjev v objekte in naprave ali cone materialne bilance zunaj objektov in naprav kot sledi:

(a) o ad hoc inšpekcijskih pregledih na podlagi člena 71(b) vsaj 24 ur prej; o inšpekcijskih pregledih na podlagi člena 71(a) kot tudi o dejavnostih, opredeljenih v členu 48, pa vsaj en teden prej;

(b) o posebnih inšpekcijskih pregledih na podlagi člena 73 kakor hitro je mogoče, potem ko sta se Agencija in Skupnost posvetovali v skladu s členom 77, pri čemer se razume, da obvestilo o prihodu običajno pomeni del posvetovanj; in

(c) o rednih inšpekcijskih pregledih na podlagi člena 72 vsaj 24 ur prej, če gre za objekte in naprave iz člena 80(b) in za zapečateni skladiščne obrate, ki vsebujejo plutonij ali uran, obogaten nad 5%; in en teden prej v vseh drugih primerih.

V obvestilu o inšpekcijskih pregledih se navedejo imena inšpektorjev Agencije ter objekti in naprave ter cone materialne bilance zunaj objektov ali naprav, ki jih bodo inšpektorji obiskali, ter čas obiska. Če inšpektorji ne pridejo iz držav, bo Agencija vnaprej sporočila tudi kraj in čas njihovega prihoda v države.

Člen 84

Ne glede na določbe člena 83 Agencija lahko kot dopolnilni ukrep opravi brez vnaprejšnjega obvestila del rednih inšpekcijskih pregledov na podlagi člena 80 v skladu z načelom o naključnem vzorčenju. Pri opravljanju nenapovedanih inšpekcijskih pregledov Agencija v celoti upošteva operativni program, ki ga dobi na podlagi člena 64(b). Še več, kadar je to mogoče in na podlagi operativnega programa Agencija tudi občasno seznanja Skupnost in države o svojem splošnem programu napovedanih in nenapovedanih inšpekcijskih pregledov z navedbo splošnih obdobij, v katerih so predvideni inšpekcijski pregledi. Pri opravljanju nenapovedanih inšpekcijskih pregledih Agencija stori vse potrebno, da bi Skupnosti, državi in upravljavcem objektov in naprav v praksi povzročila čim manj težav ob upoštevanju ustreznih določb členov 44 in 89. Podobno tudi Skupnost in država storita vse potrebno, da bi inšpektorjem Agencije olajšali nalogo.

Imenovanje inšpektorjev Agencije

Člen 85

Pri imenovanju inšpektorjev Agencije se uporabljajo naslednji postopki:

(a) generalni direktor pisno obvesti Skupnost in države o imenu, kvalifikacijah, narodnosti, položaju in drugih ustreznih podatkih za vsakega uradnika Agencije, ki ga predlaga za imenovanje na funkcijo inšpektorja za države;

(b) Skupnost generalnega direktorja v 30 dneh po prejemu takšnega predloga obvesti, ali je predlog sprejet;

(c) generalni direktor lahko vsakega uradnika, ki so ga Skupnost in države sprejele, imenuje za enega od inšpektorjev Agencije za države in o takšnih imenovanjih obvesti Skupnost in države; in

(d) generalni direktor v odgovoru na zahtevo Skupnosti ali na lastno pobudo takoj obvesti Skupnost in države o preklicu imenovanja katerega koli uradnika za inšpektorja Agencije za države.

Vendar pa se glede inšpektorjev Agencije, ki so potrebni za dejavnosti, opredeljene v členu 48 in za opravljanje ad hoc inšpekcijskih pregledov na podlagi člena 71(a), postopki imenovanja po možnosti zaključijo v tridesetih dneh po začetku veljavnosti tega sporazuma. Če takšno imenovanje v tem roku ni možno, so inšpektorji Agencije za takšne namene imenovani začasno.

Člen 86

Države za vsakega inšpektorja Agencije, imenovanega na podlagi člena 85, čim prej, kjer je to potrebno,odobrijo ali obnovijo ustrezne vizume.

Vedenje in obiski inšpektorjev Agencije

Člen 87

Inšpektorji Agencije pri opravljanju svojih funkcij po čle-nu 48 in členih 71 do 75 svoje dejavnosti opravljajo tako, da ne ovirajo ali zavlačujejo gradnje, prevzemanja ali obratova-nja objektov in naprav, oziroma ne ogrožajo njihove varnosti. Inšpektorji zlasti ne smejo sami upravljati nobenega objekta in naprave ali naročiti osebju objekta in naprave, da izvede kakršno koli operacijo. Če inšpektorji Agencije menijo, da bi na podlagi členov 74 in 75 določene operacije v objektu in napravi moral izvesti upravljavec, to zahtevajo.

Člen 88

Kadar inšpektorji Agencije v zvezi z opravljanjem inšpekcijskih pregledov potrebujejo v državi storitve, vključno z uporabo opreme, država in Skupnost inšpektorjem Agen-cije pomagata priti do takih storitev in jim olajšata uporabo take opreme.

Člen 89

Skupnost in države imajo pravico, da inšpektorje Agencije med inšpekcijskimi pregledi spremljajo inšpektorji oziroma predstavniki Skupnosti in držav, pod pogojem, da to inšpektorjev Agencije ne zadržuje ali kako drugače ovira pri njihovem delu.

IZJAVA O VERIFIKACIJSKIH DEJAVNOSTIH AGENCIJE**Člen 90**

Agencija sporoči Skupnosti naslednje informacije, ki jih uporabljajo pogodbenice:

(a) rezultate svojih inšpekcijskih pregledov v časovnih presledkih, ki se določijo v dopolnilnih dogovorih; in

(b) sklepne ugotovitve, do katerih je prišla med svojimi verifikacijskimi dejavnostmi.

PRENOSI V IN IZ DRŽAV**Člen 91****Splošne določbe**

Za jedrski material, za katerega velja ali mora veljati varovanje po tem sporazumu, ki se premešča v države ali iz držav, sta za namene tega sporazuma odgovorna Skupnost in država:

(a) v primeru prenosa v države, od trenutka, ko takšna odgovornost preneha veljati za državo, iz katere se material premešča, in najpozneje od trenutka, ko material prispe do namembnega kraja; in

(b) v primeru prenosa iz držav do trenutka, ko ima takš-no odgovornost država prejemnica, in najpozneje do trenut-ka, ko jedrski material prispe do namembnega kraja.

Trenutek, ko se odgovornost prenese, se določi v skla-du z ustreznimi dogovori med Skupnostjo in državo na eni strani in državo, iz katere ali v katero se jedrski material pre-mešča, na drugi. Niti Skupnost niti država nista odgovorni za jedrski material zgolj zaradi dejstva, da je jedrski material v tranzitu na njenem ozemlju oziroma preko njenega ozemlja ali da se prevaža z ladjo, ki pluje pod njeno zastavo ali z njenim letalom.

Prenosi iz držav**Člen 92**

(a) Skupnost Agencijo obvesti o vsakem nameravanem prenosu jedrskega materiala, za katerega velja varovanje po tem sporazumu, iz držav, če pošiljka presega en efektivni

kilogram, ali za objekte in naprave, ki običajno pošiljajo znat-ne količine v isto državo v pošiljkah, ki ne presegajo enega efektivnega kilograma, če je tako določeno v dopolnilnih aranžmajih.

(b) Obvestilo se Agenciji pošlje po sklenitvi pogodbenih dogovorov o prenosu v roku, določenem v dopolnilnih do-govorih.

(c) Agencija in Skupnost se lahko sporazumeta o raz-ličnih postopkih za vnaprejšnje obveščanje.

(d) V obvestilu mora biti navedeno:

(i) identifikacija in po možnosti pričakovana količina in sestava jedrskega materiala, ki se bo prenašal, ter cona materialne bilance, iz katere material izhaja;

(ii) država, v katero je jedrski material namenjen;

(iii) kdaj in kje bo jedrski material pripravljen za odpre-mo;

(iv) okvirni datumi odpreme in prispetja jedrskega ma-teriala; in

(v) v katerem trenutku prevoza bo država prejemnica prevzela odgovornost za jedrski material po tem sporazumu in verjetni datum, ko se bo to zgodilo.

Člen 93

Obvestilo iz člena 92 mora biti takšno, da Agencija lahko po potrebi opravi ad hoc inšpekcijski pregled, da bi ugoto-vila in po možnosti preverila količino in sestavo jedrskega materiala, preden se prenese iz držav, razen za prenose v Skupnosti, in če Agencija tako želi ali Skupnost zahteva, da jedrski material, ko je pripravljen za odpremo, pečati. Ven-dar pa kakršen koli storjen ali nameravan ukrep Agencije na podlagi takega obvestila na noben način ne sme povzročiti zamude prenosa jedrskega materiala.

Člen 94

Če v državi prejemnici za jedrski material ne velja varo-vanje Agencije, Skupnost uredi, da Agencija v treh mesecih, potem ko država prejemnica prevzame odgovornost za jedr-ski material, prejme potrdilo države prejemnice o prenosu.

Prenosi v države**Člen 95**

(a) Skupnost Agencijo obvesti o vsakem nameravanem prenosu jedrskega materiala, za katerega velja varovanje po tem sporazumu, v države, če pošiljka presega en efektivni kilogram, ali za objekte in naprave, ki običajno prejemajo znatne količine iz iste države v pošiljkah, ki ne presegajo enega efektivnega kilograma, če je tako določeno v dopol-nilnih dogovorih.

(b) Agencijo je treba čim prej obvestiti o pričakovanem prispetju jedrskega materiala, najkasneje pa v rokih, določe-nih v dopolnilnih dogovorih.

(c) Agencija in Skupnost se lahko sporazumeta o raz-ličnih postopkih za vnaprejšnje obveščanje.

(d) V obvestilu mora biti navedeno:

(i) identifikacija in po možnosti pričakovana količina in sestava jedrskega materiala;

(ii) v katerem trenutku prenosa bosta Skupnost in drža-va odgovorni za jedrski material po tem sporazumu in verjetni datum, ko se bo to zgodilo; in

(iii) pričakovani datum dospetja, kraj in datum, ko se namerava jedrski material razpakirati.

Člen 96

Obvestilo iz člena 95 mora biti takšno, da Agencija lahko po potrebi opravi ad hoc inšpekcijski pregled, da bi ugotovila in po možnosti preverila količino in sestavo jedrskega ma-teriala, prenesenega v države, razen za prenose v Skupnosti v trenutku, ko se pošiljka razpakira. Vendar pa razpakiranje ne sme biti odloženo zaradi kakršnega koli sprejetega ali na-meravanega ukrepa Agencije na podlagi takega obvestila.

Člen 97

Posebna poročila

Skupnost izdela posebno poročilo, predvideno v členu 68, če zaradi nenavadne nezgode ali okoliščin meni, da je prišlo ali utegne pri prenosu iz ali v države priti do izgube jedrskega materiala, vključno z znatno zamudo.

OPREDLITVE POJMOV

Člen 98

V tem sporazumu:

1. A. *Skupnost* pomeni oboje:

(a) pravno osebo, ki je nastala s Pogodbo o ustanovitvi Evropske skupnosti za atomsko energijo (Euratom), stranko tega sporazuma; in

(b) ozemlja, za katera se uporablja Pogodba Euratom.

B. *Države* pomenijo države članice Skupnosti, ki nimajo jedrskega orožja, pogodbenice tega sporazuma.

2. A. *Prilagoditev* pomeni vpis v knjigovodsko evidenco ali poročilo, ki prikazuje razliko med pošiljateljem in prejemnikom ali neevidentirani material.

B. *Letni pretok* pomeni, za namene členov 79 in 80, količino jedrskega materiala, ki prihaja na leto iz obrata in naprave, ki obratuje z nazivno zmogljivostjo.

C. *Šarža* pomeni del jedrskega materiala, ki se vzame za enoto v knjigovodske namene na ključni točki merjenja in za katero se sestava in količina določita z enim kompletom specifikacij ali meritev. Jedrski material je lahko nepakiran ali shranjen v več ločenih stvareh.

D. *Podatki o šarži* pomenijo skupno težo vsakega elementa jedrskega materiala, in če gre za plutonij in uran, izotopno sestavo tam, kjer je to primerno. Knjigovodske enote so:

(a) grami vsebovanega plutonija;

(b) grami vsega urana in grami urana-235 plus urana-233, ki ju vsebuje uran, obogaten s tema izotopoma; in

(c) kilogrami vsebovanega torija, naravnega urana ali osiromašenega urana.

Za namene poročanja se teže posameznih elementov v šarži pred zaokroževanjem na najbližjo enoto seštejejo.

E. *Knjigovodski inventar* cone materialne bilance pomeni algebraična vsota zadnjega fizičnega inventarja navedene cone materialne bilance in vseh inventarnih sprememb, ki so nastale od navedenega popisa fizičnega inventarja.

F. *Popravek* pomeni vpis v knjigovodsko evidenco ali poročilo, s katerim se popravi ugotovljena napaka oziroma izboljša meritev količine, ki je že bila vpisana v evidenco ali poročilo. Pri vsakem popravku mora biti opredeljen vpis, na katerega se nanaša.

G. *Efektivni kilogram* pomeni posebna enota, ki se uporablja pri varovanju jedrskega materiala. Količina v efektivnih kilogramih se dobi tako, da se vzame:

(a) za plutonij teža v kilogramih;

(b) za uran z obogatitvijo 0.01 (1%) in več teža v kilogramih, pomnožena s kvadratom obogatitve;

(c) za uran z obogatitvijo pod 0.01 (1%) in nad 0.005 (0.5%) teža v kilogramih, pomnožena z 0.0001; in

(d) za osiromašeni uran z obogatitvijo 0.005 (0.5%) ali manj in za torij teža v kilogramih, pomnožena z 0.00005.

H. *Obogatitev* pomeni razmerje med kombinirano težo izotopov urana-233 in urana-235 ter težo celotnega zadevnega urana.

I. *Objekt* in naprava pomeni:

(a) reaktor, kritična naprava, obrat za konverzijo, obrat za izdelavo goriva, obrat za predelavo, obrat ločevanja izotopov ali ločeno skladišče; ali

(b) katera koli lokacija, na kateri se jedrski material navadno uporablja v količinah nad enim efektivnim kilogramom.

J. *Inventarna sprememba* pomeni povečanje ali zmanjšanje po šaržah jedrskega materiala v coni materialne bilance; takšna sprememba vključuje eno od naslednjega:

(a) Povečanja:

(i) uvoz;

(ii) notranji prejem; prejem materiala iz držav; iz drugih con materialne bilance; iz nevarovanih (nemiroljubnih) dejavnosti; na izhodišču varovanja;

(iii) jedrska proizvodnja: proizvodnja posebnega cepljivega materiala v reaktorju; in

(iv) prenehanje izvezja: ponovna uporaba varovanja za jedrski material, ki je bil pred tem izvezet zaradi svoje uporabe ali količine.

(b) Zmanjšanja:

(i) izvoz;

(ii) notranje pošiljanje: pošiljanje v državah drugim conam materialne bilance ali za nevarovane (nemiroljubne) dejavnosti;

(iii) jedrska izguba: izguba jedrskega materiala zaradi preobrazbe v drug(e) element(e) ali izotop(e) kot posledica jedrskih reakcij;

(iv) izmerjeni zavržek: jedrski material, ki je bil izmerjen ali ocenjen na podlagi meritev ter odložen na tak način, da ni več primeren za nadaljnjo jedrsko uporabo;

(v) zadržani odpadki: jedrski material, nastal pri predelavi ali kot posledica obratovalne nesreče, ki ga za zdaj ni mogoče regenerirati, je pa uskladiščen;

(vi) izvezje: izvezje jedrskega materiala iz varovanja zaradi njegove uporabe ali količine; in

(vii) druga izguba: na primer nenamerna izguba (to je nepovratna in nenamerna izguba jedrskega materiala kot posledica obratovalne nesreče) ali tatvina.

K. *Ključna točka merjenja* pomeni lokacijo, kjer se jedrski material pojavlja v taki obliki, da ga je mogoče meriti za določanje pretoka materiala ali inventarja. Ključne točke merjenja tako med drugim vključujejo tudi vnos in proizvodnjo materiala (vključno z izmerjenim zavržkom) ter hranjenje v conah materialne bilance.

L. *Inšpekcijsko delovno leto* pomeni, za namene člena 80, 300 delovnih dni inšpekcijskega pregleda, pri čemer delovni dan pomeni dan, v katerem ima en inšpektor kadarkoli dostop do objekta ali naprave skupaj največ osem ur.

M. *Cona materialne bilance* pomeni cona znotraj ali zunaj objekta in naprave tako, da je mogoče:

(a) določiti količino jedrskega materiala pri vsakem prenosu v ali iz vsake cone materialne bilance; in

(b) po potrebi določiti fizični inventar jedrskega materiala v vsaki coni materialne bilance v skladu z določenimi postopki, da se lahko ugotovi materialna bilanca za potrebe varovanja Agencije.

N. *Neevidentirani material* pomeni razliko med knjigovodskim inventarjem in fizičnim inventarjem.

O. *Jedrski material* pomeni vsak osnovni material ali posebni cepljivi material, kot je opredeljeno v členu XX Statuta. Izraz »osnovni material« ne smemo razlagati, kot da se uporablja za rude ali ostanke rude. Vsaka odločitev Sveta v skladu s členom XX Statuta po začetku veljavnosti tega sporazuma, s katero se poveča število materialov, ki se štejejo za osnovni material ali posebne cepljive materiale, bo po tem sporazumu veljala šele, ko jo sprejmejo Skupnost in države.

P. *Fizični inventar* pomeni vsoto vseh izmerjenih ali izpeljanih ocen količin jedrskega materiala v šaržah, ki so v danem času prisotne znotraj posamezne cone materialne bilance, dobljeno v skladu z natančno določenimi postopki.

Q. *Razlika med pošiljateljem in prejemnikom* pomeni razlika med količino jedrskega materiala v šarži, sporočeno iz cone materialne bilance pošiljatelja, in količino, izmerjeno v coni materialne bilance prejemnika.

R. *Izvirni podatki* so podatki, zapisani med merjenjem ali umerjanjem oziroma uporabljeni za izpeljevanje empiričnih razmerij, ki identificirajo jedrski material in dajejo podatke o šarži. Izvirni podatki lahko na primer obsegajo: težo spojin,

konverzijske faktorje za določanje teže elementa, specifično maso, koncentracijo elementov, izotopska razmerja, odnos med prostornino in manometriškimi odčitki ter razmerje med proizvedenim plutonijem in proizvedeno energijo.

S. *Strateška točka* pomeni lokacijo, izbrano med pregledom projektne informacije, kjer se v običajnih razmerah

in skupaj s podatki, zbranimi iz vseh strateških točk, dobijo in preverijo podatki, ki so potrebni in zadostni za uresničevanje ukrepov varovanja; strateška točka lahko obsega katero koli lokacijo, na kateri se opravljajo ključne meritve, ki se nanašajo na obračun materialne bilance, ter kjer se izvajajo ukrepi hrambe in nadzorovanja.

PROTOKOL

Člen 1

Ta protokol razširja nekatere določbe Sporazuma in zlasti določa pogoje in sredstva, v skladu s katerimi se izvaja takšno sodelovanje in uporaba varovanja, opredeljenega po tem sporazumu, da se prepreči nepotrebno podvajanje dejavnosti varovanja Skupnosti.

Člen 2

Skupnost zbira informacije o objektih in napravah in o jedrskem materialu zunaj objektov in naprav, ki se po Sporazumu posredujejo Agenciji na podlagi dogovorjenega okvira vprašalnika, priloženega dopolnilnim dogovorom.

Člen 3

Agencija in Skupnost skupaj pregledata projektne podatke, opredeljene v členu 46(a) do (f) Sporazuma in vključita dogovorjene rezultate pregledov v dopolnilnih dogovorih. Projektne podatke, opredeljene v členu 48 Sporazuma preveri Agencija v sodelovanju s Skupnostjo.

Člen 4

Pri posredovanju informacij iz člena 2 tega protokola Agenciji, Skupnost pošlje tudi informacije o inšpekcijskih metodah, ki jih namerava uporabljati, vključno z ocenami inšpekcijskih pregledov za dejavnosti rednih inšpekcijskih pregledov, za priloge k dopolnilnim dogovorom za objekte in naprave in cone materialne bilance zunaj objektov in naprav.

Člen 5

Priloge k dopolnilnim dogovorom skupaj pripravita Skupnost in Agencija.

Člen 6

Skupnost zbira poročila od upravljavcev, vodi centralizirane računovodske evidence na podlagi teh poročil in nadaljuje s tehničnim in računovodskim nadzorom in analizami prejetih informacij.

Člen 7

Ob dokončanju nalog iz člena 6 tega protokola Skupnost mesečno izdela in Agenciji posreduje poročila o inventarnih spremembah v rokih, določenih v dopolnilnih dogovorih.

Člen 8

Nadalje Skupnost Agenciji pošilja poročila o materialni bilanci in sezname fizičnega inventarja, katerih pogostost je odvisna od tega, kako pogosto se ugotavlja fizični inventar, kakor je določeno v dopolnilnih dogovorih.

Člen 9

Oblika poročil iz členov 7 in 8 tega protokola, kakor se sporazumeta Agencija in Skupnost, se določi v dopolnilnih dogovorih.

Člen 10

Dejavnosti rednih inšpekcijskih pregledov Skupnosti in Agencije, vključno z inšpekcijskimi pregledi iz člena 84 Sporazuma, se za namene Sporazuma usklajujejo na podlagi določb členov 11 do 23 tega protokola.

Člen 11

Ob upoštevanju členov 79 in 80 Sporazuma se pri določanju dejanskega števila, intenzivnosti, trajanja, časovnega razporeda in načina inšpekcijskih pregledov Agencije v zvezi z vsakim objektom in napravo, upoštevajo inšpekcijski pregledi Skupnosti v okviru njenega večnacionalnega sistema varovanja na podlagi določb tega protokola.

Člen 12

Inšpekcijski pregledi v skladu s Sporazumom se za vsak objekt in napravo določijo na podlagi meril iz člena 81 Sporazuma. Takšna merila se izvajajo s pravili in metodami, določenimi v dopolnilnih dogovorih, ki se uporabljajo za izračunavanje inšpekcijskih pregledov glede posebnih primerov, priloženih dopolnilnim dogovorom. Ta pravila se občasno pregledajo na podlagi člena 7 Sporazuma, da se upošteva tehnični razvoj na področju varovanja in pridobljene izkušnje.

Člen 13

Takšni inšpekcijski pregledi, izraženi kot dogovorjene ocene dejanskih inšpekcijskih pregledov, ki se bodo opravili, se določijo v dopolnilnih dogovorih skupaj z ustreznimi opisi pristopov k preverjanju in obsega inšpekcijskih pregledov, ki jih opravi Skupnost in Agencija. Takšni inšpekcijski pregledi predstavljajo v običajnih obratovalnih pogojih in pod pogoji, navedenimi v nadaljevanju, dejansko največje število inšpekcijskih pregledov v obratu in napravi po Sporazumu:

(a) nadaljevanje veljavnosti informacij o varovanju Skupnosti, opredeljenih v členu 32 Sporazuma, kot je določeno v dopolnilnih dogovorih;

(b) nadaljevanje veljavnosti informacij, ki se Agenciji posredujejo v skladu s členom 2 tega protokola;

(c) Skupnost še naprej zagotavlja poročila na podlagi členov 60, 61, 63 do 65 in 67 do 69 Sporazuma, kakor je določeno v dopolnilnih dogovorih;

(d) še naprej se uporabljajo dogovori o usklajevanju za inšpekcijske preglede na podlagi členov 10 do 23 Protokola, kakor je določeno v dopolnilnih dogovorih; in

(e) Skupnost uporablja inšpekcijske preglede glede obrata ali naprave, kakor je določeno v dopolnilnih dogovorih, na podlagi tega člena.

Člen 14

(a) Pod pogoji iz člena 13 tega protokola se inšpekcijski pregledi Agencije izvajajo hkrati z inšpekcijskimi dejavnostmi Skupnosti. Inšpektorji Agencije so navzoči med izvajanjem nekaterih inšpekcijskih pregledov Skupnosti.

(b) Ob upoštevanju določb odstavka (a), kadar Agencija lahko doseže namene svojih rednih inšpekcijskih pregledov, določenih s Sporazumom, inšpektorji Agencije izvajajo določbe členov 74 in 75 Sporazuma z opazovanjem inšpekcijskih dejavnosti inšpektorjev Skupnosti, vendar pod pogojem, da:

(i) so za inšpekcijske dejavnosti inšpektorjev Agencije, ki se izvajajo drugače kot z opazovanjem inšpekcijskih dejavnosti inšpektorjev Skupnosti, ki se lahko predvidijo, te dejavnosti določene v dopolnilnih dogovorih; in

(ii) med inšpekcijskim pregledom lahko inšpektorji Agencije poleg opazovanja inšpekcijskih dejavnosti inšpektorjev Skupnosti izvajajo druge inšpekcijske dejavnosti, za katere menijo, da so bistvene in nujne, če Agencija ne more

drugače doseči namena svojih rednih inšpekcijskih pregledov in tega ni bilo mogoče predvideti.

Člen 15

Splošno časovno razporeditev in načrtovanje inšpekcijskih pregledov po Sporazumu določi Skupnost v sodelovanju z Agencijo.

Člen 16

O dogovorih za prisotnost inšpektorjev Agencije med opravljanjem nekaterih inšpekcijskih pregledov Skupnosti se Agencija in Skupnost sporazumeta vnaprej za vsako vrsto objekta in naprave, in kolikor je potrebno, za posamezne objekte in naprave.

Člen 17

Da bi se Agencija lahko na podlagi zahtev za statistično vzorčenje odločila glede prisotnosti pri določenem inšpekcijskem pregledu Skupnosti, Skupnost Agenciji posreduje vnaprejšnjo izjavo o številu, vrsti in vsebini postavk, ki bodo predmet inšpekcijskega pregleda v skladu z informacijami, ki jih ima Skupnost na voljo od upravljavca objekta in naprave.

Člen 18

Agencija in Skupnost se vnaprej sporazumeta o tehničnih postopkih za vsako vrsto objekta in naprave, in kolikor je potrebno, za posamezne objekte in naprave, zlasti za:

- (a) določanje tehnik za naključno izbiranje statističnih vzorcev; in
- (b) preverjanje in identifikacijo standardov.

Člen 19

Dogovori o usklajevanju za vsako vrsto objekta in naprave, določeni v dopolnilnih dogovorih, so osnova za dogovore o usklajevanju, ki se določijo v prilogi za vsak objekt in napravo.

Člen 20

Posebne dejavnosti usklajevanja o zadevah, določenih v prilogi za objekt in napravo na podlagi člena 19 tega protokola, potekajo med uradniki Komisije in Skupnosti, imenovanimi v ta namen.

Člen 21

Skupnost Agenciji pošlje svoje delovne dokumente za inšpekcijske preglede, pri katerih so bili navzoči inšpektorji Agencije, in inšpekcijska poročila za vse druge inšpekcijske preglede Skupnosti, ki so bili opravljeni na podlagi Sporazuma.

Člen 22

Vzorci jedrskega materiala za Agencijo se vzamejo iz istih naključno izbranih šarž kot za Skupnost in se vzamejo

skupaj z vzorci Skupnosti, razen ko vzdrževanje ali zmanjšanje na najnižjo praktično raven inšpekcijskih pregledov Agencije zahteva neodvisno vzorčenje Agencije, kot je bilo dogovorjeno vnaprej in določeno v dopolnilnih dogovorih.

Člen 23

Kako pogosto upravljavci objektov in naprav ugotavljajo fizični inventar in kako pogosto se fizični inventar preverja za namene varovanja, se določi v obliki usmeritev v dopolnilnih dogovorih. Če se šteje, da so v zvezi s fizičnim inventarjem nujne dodatne dejavnosti po Sporazumu, o tem razpravlja Odbor za zvezo, opredeljen v členu 25 tega protokola in dogovorjeno izvajanje.

Člen 24

Kadar Agencija lahko doseže namene svojih ad hoc inšpekcijskih pregledov po Sporazumu z opazovanjem inšpekcijskih dejavnosti inšpektorjev Skupnosti, to stori.

Člen 25

(a) Za lažje izvajanje Sporazuma in tega protokola se ustanovi Odbor za zvezo, sestavljen iz predstavnikov Skupnosti in Agencije.

(b) Odbor se sestaja najmanj enkrat letno:

- (i) zlasti da pregleda delovanje dogovorov o usklajevanju, opredeljenim v tem protokolu, vključno z dogovorjenim obsegom inšpekcijskih pregledov;
- (ii) da pregleda razvoj metod in tehnik varovanja; in
- (iii) da obravnava vprašanja, ki so jih posredovala redna srečanja iz odstavka (c).

(c) Odbor se redno sestaja na nižji ravni, da obravnava zlasti in kolikor je potrebno, za posamezne objekte in naprave, izvajanje dogovorov o usklajevanju, opredeljenih v tem protokolu, vključno s, ob upoštevanju tehničnega in operativnega razvoja, posodabljanjem dogovorjenih inšpekcijskih pregledov glede na spremembe v pretoku, inventarju in operativnih programih objekta in naprave, ter delovanje inšpekcijskih postopkov v različnih vrstah dejavnosti rednih inšpekcijskih pregledov in, na splošno, zahteve statističnega vzorčenja. Vprašanja, ki jih ni mogoče urediti, se predložijo srečanjem, navedenim v odstavku (b).

(d) Brez poseganja v nujne ukrepe, ki so lahko potrebni v skladu s Sporazumom, če bi prišlo do problemov pri uporabi člena 13 tega protokola, zlasti ko je Komisija menila, da tam določeni pogoji niso bili izpolnjeni, se Odbor sestane čim prej na primerni ravni, da oceni položaj in razpravlja o ukrepih, ki jih je treba sprejeti. Če problema ni mogoče rešiti, Odbor lahko pogodbenicam posreduje ustrezne predloge, zlasti glede spremembe ocen inšpekcijskih pregledov za dejavnosti rednih inšpekcijskih pregledov.

(e) Odbor pripravi predloge, kakor je potrebno glede vprašanj, ki zahtevajo soglasje pogodbenic.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za okolje, prostor in energijo Republike Slovenije.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 801-10/04-23/1

Ljubljana, dne 15. julija 2004

EPA 1242-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

85. **Zakon o ratifikaciji Dodatnega protokola k Sporazumu med Republiko Avstrijo, Kraljevino Belgijo, Kraljevino Dansko, Republiko Finsko, Zvezno republiko Nemčijo, Helensko republiko, Irsko, Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko, Portugalsko republiko, Kraljevino Španijo, Kraljevino Švedsko, Evropsko skupnostjo za atomsko energijo in Mednarodno agencijo za atomsko energijo pri izvajanju člena III (1) in (4) Pogodbe o neširjenju jedrskega orožja (MDPNJO)**

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI DODATNEGA PROTOKOLA K SPORAZUMU MED REPUBLIKO AVSTRIJO, KRALJEVINO BELGIJO, KRALJEVINO DANSKO, REPUBLIKO FINSKO, ZVEZNO REPUBLIKO NEMČIJO, HELENSKO REPUBLIKO, IRSKO, ITALIJANSKO REPUBLIKO, VELIKIM VOJVODSTVOM LUKSEMBURG, KRALJEVINO NIZOZEMSKO, PORTUGALSKO REPUBLIKO, KRALJEVINO ŠPANJO, KRALJEVINO ŠVEDSKO, EVROPSKO SKUPNOSTJO ZA ATOMSKO ENERGIJO IN MEDNARODNO AGENCIJO ZA ATOMSKO ENERGIJO PRI IZVAJANJU ČLENA III (1) IN (4) POGODBE O NEŠIRJENJU JEDRSKEGA OROŽJA (MDPNJO)

Razgllašam Zakon o ratifikaciji Dodatnega protokola k Sporazumu med Republiko Avstrijo, Kraljevino Belgijo, Kraljevino Dansko, Republiko Finsko, Zvezno republiko Nemčijo, Helensko republiko, Irsko, Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko, Portugalsko republiko, Kraljevino Španijo, Kraljevino Švedsko, Evropsko skupnostjo za atomsko energijo in Mednarodno agencijo za atomsko energijo pri izvajanju člena III (1) in (4) Pogodbe o neširjenju jedrskega orožja (MDPNJO), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-167/04

Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI DODATNEGA PROTOKOLA K SPORAZUMU MED REPUBLIKO AVSTRIJO, KRALJEVINO BELGIJO, KRALJEVINO DANSKO, REPUBLIKO FINSKO, ZVEZNO REPUBLIKO NEMČIJO, HELENSKO REPUBLIKO, IRSKO, ITALIJANSKO REPUBLIKO, VELIKIM VOJVODSTVOM LUKSEMBURG, KRALJEVINO NIZOZEMSKO, PORTUGALSKO REPUBLIKO, KRALJEVINO ŠPANJO, KRALJEVINO ŠVEDSKO, EVROPSKO SKUPNOSTJO ZA ATOMSKO ENERGIJO IN MEDNARODNO AGENCIJO ZA ATOMSKO ENERGIJO PRI IZVAJANJU ČLENA III (1) IN (4) POGODBE O NEŠIRJENJU JEDRSKEGA OROŽJA (MDPNJO)

1. člen

Ratificira se Dodatni protokol k Sporazumu med Republiko Avstrijo, Kraljevino Belgijo, Kraljevino Dansko, Republiko Finsko, Zvezno republiko Nemčijo, Helensko republiko, Irsko, Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko, Portugalsko republiko, Kraljevino Španijo, Kraljevino Švedsko, Evropsko skupnostjo za atomsko energijo in Mednarodno agencijo za atomsko energijo pri izvajanju člena III (1) in (4) Pogodbe o neširjenju jedrskega orožja, sestavljen na Dunaju dne 22. septembra 1998.

2. člen

Besedilo dodatnega protokola se v izvirniku v angleškem in v prevodu v slovenskem jeziku glasi:

ADDITIONAL PROTOCOL

to the Agreement between the Republic of Austria, the Kingdom of Belgium, the Kingdom of Denmark, the Republic of Finland, the Federal Republic of Germany, the Hellenic Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Sweden, the European Atomic Energy Community and the International Atomic Energy Agency in implementation of Article III(1) and (4) of the Treaty on the Non-proliferation of Nuclear weapons⁽¹⁾

(1959/158/Euratom)

PREAMBLE

Whereas the Republic of Austria, the Kingdom of Belgium, the Kingdom of Denmark, the Republic of Finland, the Federal Republic of Germany, the Hellenic Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Sweden (hereinafter referred to as 'the States') and the European Atomic Energy Community (hereinafter referred to as 'the Community') are parties to an Agreement between the States, the Community and the International Atomic Energy Agency (hereinafter referred to as the 'the Agency') in implementation of Article III(1) and (4) of the Treaty on the Non-proliferation of Nuclear Weapons (hereinafter referred to as the 'Safeguards Agreement'), which entered into force on 21 February 1997.

Aware of the desire of the international community to further enhance nuclear non-proliferation by strengthening the effectiveness and improving the efficiency of the Agency's safeguards system,

Recalling that the Agency must take into account in the implementation of safeguards the need to avoid hampering the economic and technological development in the Community as international cooperation in the field of peaceful nuclear activities, to respect health, safety, physical protection

⁽¹⁾ On 8 June 1998, the Council approved the conclusion by the Commission on behalf of the European Atomic Energy Community (the Community) not only of this Additional Protocol to the Agreement between the 13 non-nuclear-weapon Member States of the Community, the Community and the IAEA (published in OJ L 51 Volume 21, dated 22 February 1978 and as IAEA document INF/CIRC/191, dated 14 September 1973) but also Additional Protocols to the Agreements between the United Kingdom of Great Britain and Northern Ireland, the Community and the IAEA (published as IAEA document INF/CIRC/261, dated October 1978) and between France, the Community and the IAEA (published as IAEA document INF/CIRC/290, dated December 1981). All three Additional Protocols were signed by the relevant Parties in Vienna on 22 September 1998. The texts of each Additional Protocol can be accessed at the following internet address: <http://europa.eu.int/atom/comm/dg77/nuclear/nuclear.htm>

and other security provisions in force and the rights of individuals, and to take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge.

Whereas the frequency and intensity of activities described in this Protocol shall be kept to the minimum consistent with the objective of strengthening the effectiveness and improving the efficiency of Agency safeguards,

Now therefore the Community, the States and the Agency have agreed as follows:

RELATIONSHIP BETWEEN THE THE PROTOCOL AND THE SAFEGUARDS AGREEMENT

Article 1

The provisions of the Safeguards Agreement shall apply to this Protocol to the extent that they are relevant to and compatible with the provisions of this Protocol. In case of conflict between the provisions of the Safeguards Agreement and those of this Protocol, the provisions of this Protocol shall apply.

PROVISION OF INFORMATION

Article 2

(a) Each State shall provide the Agency with a declaration containing the information identified in sub-paragraphs (i), (ii), (iv), (ix) and (x). The Community shall provide the Agency with a declaration containing the information identified in sub-paragraphs (vi), (vii) and (viii). Each State and the Community shall provide the Agency with a declaration containing the information identified in sub-paragraphs (iii) and (viii).

(i) A general description of and information specifying the location of nuclear fuel cycle-related research and development activities not involving nuclear material carried out anywhere that are funded, specifically authorised or controlled by, or carried out on behalf of, the State concerned.

(ii) Information identified by the Agency on the basis of expected gains in effectiveness or efficiency, and agreed to by the State concerned, on operational activities of safeguards relevance at facilities and locations outside facilities where nuclear material is customarily used.

(iii) A general description of each building on each site, including its use and, if not apparent from that description, its contents. The description shall include a map of the site.

(iv) A description of the scale of operations for each location engaged in the activities specified in Annex I to this Protocol.

(v) Information specifying the location, operational status and the estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants in each State, and the current annual production of such mines and concentration plants. The Community shall provide, on request by the Agency, the current annual production of an individual mine or concentration plant. The provision of this information does not require detailed nuclear material accountability.

(vi) Information regarding source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:

(a) the quantities, the chemical composition, the use or intended use of such material, whether in nuclear or non-nuclear use, for each location in the States at which the material is present in quantities exceeding 10 tonnes of uranium and/or 20 tonnes of thorium, and for other locations with quantities of more than 1 tonne, the aggregate for the States as a whole if the aggregate exceeds 10 tonnes of uranium or 20 tonnes of thorium. The provision of this information does not require detailed nuclear material accountability;

(b) The quantities, the chemical composition and the destination of each export from the States to a State outside the Community, of such material for specifically non-nuclear purposes in quantities exceeding:

(1) 10 tonnes of uranium, or for successive exports of uranium to the same State, each of less than 10 tonnes, but exceeding a total of 10 tonnes for the year;

(2) 20 tonnes of thorium, or for successive exports of thorium to the same State, each of less than 20 tonnes, but exceeding a total of 20 tonnes for the year;

(c) the quantities, chemical composition, current location and use or intended use of each import into the States from outside the Community of such material for specifically non-nuclear purposes in quantities exceeding:

(1) 10 tonnes of uranium, or for successive imports of uranium each of less than 10 tonnes, but exceeding a total of 10 tonnes for the year;

(2) 20 tonnes of thorium, or for successive imports of thorium each of less than 20 tonnes, but exceeding a total of 20 tonnes for the year;

it being understood that there is no requirement to provide information on such material intended for a non-nuclear use once it is in its non-nuclear end-use form.

(vi) (a) Information regarding the quantities, uses and locations of nuclear material exempted from safeguards pursuant to Article 37 of the Safeguards Agreement,

(b) information regarding the quantities (which may be in the form of estimates) and uses at each location, of nuclear material exempted from safeguards pursuant to Article 37 of the Safeguards Agreement but not yet in a non-nuclear end-use form, in quantities exceeding those set out in Article 37 of the Safeguards Agreement. The provision of this information does not require detailed nuclear material accountability.

(viii) Information regarding the location or further processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 on which safeguards have been terminated pursuant to Article 11 of the Safeguards Agreement. For the purpose of this paragraph, 'further processing' does not include repackaging of the waste or its further conditioning not involving the separation of elements for storage or disposal.

(ix) The following information regarding specified equipment and non-nuclear material listed in Annex II:

(a) for each export out of the Community of such equipment and material, the identity, quantity, location of intended use in the receiving State and date or, as appropriate, expected date, of export;

(b) on specific request by the Agency, confirmation by the importing State of information provided to the Agency by a State outside of the Community concerning the export of such equipment and material to the importing State.

(xi) General plans for the succeeding 10-year period relevant to the development of the nuclear fuel cycle (including planned nuclear fuel cycle-related research and development activities) when approved by the appropriate authorities in the State.

(b) Each State shall make every reasonable effort to provide the Agency with the following information:

(i) a general description of and information specifying the location of nuclear fuel cycle-related research and development activities not involving nuclear material which are specifically related to enrichment, reprocessing of nuclear fuel or the processing of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233 that are carried out anywhere in the State concerned but which are not funded, specifically authorised or controlled by, or carried out on behalf of, that State. For the purpose of this paragraph 'processing' of intermediate or high-level waste does not include repackaging of the waste or its conditioning not involving the separation of elements, for storage or disposal.

(ii) A general description of activities and the identity of the person or entity carrying out such activities, at locations identified by the Agency outside a site which the Agency considers might be functionally related to the activities of that site. The provision of this information is subject to a specific request by the Agency. It shall be provided in consultation with the Agency and in a timely fashion.

(c) On request by any or all of the Agency, a State or the Community, as appropriate, shall provide amplifications or clarifications of any information provided under this Article, in so far as relevant for the purpose of safeguards.

Article 3

(a) Each State or the Community, or both, as appropriate, shall provide to the Agency the information identified in Article 2(a)(i), (ii), (iv), (v), (vii), (vi), and (x) and Article 2(b)(i) within 180 days of the entry into force of this Protocol.

(b) Each State or the Community, or both, as appropriate, shall provide to the Agency, by 15 May of each year, updates of the information referred to in paragraph (a) for the period covering the previous calendar year. If there has been no change to the information previously provided, each State or the Community, or both, as appropriate, shall so indicate.

(c) The Community shall provide to the Agency, by 15 May of each year, the information identified in Article 2(a)(i)(b) and (c) for the period covering the previous calendar year.

(d) Each State shall provide to the Agency on a quarterly basis the information identified in Article 2(a)(ix)(a). This information shall be provided within 60 days of the end of each quarter.

(e) The Community and each State shall provide to the Agency the information identified in Article 2(a)(vi) 180 days before further processing is carried out and, by 15 May of each year, information on changes in location for the period covering the previous calendar year.

(f) Each State and the Agency shall agree on the timing and frequency of the provision of the information identified in Article 2(a)(b).

(g) Each State shall provide to the Agency the information in Article 2(a)(x)(b) within 60 days of the Agency's request.

COMPLEMENTARY ACCESS

Article 4

The following shall apply in connection with the implementation of complementary access under Article 5 of this Protocol:

(a) The Agency shall not mechanically or systematically seek to verify the information referred to in Article 2; however, the Agency shall have access to

(i) any location referred to in Article 5(a)(i) or (ii) on a selective basis in order to assure the absence of undeclared nuclear material and activities;

(ii) any location referred to in Article 5(b) or (c) to resolve a question relating to the correctness and completeness of the information provided pursuant to Article 2 or to resolve an inconsistency relating to that information;

(iii) any location referred to in Article 5(a)(iii) to the extent necessary for the Agency to confirm, for safeguards purposes, the Community's, or, as appropriate, a State's declaration of the decommissioned status of a facility or location outside facilities where nuclear material was customarily used.

(b) (i) Except as provided in paragraph (b), the Agency shall give the State concerned, or for access under Article 5(a) or under Article 5(c) where nuclear material is involved, the State concerned and the Community, advance notice of access of at least 24 hours.

(ii) For access to any place on a site that is sought in conjunction with design information verification visits or *ad hoc* or routine inspections on that site, the period of advance notice shall, if the Agency so requests, be at least two hours but, in exceptional circumstances, it may be less than two hours.

(c) Advance notice shall be in writing and shall specify the reasons for access and the activities to be carried out during such access.

(d) In the case of a question or inconsistency, the Agency shall provide the State concerned and, as appropriate, the Community with an opportunity to clarify and facilitate the resolution of the question or inconsistency. Such an opportunity will be provided before a request for access, unless the Agency considers that delay in access would prejudice the

purpose for which the access is sought. In any event, the Agency shall not draw any conclusions about the question of inconsistency until the State concerned and, as appropriate, the Community have been provided with such an opportunity.

- 1e) Unless otherwise agreed to by the State concerned, access shall only take place during regular working hours.
- 1f) The State concerned, or for access under Article 5(a) or under Article 5(c) where nuclear material is involved, the State concerned and the Community, shall have the right to have agency inspectors accompanied during their access by its representatives and, as appropriate, by Community inspectors provided that Agency inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

Article 5

Each State shall provide the Agency with access to:

- (a) (i) any place on a site;
- (ii) any location identified under Article 2(a)(v) or (vi);
- (iii) any decommissioned facility or decommissioned location outside facilities where nuclear material was customarily used.
- 1b) Any location identified by the State concerned under Article 2(a)(i), Article 2(a)(iv), Article 2(a)(ix)(b) or Article 2(b), other than those referred to in paragraph (a) (i), provided that if the State concerned is unable to provide such access, that State shall make every reasonable effort to satisfy Agency requirements, without delay, through other means.
- 1c) Any location specified by the Agency, other than locations referred to in paragraphs (a) and (b), to carry out location specific environmental sampling, provided that if the State concerned is unable to provide such access, that State shall make every reasonable effort to satisfy Agency requirements, without delay, at adjacent locations or through other means.

Article 6

When implementing Article 5, the Agency may carry out the following activities:

- (a) for access in accordance with Article 5(a)(i) or (iii): visual observation; collection of environmental

samples; utilisation of radiation detection and measurement devices; application of seals and other identifying and tamper indicating devices specified in Subsidiary Arrangements; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board of Governors thereafter referred to as 'the Board') and following consultations between the Agency, the Community and the State concerned.

- (b) For access in accordance with Article 5(a)(ii): visual observation; item counting of nuclear material; non-destructive measurements and sampling; utilisation of radiation detection and measurement devices; examination of records relevant to the quantities, origin and disposition of the material; collection of environmental samples, and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency, the Community and the State concerned.

- 1c) For access in accordance with Article 5(b): visual observation; collection of environmental samples; utilisation of radiation detection and measurement devices; examination of safeguards relevant production and shipping records; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and the State concerned.

- (d) For access in accordance with Article 5(c), collection of environmental samples and, in the event the results do not resolve the question of inconsistency at the location specified by the Agency pursuant to Article 5(b), utilisation at that location of visual observation, radiation detection and measurement devices, and, as agreed by the State concerned and, where nuclear material is involved, the Community, and the Agency, other objective measures.

Article 7

- 1a) On request by a State, the Agency and that State shall make arrangements for managed access under this Protocol in order to prevent the dissemination of proliferation sensitive information, to meet safety or physical protection requirements, or to protect proprietary or commercially sensitive information. Such arrangements shall not preclude the Agency from conducting activities necessary to provide credible assurance of the absence of undeclared nuclear materials and activities at the location in question, including the resolution of a question relating to the correctness and completeness of the information referred to in Article 2 or of an inconsistency relating to that information.

(b) A State may, when providing the information referred to in Article 2, inform the Agency of the places at a site or location at which managed access may be applicable.

(c) Pending the entry into force of any necessary Subsidiary Arrangements, a State may have recourse to managed access consistent with the provisions of paragraph (a).

Article 8

Nothing in this Protocol shall preclude a State from offering the Agency access to locations in addition to those referred to in Articles 5 and 9 or from requesting the Agency to conduct verification activities at a particular location. The Agency shall, without delay, make every reasonable effort to act on such a request.

Article 9

Each State shall provide the Agency with access to locations specified by the Agency to carry out wide-area environmental sampling, provided that if a State is unable to provide such access that State shall make every reasonable effort to satisfy Agency requirements at alternative locations. The Agency shall not seek such access until the use of wide-area environmental sampling and the procedural arrangements therefor have been approved by the Board and following consultations between the Agency and the State concerned.

Article 10

(a) The Agency shall inform the State concerned and, as appropriate, the Community of:

(i) the activities carried out under this Protocol, including those in respect of any questions or inconsistencies the Agency had brought to the attention of the State concerned and, as appropriate, the Community within 60 days of the activities being carried out by the Agency.

(ii) The results of activities in respect of any questions or inconsistencies the Agency had brought to the attention of the State concerned and, as appropriate, the Community as soon as possible but in any case within 30 days of the results being established by the Agency.

(b) The Agency shall inform the State concerned and the Community of the conclusions it has drawn from its activities under this Protocol. The conclusions shall be provided annually.

DESIGNATION OF AGENCY INSPECTORS

Article 11

(a) (i) The Director-General shall notify the Community and the States of the Board's approval of any Agency official as a safeguards inspector. Unless the Community advises the Director-General of the rejection of such an official as an inspector for the States within three months of receipt of notification of the Board's approval, the inspector so notified to the Community and the States shall be considered designated to the States.

(ii) The Director-General, acting in response to a request by the Community or on his own initiative, shall immediately inform the Community and the States of the withdrawal of the designation of any official as an inspector for the States.

(b) A notification referred to in paragraph (a) shall be deemed to be received by the Community and the States seven days after the date of the transmission by registered post of the notification by the Agency to the Community and the States.

VISAS

Article 12

Each State shall, within one month of the receipt of a request therefor, provide the designated inspector specified in the request with appropriate multiple entry/exit and/or transit visas, where required, to enable the inspector to enter and remain on the territory of the State concerned for the purpose of carrying out his/her functions. Any visas required shall be valid for at least one year and shall be renewed, as required, to cover the duration of the inspector's designation to the States.

SUBSIDIARY ARRANGEMENTS

Article 13

(a) Where a State or the Community, as appropriate, or the Agency indicate that it is necessary to specify in subsidiary Arrangements how measures laid down in this Protocol are to be applied, that State, or that State and the Community and the Agency shall agree on such Subsidiary Arrangements within 90 days of the entry into force of this Protocol or, where the

indication of the need for such Subsidiary Arrangements is made after the entry into force of this Protocol, within 90 days of the date of such indication.

- (b) Pending the entry into force of any necessary Subsidiary Arrangements, the Agency shall be entitled to apply the measures laid down in this Protocol.

COMMUNICATIONS SYSTEMS

Article 14

- (a) Each State shall permit and protect free communications by the Agency for official purposes between Agency inspectors in that State and Agency Headquarters and/or Regional Offices, including attended and unattended transmission of information generated by Agency containment and/or surveillance or measurement devices. The Agency shall have, in consultation with the State concerned, the right to make use of internationally established systems of direct communications, including satellite systems and other forms of telecommunication, not in use in that State. At the request of a State, or the Agency, details of the implementation of this paragraph in that State with respect to the attended or unattended transmission of information generated by Agency containment and/or surveillance or measurement devices shall be specified in the Subsidiary Arrangements.

- (b) Communication and transmission of information as provided for in paragraph (a) shall take due account of the need to protect proprietary or commercially sensitive information or design information which the State concerned regards as being of particular sensitivity.

PROTECTION OF CONFIDENTIAL INFORMATION

Article 15

- (a) The Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge, including such information coming to the Agency's knowledge in the implementation of this Protocol.

- (b) The regime referred to in paragraph (a) shall include, among others, provisions relating to:

(i) general principles and associated measures for the handling of confidential information;

(ii) conditions of staff employment relating to the protection of confidential information;

(iii) procedures in cases of breaches or alleged breaches of confidentiality.

- (c) The regime referred to in paragraph (a) above shall be approved and periodically reviewed by the Board.

ANNEXES

Article 16

- (a) The Annexes to this Protocol shall be an integral part thereof. Except for the purposes of amendment of Annexes I and II, the terms 'Protocol' as used in this instrument means this Protocol and the Annexes together.

- (b) The list of activities specified in Annex I, and the list of equipment and material specified in Annex II, may be amended by the Board on the advice of an open-ended working group of experts established by the Board. Any such amendment shall take effect four months after its adoption by the Board.

- (c) Annex III to this Protocol specifies how measures in this Protocol shall be implemented by the Community and the States.

ENTRY INTO FORCE

Article 17

- (a) This Protocol shall enter into force on the day on which the Agency receives from the Community and the States written notification that their respective requirements for entry into force have been met.

- (b) The States and the Community may, at any date before this Protocol enters into force, declare that they will apply this Protocol provisionally.

- (c) The Director-General shall promptly inform all Member States of the Agency of any declaration of provisional application of, and of the entry into force of, this Protocol.

DEFINITIONS

Article 18

For the purpose of this Protocol:

(a) 'nuclear fuel cycle-related research and development activities' means those activities which are specifically related to any process or system development aspect of any of the following:

- conversion of nuclear material,
- enrichment of nuclear material,
- nuclear fuel fabrication,
- reactors,
- critical facilities,
- reprocessing of nuclear fuel,
- processing (not including repackaging or conditioning not involving the separation of elements, for storage or disposal) of intermediate or high-level waste containing plutonium, high enriched uranium or uranium-233,

but do not include activities related to theoretical or basic scientific research or to research and development on industrial radiisotope applications, medical, hydrological and agricultural applications, health and environmental effects and improved maintenance.

(b) 'Site' means that area delimited by the Community and a State in the relevant design information for a facility, including a closed-down facility, and in the relevant information on a location outside facilities where nuclear material is customarily used, including a closed-down location outside facilities where nuclear material was customarily used (this is limited to locations with hot cells or where activities related to conversion, enrichment, fuel fabrication or reprocessing were carried out). 'Site' shall also include all installations, collocated with the facility or location, for the provision or use of essential services, including hot cells for processing irradiated materials not containing nuclear material; installations for the treatment, storage and disposal of waste, and buildings associated with specified activities identified by the State concerned under Article 21a(ivi).

(c) 'Decommissioned facility' or 'decommissioned location outside facilities' means an installation or location at which residual structures and equipment essential for its use have been removed or rendered inoperable so that it is not used to store and can no

longer be used to handle, process or utilise nuclear material.

(d) 'Closed-down facility' or 'closed-down location outside facilities' means an installation or location where operations have been stopped and the nuclear material removed but which has not been decommissioned.

(e) 'High enriched uranium' means uranium containing 20 % or more of the isotope uranium-235.

(f) 'Location-specific environmental sampling' means the collection of environmental samples (e.g. air, water, vegetation, soil, smears) at, and in the immediate vicinity of, a location specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared nuclear material or nuclear activities at the specified location.

(g) 'Wide-area environmental sampling' means the collection of environmental samples (e.g. air, water, vegetation, soil, smears) at a set of locations specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared nuclear material or nuclear activities over a wide area.

(h) 'Nuclear material' means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute of the Agency after the entry into force of this Protocol which adds to the materials considered to be source material or special fissionable material shall have effect under this Protocol only on acceptance by the Community and the States.

(i) 'Facility' means:

(a) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation, or

(b) any location where nuclear material in amounts greater than one effective kilogram is customarily used.

(j) 'Location outside facilities' means any installation or location, which is not a facility, where nuclear material is customarily used in amounts of one effective kilogram or less.

ANNEX I

List of activities referred to in Article 2(a)(vi) of the Protocol

- i) The manufacture of *centrifuge rotor tubes* or the assembly of *gas centrifuges*.
Centrifuge rotor tubes means thin-walled cylinders as described at point 5.1.1(b) of Annex II.
Gas centrifuges means centrifuges as described in the introductory note to point 5.1 of Annex II.
- ii) The manufacture of *diffusion barriers*.
Diffusion barriers means thin, porous filters as described in point 5.3.1(a) of Annex II.
- iii) The manufacture or assembly of *laser-based systems*.
Laser-based systems means systems incorporating thimé items as described in point 5.2 of Annex II.
- iv) The manufacture or assembly of *electromagnetic isotope separators*.
Electromagnetic isotope separators means those items referred to in point 5.9.1 of Annex II containing ion sources as described in 5.9.1(a) of Annex II.
- v) The manufacture or assembly of *columns or extraction equipment*.
Columns or extraction equipment means those items as described in points 5.6.1, 5.6.2, 5.6.3, 5.6.5, 5.6.6, 5.6.7 and 5.6.8 of Annex II.
- vi) The manufacture of *aerodynamic separation nozzles or vortex tubes*.
Aerodynamic separation nozzles or vortex tubes means separation nozzles and vortex tubes as described respectively in points 5.5.1 and 5.5.2 of Annex II.
- vii) The manufacture or assembly of *uranium plasma generation systems*.
Uranium plasma generation systems means systems for the generation of uranium plasma as described in point 5.8.3 of Annex II.
- viii) The manufacture of *zirconium tubes*.
Zirconium tubes means tubes as described in point 1.6 of Annex II.
- ix) The manufacture or upgrading of *heavy water or deuterium*.
Heavy water or deuterium means deuterium, heavy water (deuterium oxide) and any other deuterium compound in which the ratio of deuterium to hydrogen atoms exceeds 1:5 000.
- x) The manufacture of *nuclear grade graphite*.
Nuclear grade graphite means graphite having a purity level better than five parts per million boron equivalent and with a density greater than 1.90 g/cm³.
- xi) The manufacture of *flasks for irradiated fuel*.
A flask or irradiated fuel means a vessel for the transportation and/or storage of irradiated fuel which provides chemical, thermal and radiological protection, and dissipated decay heat during handling, transportation and storage.

(vi) The manufacture of reactor control rods.

Reactor control rods means rods as described in point 1.4 of Annex II.

(vii) The manufacture of criticality safe tanks and vessels.

Criticality safe tanks and vessels means those items as described in points 3.2 and 3.4 of Annex II.

(viii) The manufacture of irradiated fuel element chopping machines.

Irradiated fuel element chopping machines means equipment as described in point 3.1 of Annex II.

(ix) The construction of hot cells.

Hot cells means a cell or interconnected cells totalling at least 4 m³ in volume with shielding equal to or greater than the equivalent of 0,5 m of concrete, with a density of 3,2 g/cm³ or greater, equipped with equipment for remote operations.

ANNEX II

List of specified equipment and non-nuclear material for the exporting of exports and imports according to Article 3(a)(ii)

I. REACTORS AND EQUIPMENT THEREFOR

1.1. Complete nuclear reactors

Nuclear reactors capable of operation so as to maintain a controlled self-sustaining fission chain reaction, excluding zero energy reactors, the latter being defined as reactors with a designed maximum rate of production of plutonium not exceeding 100 grams per year.

Explanatory note

A 'nuclear reactor' basically includes the items within or attached directly to the reactor vessel, the equipment which controls the level of power in the core, and the components which normally contain or come in direct contact with or control the primary coolant of the reactor core.

It is not intended to exclude reactors which could reasonably be capable of modification to produce significantly more than 100 grams of plutonium per year. Reactors designed for sustained operation at significant power levels, regardless of their capacity for plutonium production, are not considered as 'zero energy reactors'.

1.2. Reactor pressure vessels

Metal vessels, as complete units or as major shop fabricated parts thereof, which are especially designed or prepared to contain the core of a nuclear reactor as defined in paragraph 1.1 and are capable of withstanding the operating pressure of the primary coolant.

Explanatory note

A top plate for a reactor pressure vessel is covered by item 1.2 as a major shop-fabricated part of a pressure vessel.

Reactor internals (e.g. support columns and plates for the core and other vessel internals, control and guide tubes, thermal shields, baffles, core grill plates, diffuser plates, etc.) are normally supplied by the reactor supplier. In some cases, certain internal support components are included in the fabrication of the pressure vessel. These items are sufficiently critical to the safety and reliability of the operation of the reactor (and, therefore, to the guarantee and liability of the reactor supplier), so that their supply, outside the basic supply arrangement for the reactor itself, would not be common practice. Therefore, although the separate supply of these unique, especially designed and prepared, critical, large and expensive items would not necessarily be considered as falling outside the area of concern, such a mode of supply is considered unlikely.

1.3. Reactor fuel charging and discharging machines

Manipulative equipment especially designed or prepared for inserting or removing fuel in a nuclear reactor as defined in paragraph 1.1 capable of on-load operation or employing technically sophisticated positioning or alignment features to allow complex off-load fuelling operations such as those in which direct viewing of or access to the fuel is not normally available.

1.4. Reactor control rods

Rods especially designed or prepared for the control of the reaction rate in a nuclear reactor as defined in paragraph 1.1.

Explanatory note

This item includes, in addition to the neutron absorbing part, the support or suspension structures therefor as supplied separately.

1.5. Reactor pressure tubes

Tubes which are especially designed or prepared to contain fuel elements and the primary coolant in a reactor as defined in paragraph 1.1 at an operating pressure in excess of 5,1 MPa (150 psi).

1.6. Zirconium tubes

Zirconium metal and alloys in the form of tubes or assemblies of tubes, and in quantities exceeding 500 kg in any period of 12 months, especially designed or prepared for use in a reactor as defined in paragraph 1.1, and in which the content of hafnium in zirconium is less than 1:500 parts by weight.

1.7. Primary coolant pumps

Pumps especially designed or prepared for circulating the primary coolant for nuclear reactors as defined in paragraph 1.1.

Explanatory note

Especially designed or prepared pumps may include elaborate sealed or un lubricated systems to prevent leakage of primary coolant, cam-driven pumps, and pumps with inertial mass systems. This definition encompasses pumps certified to NRC or equivalent standards.

2. NON-NUCLEAR MATERIALS FOR REACTORS**2.1. Deuterium and heavy water**

Deuterium, heavy water (deuterium oxide) and any other deuterium compound in which the ratio of deuterium to hydrogen atoms exceeds 1:1000 for use in a nuclear reactor as defined in paragraph 1.1 in quantities exceeding 200 kg of deuterium atoms for any one recipient country in any period of 12 months.

2.2. Nuclear grade graphite

Graphite having a purity level better than 5 parts per million boron equivalent and with a density greater than 1,50 g/cm³ for use in a nuclear reactor as defined in paragraph 1.1 in quantities exceeding 1 x 10⁴ kg (100 metric tons) for any one recipient country in any period of 12 months.

Note

For the purpose of reporting, the governments will determine whether or not the exports of graphite meeting the above specifications are for nuclear reactor use.

4 PLANTS FOR THE REPROCESSING OF IRRADIATED FUEL ELEMENTS, AND EQUIPMENT ESPECIALLY DESIGNED OR PREPARED THEREFOR

Introductory note

Reprocessing irradiated nuclear fuel separates plutonium and uranium from intensely radioactive fission products and other transuranic elements. Different technical processes can accomplish this separation. However, over the years purex has become the most commonly used and accepted process. Purex involves the dissolution of irradiated nuclear fuel in nitric acid, followed by separation of the uranium, plutonium, and fission products by solvent extraction using a mixture of triethyl phosphate in an organic diluent.

Purex facilities have process functions units; to each other, including: irradiated fuel element chopping, fuel dissolution, solvent extraction, and process liquor storage. There may also be equipment for thermal denaturation of uranium nitrate, conversion of plutonium nitrate to oxide or metal, and treatment of fission product waste liquor to a form suitable for long term storage or disposal. However, the specific type and configuration of the equipment performing these functions may differ between purex facilities for several reasons, including the type and quantity of irradiated nuclear fuel to be reprocessed and the intended disposition of the recovered materials, and the safety and maintenance philosophy incorporated into the design of the facility.

A 'plant for the reprocessing of irradiated fuel elements' included the equipment and components which normally come in direct contact with and directly control the irradiated fuel and the major nuclear material and fission product processing streams.

These processes, including the complete systems for plutonium conversion and plutonium metal production, may be identified by the measures taken to avoid criticality (e.g. by geometry), radiation exposure (e.g. by shielding), and toxicity hazards (e.g. by containment).

Items of equipment that are considered to fall within the meaning of the phrase 'and equipment especially designed or prepared' for the reprocessing of irradiated fuel elements include:

5.1 Irradiated fuel element chopping machines

Introductory note

This equipment breaches the cladding of the fuel to expose the irradiated nuclear material to dissolution. Especially designed metal cutting shears are the most commonly employed, although advanced equipment, such as lasers, may be used.

Remotely operated equipment especially designed or prepared for use in a reprocessing plant as identified above and intended to cut, chop or shear irradiated nuclear fuel assemblies, bundles or rods.

5.2 Dissolvers

Introductory note

Dissolvers normally receive the chopped-up spent fuel. In these critically safe vessels, the irradiated nuclear material is dissolved in nitric acid and the remaining hulls removed from the process stream.

Critically safe tanks (e.g. small diameter, annular or slab tanks) especially designed or prepared for use in a reprocessing plant as identified above, intended for dissolution of irradiated nuclear fuel and which are capable of withstanding hot, highly corrosive liquid, and which can be remotely loaded and maintained.

3.3. Solvent extractors and solvent extraction equipment

Introductory note

Solvent extractors both remove the solution of irradiated fuel from the dissolver and the organic solution which separates the uranium, plutonium, and fission products. Solvent extraction equipment is normally designed to meet strict operating parameters, such as long operating lifetimes with no maintenance requirements or adaptability to easy replacement, simplicity of operation and control, and flexibility for variations in process conditions.

Especially designed or prepared solvent extractors such as packed or pulse columns, mixer-settlers or centrifugal contactors for use in a plant for the reprocessing of irradiated fuel. Solvent extractors must be resistant to the corrosive effect of nitric acid. Solvent extractors are normally fabricated to extremely high standards (including special welding and inspection and quality assurance and quality control techniques) out of low carbon stainless steels, titanium, zirconium, or other high quality materials.

3.4. Chemical holding or storage vessels

Introductory note

Three main process liquor streams result from the solvent extraction step. Holding or storage vessels are used in the further processing of all three streams, as follows:

- (a) the pure uranium nitrate solution is concentrated by evaporation and passed to a denaturation process where it is converted to uranium oxide. This oxide is reused in the nuclear fuel cycle;
- (b) the intensely radioactive fission products solution is initially concentrated by evaporation and stored as a liquor concentrate. This concentrate may be subsequently evaporated and converted to a form suitable for storage or disposal;
- (c) the pure plutonium nitrate solution is concentrated and stored pending its transfer to further process steps. In particular, holding or storage vessels for plutonium solutions are designed to avoid criticality problems resulting from changes in concentration and form of this stream.

Especially designed or prepared holding or storage vessels for use in a plant for the reprocessing of irradiated fuel. The holding or storage vessels must be resistant to the corrosive effect of nitric acid. The holding or storage vessels are normally fabricated of materials such as low carbon stainless steels, titanium or zirconium, or other high quality materials. Holding or storage vessels may be designed for remote operation and maintenance and may have the following features for control of nuclear criticality:

- (1) walls or internal structures with a surface equivalent of at least 2 % of
- (2) a maximum diameter of 175 mm (7") for cylindrical vessels, or
- (3) a maximum width of 75 mm (3") for either a slab or annular vessel.

3.5. Plutonium nitrate to oxide conversion system

Introductory note

In most reprocessing facilities, this final process involves the conversion of the plutonium nitrate solution to plutonium dioxide. The main functions involved in this process are: process feed storage and adjustment, precipitation and solid/liquid separation, calcination, product handling, ventilation, waste management, and process control.

Complete systems especially designed or prepared for the conversion of plutonium nitrate to plutonium oxide, in particular adapted so as to avoid criticality and radiation effects and to minimize toxicity hazards.

3.6. Plutonium waste to metal production system

Introductory note

This process, which could be related to a reprocessing facility, involves the fluorination of plutonium dioxide, normally with highly corrosive hydrogen fluoride, to produce plutonium fluoride which is subsequently reduced using high purity calcium metal to produce metallic plutonium and a calcium fluoride slag. The main functions involved in this process are: fluorination (e.g. involving equipment fabricated or lined with a precious metal), metal reduction (e.g. employing ceramic crucibles), slag recovery, product handling, ventilation, waste management and process control.

Complete systems especially designed or prepared for the production of plutonium metal, in particular adapted so as to avoid criticality and radiation effects and to minimise toxicity hazards.

4. PLANTS FOR THE FABRICATION OF FUEL ELEMENTS

A 'plant for the fabrication of fuel elements' includes the equipment:

- (a) which directly comes in direct contact with, or directly processes, or controls, the production flow of nuclear material, or
- (b) which seals the nuclear material within the cladding.

5. PLANTS FOR THE SEPARATION OF ISOTOPS OF URANIUM AND EQUIPMENT, OTHER THAN ANALYTICAL INSTRUMENTS, ESPECIALLY DESIGNED OR PREPARED THEREFOR

Items of equipment that are considered to fall within the meaning of the phrase 'equipment, other than analytical instruments, especially designed or prepared for the separation of isotopes of uranium' include:

5.1. Gas centrifuges and assemblies and components especially designed or prepared for use in gas centrifuges

Introductory note

The gas centrifuge normally consists of a thin-walled cylinder of between 75 mm (3") and 400 mm (16") diameter contained in a vacuum environment and spun at high peripheral speed of the order of 300 m/s or more with its central axis vertical. In order to achieve high speed the materials of construction for the rotating components have to be of a high strength to density ratio and the rotor assembly, and hence its individual components, have to be manufactured to very close tolerances in order to minimise the imbalance. In contrast to other centrifuges, the gas centrifuge for uranium enrichment is characterised by having within the rotor chamber a rotating bowl-shaped half-shaft and a stationary tube arrangement for feeding and extracting to UF₆ gas and leaving at least three separate channels, of which two are connected to scoops extending from the rotor axis towards the periphery of the rotor chamber. Also contained within the vacuum environment are a number of critical items which do not rotate and which although they are especially designed are not difficult to fabricate nor are they fabricated out of unique materials. A centrifuge facility however requires a large number of these components, so that quantities can provide an important indication of end use.

5.1.1. Rotating components

(a) Complete rotor assemblies

Thin-walled cylinders, or a number of interconnected thin-walled cylinders, manufactured from one or more of the high strength to density ratio materials described in the explanatory note to this section. If interconnected, the cylinders are joined together by flexible bellows or rings at

described in Section 5.1.1 (c) following. The rotor is fitted with an internal baffle(s) and end caps, as described in Section 5.1.1 (d) and (e) following, if in final form. However the complete assembly may be delivered only partly assembled.

(b) Rotor tubes

Especially designed or prepared thin-walled cylinders with thickness of 12 mm (0,5") or less, a diameter of between 75 mm (3") and 400 mm (16"), and manufactured from one or more of the high strength to density ratio materials described in the explanatory note to this section.

(c) Rings or bellows

Components especially designed or prepared to give localized support to the rotor tube or to join together a number of rotor tubes. The bellows is a short cylinder of wall thickness 3 mm (0,12") or less, a diameter of between 75 mm (3") and 400 mm (16"), having a convolute, and manufactured from one of the high strength to density ratio materials described in the explanatory note to this section.

(d) Baffles

Flare-shaped components of between 75 mm (3") and 400 mm (16") diameter especially designed or prepared to be mounted inside the centrifuge rotor tube, in order to isolate the cake-off chamber from the main separation chamber and, in some cases, to assist the UF_6 gas circulation within the main separation chamber of the rotor tube, and manufactured from one of the high strength to density ratio materials described in the explanatory note to this section.

(e) Top caps/bottom caps

Disc-shaped components of between 75 mm (3") and 400 mm (16") diameter especially designed or prepared to fit to the ends of the rotor tube, and to contain the UF_6 within the rotor tube, and in some cases to support, retain or contain as an integrated part an element of the upper bearing (top cap) or to carry the rotating elements of the motor and lower bearing (bottom cap), and manufactured from one of the high strength to density ratio materials described in the explanatory note to this section.

Explanatory note

The materials used for centrifuge rotating components are:

- (a) alloying steel capable of an ultimate tensile strength of $2,05 \times 10^8 \text{ N/m}^2$ (300 000 psi) or more,
- (b) aluminum alloys capable of an ultimate tensile strength of $0,46 \times 10^8 \text{ N/m}^2$ (67 000 psi) or more,
- (c) filamentary materials suitable for use in composite structures and having a specific modulus of $12,3 \times 10^6 \text{ m}$ or greater and a specific ultimate tensile strength of $0,3 \times 10^6 \text{ m}$ or greater ('Specific Modulus' is the Young's Modulus in N/m^2 divided by the specific weight in N/m^3 ; 'Specific Ultimate Tensile Strength' is the ultimate tensile strength in N/m^2 divided by the specific weight in N/m^3).

5.1.2. Static components

(a) Magnetic suspension bearings

Especially designed or prepared bearing assemblies consisting of an actuator magnet suspended within a housing containing a damping medium. The housing will be manufactured from a UF_6 -resistant material (see explanatory note to Section 5.2). The magnet couples with a pole piece or a second magnet fitted to the top cap described in Section 5.1.1 (e). The magnet may be magnetized with a relation between outer and inner diameter smaller or equal to 1,6:1. The magnet may be in a form having an initial permeability of 0,15 H/m (20 000 in CGS units) or more, or a remanence of 98,5 % or more, or an energy product of greater than 80 kJ/m^3 ($10^7 \text{ gauss-erg/cm}^3$). In addition to the usual material properties, it is a prerequisite that the deviation of the magnetic axis from the geometrical axis is limited to very small tolerances (lower than 0,1 mm or 0,004 in) or that homogeneity of the material of the magnet is specially called for.

(b) Bearings/dampers

Especially designed or prepared bearings comprising a pivotcup assembly mounted on a damper. The pivot is normally a hardened steel shaft with a hemisphere at one end with a means of attachment to the bottom cup described in section 5.1.3.(c) at the other. The shaft may however have a hydrodynamic bearing attached. The cup is pellet-shaped with a hemispherical indentation in one surface. These components are often supplied separately to the damper.

(c) Molecular pumps

Especially designed or prepared cylinders having internally machined or etched helical grooves and internally machined bores. Typical dimensions are as follows: 75 mm (3") to 400 mm (16"); internal diameters, 10 mm (0.4") or more wall thickness, with the length equal to or greater than the diameter. The grooves are typically rectangular in cross-section and 2 mm (0.08") or more in depth.

(d) Motor starters

Especially designed or prepared ring-shaped starters for high speed multiphase AC hysteresis (or reluctance) motors for synchronous operation within a vacuum in the frequency range of 60-2 000 Hz and a power range of 50-1 000 VA. The starters consist of multiphase windings on a laminated low loss iron core comprised of thin layers typically 2,0 mm (0.08") thick or less.

(e) Centrifuge housing/recipient

Components especially designed or prepared to contain the rotor tube assembly of a gas centrifuge. The housing consists of a rigid cylinder of wall thickness up to 30 mm (1.2") with precision machined ends to locate the bearings and with one or more flanges for mounting. The machined ends are parallel to each other and perpendicular to the cylinder's longitudinal axis to within 0,05° or less. The housing may also be a honeycomb type structure to accommodate several rotor tubes. The housings are made of or protected by materials resistant to corrosion by UF₆.

(f) Scraps

Especially designed or prepared tubes up to 12 mm (0.5") internal diameter for the extraction of UF₆ gas from within the rotor tube by a pilot tube system (that is, with an aperture facing into the circumferential gas flow within the rotor tube, for example by bending the end of a radially disposed tube) and capable of being lined to the central gas extraction system. The tubes are made of or protected by materials resistant to corrosion by UF₆.

5.2. Especially designed or prepared auxiliary systems, equipment and components for gas centrifuge enrichment plants

Introductory note

The auxiliary systems, equipment and components for a gas centrifuge enrichment plant are the systems of plant needed to feed UF₆ to the centrifuges, to link the individual centrifuges to each other to form cascades (or stages) to allow for progressively higher enrichments and to extract the 'product' and 'tails' UF₆ from the centrifuges, together with the equipment required to drive the centrifuges or to control the plant.

Normally UF₆ is evaporated from the solid using heated autoclaves and is condensed in gaseous form to the centrifuges by way of cascade header pipework. The 'product' and 'tails' UF₆ gaseous streams flowing from the centrifuges are also passed by way of cascade header pipework to cold traps (operating at about 215 K (-70 °C)) where they are condensed prior to onward transfer into suitable containers for transportation or storage. Because an enrichment plant consists of many thousands of centrifuges arranged in cascades there are many kilometres of cascade header pipework, incorporating thousands of welds with a substantial amount of repetition of layout. The equipment, components and piping systems are fabricated to very high vacuum and cleanliness standards.

5.2.1 Feed systems/product and tails withdrawal systems

Especially designed or prepared process systems including:

- feed autoclaves (or stations), used for putting UF_6 to the centrifuge cascades at up to 300 kPa (3 bar) and at a rate of 1 kg/h or more;
- desublimers (or cold traps) used to remove UF_6 from the cascades at up to 3 kPa (0.3 psi) pressure. The desublimers are capable of being chilled to 203 K ($-70\text{ }^{\circ}\text{C}$) and heated to 343 K ($70\text{ }^{\circ}\text{C}$);
- 'product' and 'tails' stations used for trapping UF_6 into containers.

This plant, equipment and pipework is wholly made of or lined with UF_6 -resistant materials (see explanatory note to this section) and is fabricated to very high vacuum and cleanliness standards.

5.2.2 Machine header piping systems

Especially designed or prepared piping systems and header systems for handling UF_6 within the centrifuge cascades. The piping network is normally of the 'triple' header system with each centrifuge connected to each of the headers. There is thus a substantial amount of repetition in its form. It is wholly made of UF_6 -resistant materials (see explanatory note to this section) and is fabricated to very high vacuum and cleanliness standards.

5.2.3 UF_6 mass spectrometry/analysis sources

Especially designed, designed or prepared magnetic or quadrupole mass spectrometers capable of taking 'on-line' samples of feed, product or tails, from UF_6 gas streams and having all of the following characteristics:

1. unit resolution for atomic mass unit greater than 320;
2. ion sources constructed of or lined with nichrome or monel or nickel plated;
3. electron bombardment ionisation sources;
4. having a collector system suitable for isotopic analysis.

5.2.4 Frequency changers

Frequency changers (also known as converters or inverters) especially designed or prepared to supply motor starters as defined under 5.1.2(d), or parts, components and subassemblies of such frequency changers having all of the following characteristics:

1. a multiphase output of 600 to 2 000 Hz;
2. high stability (with frequency control better than 0.1 %);
3. low harmonic distortion (less than 2 %); and
4. an efficiency of greater than 80 %.

Explanatory note

The items listed above either come into direct contact with the UF_6 process gas or directly control the centrifuges and the passage of the gas from centrifuge to centrifuge and cascade to cascade.

Materials resistant to corrosion by UF_6 include stainless steel, aluminium, aluminium alloys, nickel or alloys containing 60 % or more nickel.

- 5.1 Especially designed or prepared assemblies and components for use in gaseous diffusion enrichment

Introductory note

In the gaseous diffusion method of uranium isotope separation, the main technological assembly is a special porous gaseous diffusion barrier, heat exchanger for cooling the gas (which is heated by the process of compression), seal valves and control valves, and pipelines. Inasmuch as gaseous diffusion technology uses uranium hexafluoride (UF_6), all equipment, pipeline and instrumentation surfaces (that come in contact with the gas) must be made of materials that remain stable in contact with UF_6 . A gaseous diffusion facility requires a number of these assemblies, so that quantities can provide an important indication of end use.

5.1.1 Gaseous diffusion barriers

- (a) Especially designed or prepared thin, porous filters, with a pore size of 100-1000 Å (angstroms), a thickness of 5 mm (0.2") or less, and for tubular forms, a diameter of 25 mm (1") or less, made of metallic, polymer or ceramic materials resistant to corrosion by UF_6 , and
- (b) especially prepared compounds or powders for the manufacture of such filters. Such compounds and powders include nickel or alloys containing 60 % or more nickel, aluminum oxide, or UF_6 , resistant fully fluorinated hydrocarbon polymers having a purity of 99.9 % or more, a particle size less than 10 microns, and a high degree of particle size uniformity, which are especially prepared for the manufacture of gaseous diffusion barriers.

5.1.2 Diffuser housings

Especially designed or prepared hermetically sealed cylindrical vessels greater than 100 mm (12") in diameter and greater than 900 mm (35") in length, or rectangular vessels of comparable dimensions, which have an inlet connection and two outlet connections all of which are greater than 50 mm (2") in diameter, for containing the gaseous diffusion barrier, made of or lined with UF_6 -resistant materials and designed for horizontal or vertical installation.

5.1.3 Compressors and gas blowers

Especially designed or prepared axial, centrifugal, or positive displacement compressors, or gas blowers with a total free volume capacity of 1 m³/min or more of UF_6 and with a discharge pressure of up to several hundred kPa (100 psi), designed for long-term operation in the UF_6 environment with or without an electrical motor of appropriate power, as well as separate assemblies of such compressors and gas blowers. These compressors and gas blowers have a pressure ratio between 2:1 and 6:1 and are made of, or lined with, materials resistant to UF_6 .

5.1.4 Rotary shaft seals

Especially designed or prepared vacuum seals, with seal feed and seal exhaust connections, for sealing the shaft connecting the compressor or the gas blower rotor with the drive motor so as to ensure a reliable seal against in-leaking of air into the inner chamber of the compressor or gas blower which is filled with UF_6 . Such seals are normally designed for a butler gas in-leakage rate or less than 1 000 cm³/min (60 in³/min).

5.1.5 Heat exchangers for cooling UF_6

Especially designed or prepared heat exchangers made of or lined with UF_6 resistant materials except stainless steel or with copper or any combination of these metals, and intended for a leakage pressure change rate of less than 10 Pa (0.0015 psi) per hour under a pressure difference of 100 kPa (15 psi).

5.4 Especially designed or prepared auxiliary systems, equipment and components for use in gaseous diffusion enrichment

Introductory note

The auxiliary systems, equipment and components for gaseous diffusion enrichment plants are the systems of plant needed to feed UF_6 to the gaseous diffusion assembly, to link the individual assemblies to each other in form cascades for stages to allow for progressively higher enrichments and to extract the 'product' and 'tails' UF_6 from the diffusion cascades. Because of the high internal properties of diffusion cascades, any interruption in their operation, and especially their shutdown, leads to serious consequences. Therefore, a strict and constant maintenance of vacuum in all technological systems, automatic protection from accidents, and precise automated regulation of the gas flow is of importance in a gaseous diffusion plant. All this leads to a need to equip the plant with a large number of special measuring, regulating and controlling systems.

Normally UF_6 is evaporated from cylinders placed within autoclaves and is distributed in gaseous form to the entry point by way of cascade header pipework. The 'product' and 'tails' UF_6 gaseous streams flowing from exit points are passed by way of cascade header pipework to either cold traps or to compression stations where the UF_6 gas is liquefied prior to onward transfer into suitable containers for transportation or storage. Because a gaseous diffusion enrichment plant consists of a large number of gaseous diffusion assemblies arranged in cascades, there are many kilometres of cascade header pipework, incorporating thousands of welds with substantial amounts of repetition of layout. The equipment, components and piping systems are fabricated to very high vacuum and cleanliness standards.

5.4.1 Feed system/product and tails withdrawal systems

Especially designed or prepared process systems, capable of operating at pressures of 300 kPa (45 psf) or less, including:

- feed autoclaves for systems used for passing UF_6 to the gaseous diffusion cascades,
- deaerators (or cold traps) used to remove UF_6 from diffusion cascades,
- liquefaction stations where UF_6 gas from the cascade is compressed and cooled to form liquid UF_6 ,
- 'product' or 'tails' stations used for transferring UF_6 into containers.

5.4.2 Header piping systems

Especially designed or prepared piping systems and header systems for handling UF_6 within the gaseous diffusion cascades. This piping network is normally of the 'double' header system with each cell connected to each of the headers.

5.4.3 Vacuum systems

- (a) Especially designed or prepared large vacuum manifolds, vacuum headers and vacuum pumps having a suction capacity of 5 m³/min. (125 ft³/min) or more.
- (b) Vacuum pumps especially designed for service in UF_6 -bearing atmospheres made of, or lined with, aluminium, nickel, or alloys bearing more than 60 % nickel. These pumps may be either rotary or positive, may have displacement and fluorocarbon seals, and may have special working fluids present.

5.4.4 Special shut-off and control valves

Especially designed or prepared manual or automated shut-off and control bellows valves made of UF_6 -resistant materials with a diameter of 40 to 1 500 mm (1,5 to 59") for installation in main and auxiliary systems of gaseous diffusion enrichment plants.

5.3.5. *UF₆ mass spectrometers/ion sources*

Especially designed or prepared magnetic or quadrupole mass spectrometers capable of taking routine samples of feed, product or tails, from UF₆ gas streams and having all of the following characteristics:

1. unit resolution for atomic mass unit greater than 520;
2. ion sources constructed of or lined with nichrome or monel or nickel plated;
3. electron bombardment ionization sources;
4. collector system suitable for isotopic analysis.

Explanatory note

The items listed above either come into direct contact with the UF₆ process gas or directly control the flow within the cascade. All surfaces which come into contact with the process gas are wholly made of or lined with UF₆-resistant materials. For the purposes of the sections relating to gaseous diffusion items the materials resistant to corrosion by UF₆ include stainless steel, aluminium, aluminium alloys, aluminium oxide, nickel or alloys containing 60 % or more nickel and UF₆ resistant fully fluorinated hydrocarbon polymers.

5.5. Especially designed or prepared systems, equipment and components for use in aerodynamic enrichment plants

Introductory note

In aerodynamic enrichment processes, a mixture of gaseous UF₆ and light gas (hydrogen or helium) is compressed and then passed through separating elements wherein isotopic separation is accomplished by the generation of high centrifugal forces over a curved-wall geometry. Two processes of this type have been successfully developed: the separation nozzle process and the vortex tube process. For both processes the main components of a separation stage include cylindrical vessels housing the special separation elements (nozzles or vortex tubes), gas compressors and heat exchangers to remove the heat of compression. An aerodynamic plant requires a number of these stages, so that quantities can provide an important indication of end use. Since aerodynamic processes use UF₆, all equipment, piping and enumeration surfaces (that come in contact with the gas) must be made of materials that remain stable in contact with UF₆.

Explanatory note

The items listed in this section either come into direct contact with the UF₆ process gas or directly control the flow within the cascade. All surfaces which come into contact with the process gas are wholly made of or protected by UF₆-resistant materials. For the purpose of the section relating to aerodynamic enrichment items, the materials resistant to corrosion by UF₆ include copper, stainless steel, aluminium, aluminium alloys, nickel or alloys containing 60 % or more nickel and UF₆ resistant fully fluorinated hydrocarbon polymers.

5.5.1. Separation nozzles

Especially designed or prepared separation nozzles and assemblies thereof. The separation nozzles consist of slit-shaped, curved channels having a radius of curvature less than 1 mm (typically 0.1 to 0.05 mm), resistant to corrosion by UF₆ and having a knife-edge within the nozzle that separates the gas flowing through the nozzle into two fractions.

5.5.2. Vortex tubes

Especially designed or prepared vortex tubes and assemblies thereof. The vortex tubes are cylindrical or tapered, made of or protected by materials resistant to corrosion by UF₆, having a diameter of between 0.5 cm and 4 cm, a length to diameter ratio of 20:1 or less and with one or

more tangential inlets. The tubes may be equipped with nozzle-type appendages at either or both ends.

Explanatory note

The feed gas enters the vortex tube tangentially at one end or through swirl vanes or at numerous tangential positions along the periphery of the tube.

5.5.3 Compressors and gas blowers

Especially designed or prepared axial, centrifugal or positive displacement compressors or gas blowers made of or protected by materials resistant to corrosion by UF_6 and with a suction volume capacity of 2 m³/min or more of UF_6 /carrier gas (hydrogen or helium) mixture.

Explanatory note

These compressors and gas blowers typically have a pressure ratio between 1.2:1 and 6:1.

5.5.4 Rotary shaft seals

Especially designed or prepared rotary shaft seals, with seal feed and seal exhaust connections, for sealing the shaft connecting the compressor rotor to the gas blower rotor with the driver motor so as to ensure a reliable seal against out-leakage of process gas or in-leakage of air or seal gas into the inter chamber of the compressor or gas blower which is filled with a UF_6 /carrier gas mixture.

5.5.5 Heat exchangers for gas cooling

Especially designed or prepared heat exchangers made of or protected by materials resistant to corrosion by UF_6 .

5.5.6 Separation element housings

Especially designed or prepared separation element housings, made of or protected by materials resistant to corrosion by UF_6 , for containing vortex tubes or separation nozzles.

Explanatory note

These housings may be cylindrical vessels greater than 300 mm in diameter and greater than 900 mm in length, or may be rectangular vessels of comparable dimensions, and may be designed for horizontal or vertical installation.

5.5.7 Feed systems/product and tails withdrawal systems

Especially designed or prepared process systems or equipment for enrichment plants made of or protected by materials resistant to corrosion by UF_6 , including:

- (a) feed autoclaves, ovens, or systems used for passing UF_6 to the enrichment process;
- (b) desublimers (or cold traps) used to remove UF_6 from the enrichment process for subsequent transfer upon heating;
- (c) solidification or liquefaction stations used to remove UF_6 from the enrichment process by compressing and converting UF_6 to a liquid or solid form;
- (d) 'product' or 'tails' stations used for transferring UF_6 into containers.

5.5.8. Header piping systems

Especially designed or prepared header piping systems, made of or protected by materials resistant to corrosion by UF_6 for handling UF_6 within the aerodynamic cascades. This piping network is essentially of the 'double' header design with each stage as group of stages connected to each of the headers.

5.5.9. Vacuum systems and pumps

(a) Especially designed or prepared vacuum systems having a suction capacity of 1 m³/min or more, consisting of vacuum manifolds, vacuum headers and vacuum pumps, and designed for service in UF_6 -bearing atmospheres.

(b) Vacuum pumps especially designed or prepared for service in UF_6 -bearing atmospheres and made of or protected by materials resistant to corrosion by UF_6 . These pumps may use fluorocarbon seals and special working fluids.

5.5.10. Special shut-off and control valves

Especially designed or prepared manual or automated shut-off and control bellows valves made of or protected by materials resistant to corrosion by UF_6 with a diameter of 40 to 1500 mm for installation in main and auxiliary systems of aerodynamic enrichment plants.

5.5.11. UF_6 mass spectrometers/ion sources

Especially designed or prepared magnetic or quadrupole mass spectrometers capable of taking 'on-line' samples of feed, 'product' or 'tails' from UF_6 gas streams and having all of the following characteristics:

1. unit resolution for mass greater than 320;
2. ion source constructed of or lined with niobium or molybdenum or nickel plated;
3. electron bombardment ionization sources;
4. collector system suitable for isotopic analysis.

5.5.12. UF_6 /carrier gas separation systems

Especially designed or prepared systems for separating UF_6 from carrier gas (hydrogen or helium).

Explanatory note

These systems are designed to reduce the UF_6 content in the carrier gas to 1 ppm or less and may incorporate equipment such as:

- (a) cryogenic heat exchangers and cryoseparators capable of temperatures of -120°C or less, or
- (b) cryogenic refrigeration units capable of temperatures of -120°C or less, or
- (c) separation column or vortex tube unit for the separation of UF_6 from carrier gas, or
- (d) UF_6 cold traps capable of temperatures of -120°C or less.

5.6. Especially designed or prepared systems, equipment and components for use in chemical exchange or ion exchange enrichment plants

Introductory note

The slight difference in mass between the isotopes of uranium causes small changes in chemical reaction equilibria that can be used as a basis for separation of the isotopes. Two processes have been successfully developed: liquid-liquid chemical exchange and solid-liquid ion exchange.

In the liquid-liquid chemical exchange process, immiscible liquid phases (aqueous and organic) are countercurrently contacted to give the cascading effect of thousands of separation stages. The aqueous phase consists of uranium chloride in hydrochloric acid solution; the organic phase consists of an extractant containing uranium chloride in an organic solvent. The contactors employed in the separation cascade can be liquid-liquid exchange columns (such as pulsed columns with sieve plates) or liquid centrifugal contactors. Chemical conversion (oxidation and reduction) are required at both ends of the separation cascade in order to provide for the reflux requirements at each end. A major design criterion is to avoid contamination of the process streams with certain metal ions. Plastic, plastic-lined (including use of fluorocarbon polymers) and/or glass-lined columns and piping are therefore used.

In the solid-liquid ion-exchange process, enrichment is accomplished by uranium adsorption/desorption on a special, very fast-acting, ion-exchange resin or adsorbent. A solution of uranium in hydrochloric acid and other chemical agents is passed through cylindrical enrichment columns containing packed beds of the adsorbent. For a continuous process, a reflux system is necessary to release the uranium from the adsorbent back into the liquid flow so that 'product' and 'tails' can be collected. This is accomplished with the use of suitable reduction/oxidation chemical agents that are fully regenerated in separate external units and that may be partially regenerated within the isotopic separation columns themselves. The presence of hot concentrated hydrochloric acid solutions in the process requires that the equipment be made of or protected by special corrosion-resistant materials.

5.6.1 Liquid-liquid exchange columns (chemical exchange)

Countercurrent liquid-liquid exchange columns having mechanical power input (i.e., pulsed columns with sieve plates, reciprocating plate columns, and columns with internal turbine mixers), especially designed or prepared for uranium enrichment using the chemical exchange process. For corrosion resistance to concentrated hydrochloric acid solutions, these columns and their internals are made of or protected by suitable plastic materials (such as fluorocarbon polymers) or glass. The stage residence time of the columns is designed to be short (30 seconds or less).

5.6.2 Liquid-liquid centrifugal contactors (chemical exchange)

Liquid-liquid centrifugal contactors especially designed or prepared for uranium enrichment using the chemical exchange process. Such contactors use rotation to achieve dispersion of the organic and aqueous streams and then centrifugal force to separate the phases. For corrosion resistance to concentrated hydrochloric acid solutions, the contactors are made of or are lined with suitable plastic materials (such as fluorocarbon polymers) or are lined with glass. The stage residence time of the centrifugal contactors is designed to be short (30 seconds or less).

5.6.3 Uranium reduction systems and equipment (chemical exchange)

(a) Especially designed or prepared electrochemical reduction cells to reduce uranium from one valence state to another for uranium enrichment using the chemical exchange process. The cell materials in contact with process solutions must be corrosion resistant to concentrated hydrochloric acid solutions.

Explanatory note

The cell cathodic compartment must be designed to prevent reoxidation of uranium to its higher valence state. To keep the uranium in the cathodic compartment, the cell may have an impervious diaphragm membrane constructed of special cation exchange material. The cathode consists of a suitable solid conductor such as graphite.

(b) Especially designed or prepared systems at the product end of the cascade for taking the lithium of the organic stream, adjusting the acid concentration and feeding to the electrochemical reduction cells.

Explanatory note

These systems consist of solvent extraction equipment for stripping the U^{4+} from the organic stream into an aqueous solution, evaporation and/or other equipment to accomplish solution pH adjustment and control, and pumps or other transfer devices for feeding to the electrochemical reduction cells. A major design concern is to avoid contamination of the aqueous stream with certain metal ions. Consequently, for those parts in contact with the process stream, the system is constructed of equipment made of or protected by suitable materials (such as glass, fluorocarbon polymers, polyphenyl sulfate, polyether sulfone, and resin-impregnated graphite).

5.6.4. *Feed preparation systems (chemical exchange)*

Especially designed or prepared systems for producing high-purity uranium chloride feed solutions for chemical exchange uranium isotope separation plants.

Explanatory note

These systems consist of dissolution, solvent extraction and/or ion exchange equipment for purification and electrolytic cells for reducing the uranium U^{6+} or U^{5+} to U^{4+} . These systems produce uranium chloride solutions having only a few parts per million of metallic impurities such as chromium, iron, vanadium, molybdenum and other bivalent or higher multi-valent cations. Materials of construction for portions of the systems processing high-purity U^{4+} include glass, fluorocarbon polymers, polyphenyl sulfate or polyether sulfone plasticized and resin-impregnated graphite.

5.6.5. *Uranium oxidation systems (chemical exchange)*

Especially designed or prepared systems for oxidation of U^{4+} to U^{6+} for return to the uranium isotope separation cascade in the chemical exchange enrichment process.

Explanatory note

These systems may incorporate equipment such as:

- (a) equipment for contacting chlorine and oxygen with the aqueous effluent from the isotope separation equipment and extracting the resultant U^{6+} into the stripped organic stream returning from the product end of the cascade,
- (b) equipment that separates water from hydrochloric acid so that the water and the concentrated hydrochloric acid may be reintroduced to the process at the proper locations.

5.6.6. *Fast-reacting ion exchange resins/adsorbents (ion exchange)*

Fast-reacting ion-exchange resins or adsorbents especially designed or prepared for uranium enrichment using the ion exchange process, including porous macroreticular resins, and/or pellicular structures in which the active chemical exchange groups are located in a coating on the surface of an inactive porous support structure, and other composite structures in any suitable form including particles or fibres. These ion exchange resins/adsorbents have diameters of 0.2 mm or less and must be chemically resistant to concentrated hydrochloric acid solutions as well as physically strong enough so as not to degrade in the exchange columns. The resins/adsorbents are especially designed to achieve very fast uranium isotope exchange kinetics (exchange rate half-time of less than 10 seconds) and are capable of operating at a temperature in the range of 100 °C to 200 °C.

5.6.7. *Ion exchange columns (ion exchange)*

Cylindrical columns greater than 1 000 mm in diameter for containing and supporting packed beds of ion exchange resins/adsorbent, especially designed or prepared for uranium enrichment using the ion exchange process. These columns are made of or protected by materials (such as titanium or fluorocarbon plastic) resistant to corrosion by concentrated hydrochloric acid solutions and are capable of operating at a temperature in the range of 100 °C to 200 °C and pressures above 0.7 MPa (102 psia).

5.6.5. Ion exchange reflux systems (ion exchange)

- (a) Especially designed or prepared chemical or electrochemical reduction systems for regeneration of the chemical reducing agents; used in ion exchange uranium enrichment cascades
- (b) Especially designed or prepared chemical or electrochemical oxidation systems for regeneration of the chemical oxidising agents; used in ion exchange uranium enrichment cascades

Explanatory note

The ion exchange enrichment process may use, for example, trivalent uranium (U^{3+}) as a reducing cation in which case the reduction system would regenerate U^{3+} by reducing U^{4+} . The process may use, for example, trivalent iron (Fe^{3+}) as an oxidant in which case the oxidation system would regenerate Fe^{3+} by oxidising Fe^{2+} .

5.7. Especially designed or prepared systems, equipment and components for use in laser-based enrichment plants

Introductory note

Present systems for enrichment processes using lasers fall into two categories: those in which the process medium is atomic uranium vapour and those in which the process medium is the vapour of a uranium compound. Common nomenclature for such processes include: first category, atomic vapour laser isotope separation (AVLIS or SILVIA); second category, molecular laser isotope separation (MLIS or MOLIS) and chemical separation by multiple selective laser activation (CRISA). The systems, equipment and components for laser enrichment plants embrace:

- (a) devices to feed uranium-metal vapour (for selective photo-ionisation) or devices to feed the vapour of a uranium compound (for photo-dissociation or chemical activation);
- (b) devices to collect enriched and depleted uranium metal as 'product' and 'tails' in the first category, and devices to collect dissociated or reacted compounds as 'product' and unaffected material as 'tails' in the second category;
- (c) present laser systems to selectively excite the uranium-235 species, and (d) feed preparation and product conversion equipment. The complexity of the spectroscopy of uranium atoms and compounds may require incorporation of any of a number of available laser technologies.

Explanatory note

Many of the items listed in this section come into direct contact with uranium metal vapour or liquid or with process gas consisting of UF_6 or a mixture of UF_6 and other gases. All surfaces that come into contact with the uranium or UF_6 are wholly made of or protected by corrosion-resistant materials. For the purposes of the section relating to laser-based enrichment items, the materials resistant to corrosion by the vapour or liquid of uranium metal or uranium alloys include yttria-coated graphite and tantalum; and the materials resistant to corrosion by UF_6 include copper, stainless steel, aluminium, aluminium alloys, nickel or alloys containing 60 % or more nickel and UF_6 resistant fully fluorinated hydrocarbon polymers.

5.7.1. Uranium vapourisation systems (AVLIS)

Especially designed or prepared uranium vapourisation systems which contain high-power strip or scanning electron beam guns with a delivered power on the target of more than 2,5 kW/cm.

5.7.2. *Liquid uranium metal handling systems (AVLIS)*

Especially designed or prepared liquid metal handling systems for molten uranium or uranium alloys, consisting of crucibles and cooling equipment for the crucibles.

Explanatory note

The crucibles and other parts of this system that come into contact with molten uranium and uranium alloys are made of or protected by materials of suitable corrosion and heat resistance. Suitable materials include tantalum, yttria-coated graphite, graphite coated with other rare earth oxides or mixtures thereof.

5.7.3. *Uranium metal 'product' and 'tails' collector assemblies (AVLIS)*

Especially designed or prepared 'product' and 'tails' collector assemblies for uranium metal in liquid or solid form.

Explanatory note

Components for these assemblies are made of or protected by materials resistant to the heat and corrosion of uranium metal vapour or liquid (such as yttria-coated graphite or tantalum) and may include pipes, valves, fittings, 'gutters', feed-throughs, heat exchangers and collector plates for magnetic, electrostatic or other separation methods.

5.7.4. *Separator module housings (AVLIS)*

Especially designed or prepared cylindrical or rectangular vessels for containing the uranium metal vapour source, the electron beam gun, and the 'product' and 'tails' collectors.

Explanatory note

These housings have multiplicity of ports for electrical and water feed-throughs, laser beam windows, vacuum pump connections and instrumentation diagnostics and monitoring. They have provisions for opening and closure to allow refurbishment of internal components.

5.7.5. *Supersonic expansion nozzles (MELIS)*

Especially designed or prepared supersonic expansion nozzles for cooling mixtures of UF_6 and carrier gas to 150 K or less and which are corrosion resistant to UF_6 .

5.7.6. *Uranium pentafluoride product collectors (MELIS)*

Especially designed or prepared uranium pentafluoride (UF_6) solid product collectors consisting of filter, impact, or cyclone-type collectors, or combinations thereof, and which are corrosion resistant to the UF_6/UF_4 environment.

5.7.7. *UF_6 /carrier gas compressors (MELIS)*

Especially designed or prepared compressors for UF_6 /carrier gas mixtures, designed for long term operation in a UF_6 environment. The components of these compressors that come into contact with process gas are made of or protected by materials resistant to corrosion by UF_6 .

5.7.8 Rotary shaft seals (MELIS)

Especially designed or prepared rotary shaft seals, with seal feed and seal exhaust connections, for sealing the shaft connecting the compressor rotor with the driver motor so as to ensure a reliable seal against out-leakage of process gas or in-leakage of air or seal gas into the inner chamber of the compressor which is filled with a UF₄/carrier gas mixture.

5.7.9 Fluorination systems (MELIS)

Especially designed or prepared systems for fluorinating UF₄ (solid) to UF₆ (gas)

Explanatory note

These systems are designed to fluorinate the collected UF₄ powder to UF₆ for subsequent collection in product containers or for transfer as feed to MELIS units for additional enrichment. In one approach, the fluorination reaction may be accomplished within the isotope separation system to select and recover directly off the 'product' collectors. In another approach, the UF₄ powder may be removed/transported from the 'product' collectors into a suitable reaction vessel (e.g., fluidized-bed reactor, screw reactor or flame tower) for fluorination. In both approaches, equipment for passage and transfer of fluorine (or other suitable fluorinating agent) and for collection and transfer of UF₆ are used.

5.7.10 UF₆ mass spectrometry/ion sources (MELIS)

Especially designed or prepared magnetic or quadrupole mass spectrometers capable of taking 'on line' samples of feed, 'product' or 'tails' from UF₆ gas streams and having all of the following characteristics:

1. unit resolution for mass greater than 120;
2. ion sources constructed of or lined with molybdenum or metal or nickel plated;
3. electron, fieldless/weak ionization sources;
4. collector system suitable for isotopic analysis.

5.7.11 Feed systems/product and tails withdrawal systems (MELIS)

Especially designed or prepared process systems or equipment for enrichment plants made of or protected by materials resistant to corrosion by UF₆, including:

- (a) feed subcoolers, vented, or systems used for passing UF₆ to the enrichment process;
- (b) desublimers (or cold traps) used to remove UF₆ from the enrichment process for subsequent transfer upon heating;
- (c) sublimation or liquefaction stations used to remove UF₆ from the enrichment process by compressing and converting UF₆ to a liquid or solid form;
- (d) 'product' or 'tails' stations used for transferring UF₆ into containers.

5.7.12 UF₆/carrier gas separation systems (MELIS)

Especially designed or prepared process systems for separating UF₆ from carrier gas. The carrier gas may be nitrogen, argon, or other gas.

Explanatory note

These systems may incorporate equipment such as:

- (a) cryogenic heat exchangers or cryoseparators capable of temperatures of -120°C or less, or
- (b) cryogenic refrigeration units capable of temperatures of -120°C or less, or
- (c) CH_4 cold traps capable of temperatures of -20°C or less.

5.7.13 Laser systems (AVLIS, MLIS and CRISLA)

Lasers or laser systems especially designed or prepared for the separation of uranium isotopes.

Explanatory note

The laser system for the AVLIS process usually consists of two lasers: a copper vapour laser and a dye laser. The laser system for MLIS usually consists of a CO_2 or excimer laser and a multi-pass optical cell with revolving mirrors at both ends. Lasers or laser systems for both processes require a spectrum frequency stabiliser for operation over extended periods of time.

5.8. Especially designed or prepared systems, equipment and components for use in plasma separation enrichment plants*Introductory note*

In the plasma separation process, a plasma of uranium ions passes through an electric field tuned to the U-235 ion resonance frequency so that they preferentially absorb energy and increase the diameter of their cockroach-like orbits. Ions with a large-diameter path are trapped to produce a product enriched in U-235. The plasma, which is made by ionising uranium vapour, is contained in a vacuum chamber with a high-strength magnetic field produced by a superconducting magnet. The main technological systems of the process include the uranium plasma generation system, the separator module with a superconducting magnet and metal removal systems for the collection of 'product' and 'tails'.

5.8.1 Microwave power sources and antennae

Especially designed or prepared microwave power sources and antennae for producing or accelerating ions and having the following characteristics: greater than 30 GHz frequency and greater than 50 kW mean power output for ion production.

5.8.2 Ion excitation coils

Especially designed or prepared radio frequency ion excitation coils for frequencies of more than 100 kHz and capable of handling more than 40 kW mean power.

5.8.3 Uranium plasma generation systems

Especially designed or prepared systems for the generation of uranium plasma, which may contain high-power strip or scanning electron beam guns with a delivered power on the target of more than 2,5 kW/cm.

5.8.4 Liquid uranium metal handling systems

Especially designed or prepared liquid metal handling systems for molten uranium or uranium alloys, consisting of crucibles and cooling equipment for the crucibles.

Explanatory note

The crucibles and other parts of this system that come into contact with molten uranium or uranium alloys are made of or protected by materials of suitable erosion and heat resistance. Suitable materials include tantalum, sintered graphite, graphite coated with other rare earth oxides or mixtures thereof.

5.8.5. Uranium metal 'product' and 'tails' collector assemblies

Especially designed or prepared 'product' and 'tails' collector assemblies for uranium metal in solid form. These collector assemblies are made of or protected by materials resistant to the heat and corrosion of uranium metal vapour, such as yttria-coated graphite or tantalum.

5.8.6. Separative module housings

Cylindrical vessels especially designed or prepared for use in plasma separation enrichment plants for containing the uranium, plasma source, radio-frequency drive coil and the 'product' and 'tail' collectors.

Explanatory note

These housings have a multiplicity of ports for electrical feed-throughs, diffusion pump connections and instrumentation diagnostics and monitoring. They have provisions for opening and closing to allow for replacement of internal components and are constructed of a suitable non-magnetic material such as stainless steel.

5.9. Especially designed or prepared systems, equipment and components for use in electromagnetic enrichment plants*Introductory note*

In the electromagnetic process, uranium metal ions produced by ionisation of a salt feed material (typically UF₄) are accelerated and passed through a magnetic field that has the effect of causing the ions of different isotopes to follow different paths. The major components of an electromagnetic isotope separator include: a magnetic field for ion-beam diversion/separation of the isotopes, an ion source with its acceleration system, and a collection system for the separated ions. Auxiliary systems for the process include the magnet power supply system, the ion source high-voltage power supply system, the vacuum system, and extensive chemical handling systems for recovery of product and cleaning/recycling of components.

5.9.1. Electromagnetic isotope separators

Electromagnetic isotope separators, especially designed or prepared for the separation of uranium isotopes, and equipment and components thereof, including:

(a) ion sources

Especially designed or prepared single or multiple uranium ion sources consisting of a vapour source, ioniser, and beam accelerator, constructed of suitable materials such as graphite, stainless steel, or copper, and capable of providing a total ion beam current of 50 mA or greater;

(b) ion collectors

Collector plates consisting of two or more slits and pockets especially designed or prepared for collection of enriched and depleted uranium ion beams and constructed of suitable materials such as graphite or stainless steel.

(c) Vacuum housings

Especially designed or prepared vacuum housings for uranium electromagnetic separators, constructed of suitable non-magnetic materials such as stainless steel and designed for operation at pressures of 0,1 Pa or lower.

Explanatory note

The housings are specially designed to contain the ion sources, collector plates and water cooled liners and have provisions for diffusion pump connections and opening and closure for removal and reinstallation of these components.

(d) Magnet pole pieces

Especially designed or prepared magnet pole pieces having a diameter greater than 2 m used to maintain a constant magnetic field within a electromagnetic isotope separator and to transfer the magnetic field between adjoining separators.

5.9.2 High voltage power supplies

Especially designed or prepared high-voltage power supplies for ion sources, having all of the following characteristics: capable of continuous operation, output voltage of 20 000 V or greater, output current of 1 A or greater, and voltage regulation of better than 0,01 % over a period of eight hours.

5.9.3 Magnet power supplies

Especially designed or prepared high-power, direct current magnet power supplies having all of the following characteristics: capable of continuously producing a current output of 500 A or greater at a voltage of 100 V or greater and with a current or voltage regulation better than 0,01 % over a period of 8 hours.

6. PLANTS FOR THE PRODUCTION OF HEAVY WATER, DEUTERIUM AND DEUTERIUM COMPOUNDS AND EQUIPMENT ESPECIALLY DESIGNED OR PREPARED THEREFOR**Introductory note**

Heavy water can be produced by a variety of processes. However, the two processes that have proven to be commercially viable are the water-hydrogen sulphide exchange process (GS process) and the ammonia-hydrogen exchange process.

The GS process is based upon the exchange of hydrogen and deuterium between water and hydrogen sulphide within a series of towers which are operated with the top section cold and the bottom section hot. Water flows down the towers while the hydrogen sulphide gas circulates from the bottom to the top of the towers. A series of perforated trays are used to promote mixing between the gas and the water. Deuterium migrates to the water at low temperatures and to the hydrogen sulphide at high temperatures. Gas or water, enriched in deuterium, is removed from the first stage towers at the junction of the hot and cold sections and the process is repeated in subsequent stage towers. The product of the last stage, water enriched up to 30 % in deuterium, is sent to a distillation unit to produce reactor grade heavy water, i.e., 99,75 % deuterium oxide.

The ammonia-hydrogen exchange process can extract deuterium from synthesis gas through contact with liquid ammonia in the presence of a catalyst. The synthesis gas is fed into exchange towers and to an ammonia converter. Inside the towers the gas flows from the bottom to the top while the liquid ammonia flows from the top to the bottom. The deuterium is stripped from the hydrogen in the synthesis gas and concentrated in the ammonia. The ammonia then flows into an ammonia cracker at the bottom of the tower while the gas flows into an ammonia converter at the top. Further enrichment takes place in subsequent stages and reactor grade heavy water is produced through final distillation. The synthesis gas feed can be provided by an ammonia plant that, in turn, can be constructed in association with a heavy water ammonia-hydrogen exchange plant. The ammonia-hydrogen exchange process can also use ordinary water as a feed source of deuterium.

Many of the key equipment items for heavy water production plants using GS or the ammonia-hydrogen exchange processes are common to several segments of the chemical and petroleum industries. This is particularly so for small plants using the GS process. However, few of the items are available 'off-the-shelf'. The GS and ammonia-hydrogen processes require the handling of large quantities of flammable, corrosive and toxic fluids at elevated pressures. Accordingly, in establishing the design and operating standards for plants and equipment using these processes, careful attention to the materials selection and specifications is required to ensure long service life with high safety and reliability factors. The choice of scale is primarily a function of economics and need. Thus, most of the equipment items would be prepared according to the requirements of the customer.

Finally, it should be noted that, in both the GS and the ammonia-hydrogen exchange processes, items of equipment which individually are not especially designed or prepared for heavy water production can be assembled into systems which are especially designed or prepared for producing heavy water. The catalyst production system used in the ammonia-hydrogen exchange process and water distillation systems used for the final concentration of heavy water to reactor-grade in either process are examples of such systems.

The items of equipment which are especially designed or prepared for the production of heavy water utilizing either the water-hydrogen sulphide exchange process or the ammonia-hydrogen exchange process include the following:

6.1. Water – hydrogen sulphide exchange towers

Exchange towers fabricated from fine grained steel (such as ASTM A516) with diameters of 6 m (20') to 9 m (30'), capable of operating at pressures greater than or equal to 2 MPa (300 psi) and with a corrosion allowance of 6 mm or greater, especially designed or prepared for heavy water production utilizing the water-hydrogen sulphide exchange process.

6.2. Blowers and compressors

Single stage, low head (i.e., 0.2 MPa or 30 psi) centrifugal blowers or compressors for hydrogen-sulphide gas circulation (i.e., gas containing more than 70 % H₂S) especially designed or prepared for heavy water production utilizing the water-hydrogen sulphide exchange process. These blowers or compressors have a throughput capacity greater than or equal to 56 m³/second (120,000 SCFH) when operating at pressures greater than or equal to 1.8 MPa (260 psi) suction and have seals designed for wet H₂S service.

6.3. Ammonia-hydrogen exchange towers

Ammonia-hydrogen exchange towers greater than or equal to 35 m (114.8') in height with diameters of 1.5 m (4.9') to 2.5 m (8.2') capable of operating at pressures greater than 15 MPa (2225 psi) especially designed or prepared for heavy water production utilizing the ammonia-hydrogen exchange process. These towers also have at least one flanged axial opening of the same diameter as the cylindrical part through which the tower internals can be inserted or withdrawn.

6.4. Tower internals and stage pumps

Tower internals and stage pumps especially designed or prepared for towers for heavy water production utilizing the ammonia-hydrogen exchange process. Tower internals include especially designed stage containers which promote intimate gas/liquid contact. Stage pumps include especially designed submersible pumps for circulation of liquid ammonia within a contacting stage internal to the stage towers.

6.5. Ammonia crackers

Ammonia crackers with operating pressures greater than or equal to 3 MPa (450 psi) especially designed or prepared for heavy water production utilizing the ammonia-hydrogen exchange process.

6.6. Infrared phosphorus analyzers

Infrared absorption analyzers capable of on-line hydrogen/deuterium ratio analysis where deuterium concentrations are equal to or greater than 90 %.

6.7. Catalytic burners

Catalytic burners for the conversion of enriched deuterium gas into heavy water especially designed or prepared for heavy water production utilizing the deuterium-hydrogen exchange process.

7. PLANTS FOR THE CONVERSION OF URANIUM AND EQUIPMENT ESPECIALLY DESIGNED OR PREPARED THEREFOR

Introductory note

Uranium conversion plants and systems may perform one or more transformations from one uranium chemical species to another, including: conversion of uranium ore concentrates to UO_2 , conversion of UO_2 to UO_3 , conversion of uranium oxides to UF_4 or UF_6 , conversion of UF_4 to UF_6 , conversion of UF_6 to UF_4 , conversion of UF_4 to UF_6 , conversion of UF_6 to uranium metal, and conversion of uranium fluorides to UO_2 . Many of the key equipment items for uranium conversion plants are common to several segments of the chemical process industry. For example, the types of equipment employed in these processes may include: furnaces, rotary kilns, fluidized bed reactors, flame tower reactors, liquid centrifuges, distillation columns and liquid-liquid extraction columns. However, few of the items are available "off-the-shelf"; most would be prepared according to the requirements and specifications of the customer. In some instances, special design and construction considerations are required to address the corrosive properties of some of the chemicals handled (HF , F_2 , ClF_3 , and uranium fluorides). Finally, it should be noted that, in all of the uranium conversion processes, items of equipment which individually are not especially designed or prepared for uranium conversion can be assembled into systems which are especially designed or prepared for use in uranium conversion.

7.1. Especially designed or prepared systems for the conversion of uranium ore concentrates to UO_2 *Explanatory note*

Conversion of uranium ore concentrates to UO_2 can be performed by first dissolving the ore in nitric acid and extracting purified uranyl nitrate using a solvent such as triethyl phosphate. Next, the uranyl nitrate is converted to UO_2 either by concentration and dehydration or by neutralization with gaseous ammonia to produce ammonium carbonate with subsequent filtering, drying, and calcining.

7.2. Especially designed or prepared systems for the conversion of UO_2 to UF_4 *Explanatory note*

Conversion of UO_2 to UF_4 can be performed directly by fluorination. The process requires a source of fluorine gas or chlorine trifluoride.

7.3. Especially designed or prepared systems for the conversion of UO_2 to UO_3 *Explanatory note*

Conversion of UO_2 to UO_3 can be performed through reduction of UO_2 with cracked ammonia gas or hydrogen.

- 7.4. Especially designed or prepared systems for the conversion of UO_2 to UF_4

Explanatory note

Conversion of UO_2 to UF_4 can be performed by reacting UO_2 with hydrogen fluoride gas (HF) at 400-500 °C.

- 7.5. Especially designed or prepared systems for the conversion of UF_4 to UF_6

Explanatory note

Conversion of UF_4 to UF_6 is performed by exothermic reaction with fluorine in a tower reactor. UF_6 is condensed from the hot effluent gases by passing the effluent stream through a cold trap cooled to -20 °C. The process requires a source of fluorine gas.

- 7.6. Especially designed or prepared systems for the conversion of UF_6 to U metal

Explanatory note

Conversion UF_6 to U metal is performed by reduction with magnesium (large batches) or calcium (small batches). The reaction is carried out at temperatures above the melting point of uranium (1130 °C).

- 7.7. Especially designed or prepared systems for the conversion of UF_6 to UO_2

Explanatory note

Conversion of UF_6 to UO_2 can be performed by one of three processes. In the first, UF_6 is reduced and hydrolyzed to UO_2 using hydrogen and steam. In the second, UF_6 is hydrolyzed by ammonia in water, ammonia is added to precipitate ammonium diuranate, and the diuranate is reduced to UO_2 with hydrogen at 520 °C. In the third process, gaseous UF_6 , CO_2 and NH_3 are combined in water, precipitating ammonium uranyl carbonate. The ammonium uranyl carbonate is combusted with steam and hydrogen at 500-600 °C to yield UO_2 .

UF_6 to UO_2 conversion is often performed as the first stage of a fuel fabrication plant.

- 7.8. Especially designed or prepared systems for the conversion of UF_6 to UF_3

Explanatory note

Conversion of UF_6 to UF_3 is performed by reduction with hydrogen.

ANNEX III

In the event that the measures in this Protocol involve nuclear material declared by the Community and without prejudice to Article I of this Protocol, the Agency and the Community shall cooperate to facilitate implementation of those measures and shall avoid unnecessary duplication of activities.

The Community shall provide the Agency with information relating to transfers, for both nuclear and non-nuclear purposes, from each State to another Member State of the Community and to such transfers to each State from another Member State of the Community that corresponds to the information to be provided under Article 2 (a)(vi)(i) and under Article 2(a)(vi)(c) in relation to exports and imports of source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched.

Each State shall provide the Agency with information relating to transfers to or from another Member State of the Community that corresponds to the information on specified equipment and nuclear material listed in Annex II of this Protocol to be provided under Article 2(a)(vi)(a) in relation to exports and, on specific request of the Agency, under Article 2(a)(vi)(b) in relation to imports.

With regard to the Community's Joint Research Centre, the Community shall also implement the measures which this Protocol sets out for States, as appropriate in close collaboration with the State on whose territory an establishment of the Centre is located.

The Liaison Committee, established under Article 28(a) of the Protocol referred to in Article 26 of the Safeguards Agreement, will be extended in order to allow for participation by representatives of the States and adjustment to the new circumstances resulting from this Protocol.

For the sole purposes of the implementation of this Protocol, and without prejudice to the respective competences and responsibilities of the Community and its Member States, each State which decides to entrust to the Commission of the European Communities implementation of certain provisions which under this Protocol are the responsibility of the States, shall so inform the other Parties to the Protocol through a written note. The Commission of the European Communities shall inform the other Parties to the Protocol of its acceptance of any such decisions.

DODATNI PROTOKOL

k Sporazumu med Republiko Avstrijo, Kraljevino Belgijo, Kraljevino Dansko, Republiko Finsko, Zvezno republiko Nemčijo, Helensko republiko, Irsko, Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko, Portugalsko republiko, Kraljevino Španijo, Kraljevino Švedsko, Evropsko skupnostjo za atomsko energijo in Mednarodno agencijo za atomsko energijo pri izvajanju člena III(1) in (4) Pogodbe o neširjenju jedrskega orožja*

(1999/188/Euratom)

PREAMBULA

Ker so Republika Avstrija, Kraljevina Belgija, Kraljevina Danska, Republika Finska, Zvezna republika Nemčija, Helenska republika, Irsko, Italijanska republika, Veliko vojvodstvo Luksemburg, Kraljevina Nizozemska, Portugalska republika, Kraljevina Španija, Kraljevina Švedska (v nadaljnjem besedilu države) in Evropska skupnost za atomsko energijo (v nadaljnjem besedilu »Skupnost«) podpisnice Sporazuma o varovanju med državami, Skupnostjo in Mednarodno agencijo za atomsko energijo (v nadaljnjem besedilu »Agencija«) pri izvajanju člena III(1) in (4) Pogodbe o neširjenju jedrskega orožja (v nadaljnjem besedilu Sporazum o varovanju), ki je začela veljati 21. februarja 1997;

zavedajoč se želje mednarodne skupnosti za okrepitev boja proti širjenju jedrskega orožja s povečanjem učinkovitosti in z izboljšanjem zmožnosti sistema varovanja Agencije;

ob sklicevanju na to, da mora Agencija pri varovanju upoštevati potrebo, da se izogne oviranju gospodarskega in tehnološkega razvoja Skupnosti ali mednarodnega sodelovanja na področju miroljubnih jedrskih dejavnosti, spoštuje zdravje, varnost, fizično zaščito in druge veljavne varnostne določbe ter pravice posameznikov in sprejme vse varnostne ukrepe za varstvo poslovnih, tehnoloških ter industrijskih skrivnosti kot tudi drugih zaupnih informacij, ki jih izve;

ker je treba pogostost in intenzivnost v tem protokolu opisanih dejavnosti omejiti na najmanjšo možno mero v skladu s ciljem povečanja učinkovitosti in izboljšanja zmožnosti varovanja Agencije,

so se zaradi tega Skupnost, države in Agencija sporazumeli o naslednjem:

ODNOS MED PROTOKOLOM IN SPORAZUMOM O VAROVANJU**Člen 1**

Določbe Sporazuma o varovanju veljajo za ta protokol v tolikšni meri, kolikor se nanašajo na določbe tega protokola in so združljive z njimi. Ob neskladju med določbami Sporazuma o varovanju in določbami tega protokola veljajo določbe tega protokola.

POSREDOVANJE INFORMACIJ**Člen 2**

(a) Vsaka država predloži Agenciji izjavo, ki vsebuje podatke, določene v pododstavkih (i), (ii), (iv), (ix), in (x). Skupnost predloži Agenciji izjavo, ki vsebuje podatke, določene v pododstavkih (v), (vi) in (vii). Vsaka država in Skupnost predložijo Agenciji izjavo, ki vsebuje podatke, določene v pododstavkih (iii) in (viii).

(i) Splošen opis in informacije, ki določajo lokacijo raziskovalnih in razvojnih dejavnosti, povezanih z jedrskim gorivnim ciklom, ki ne vključujejo jedrskega materiala in se izvajajo kjer koli, kjer jih financira, posebej odobri ali nadzoruje zadevna država oziroma se izvajajo v njenem imenu.

(ii) Informacije, ki jih je Agencija ugotovila na podlagi pričakovanega povečanja učinkovitosti ali zmožnosti in s katerimi se je zadevna država strinjala, o operativnih dejavnostih, pomembnih za varovanje v objektih in na lokacijah zunaj jedrskih objektov, kjer se jedrski material navadno uporablja.

(iii) Splošen opis vsake stavbe na vsakem mestu, vključno z njeno uporabo in njeno vsebino, če to ni jasno iz tega opisa. Opis mora vključevati karto mesta.

(iv) Opis obsega postopkov za vsako lokacijo, na kateri potekajo dejavnosti, določene v Prilogi I tega protokola.

(v) Informacije, ki podrobno opredeljujejo lokacijo, obratovalno stanje in ocenjeno letno proizvodno zmogljivost rudnikov urana in obratov za predelavo uranove rude ter obratov

za predelavo torijeve rude v vsaki državi kot tudi tekočo letno proizvodnjo takšnih rudnikov in obratov za predelavo. Skupnost mora na zahtevo Agencije dati informacije o tekoči letni proizvodnji posameznega rudnika ali obrata za predelavo. Za posredovanje teh informacij se ne zahteva podrobno vodenje evidence jedrskega materiala.

(vi) Informacije o osnovnem materialu, ki ni dosegel sestave in čistosti, ustrezne za izdelovanje goriva ali za izotopsko obogatitev, kot sledi:

(a) količine, kemično sestavo, uporabo ali predvideno uporabo takšnega materiala bodisi za jedrsko ali nejedrsko uporabo za vsako lokacijo v državah, na kateri je material prisoten v količinah, ki presegajo deset ton urana in/ali dvajset ton torija, in za druge lokacije s količinami, ki so večje od ene tone, skupno količino za države kot celoto, če presega deset ton urana ali dvajset ton torija. Za posredovanje teh informacij se ne zahteva podrobno vodenje evidence jedrskega materiala;

(b) količine, kemično sestavo in namembni kraj za vsak izvoz takšnega materiala iz držav v državo izven Skupnosti za izrecno nejedrske namene v količinah, ki presegajo:

(1) deset ton urana ali pri zaporednem izvozu urana v isto državo, pri čemer je vsak izvoz manjši od deset ton, skupaj z drugimi pa presega deset ton na leto;

(2) dvajset ton torija ali pri zaporednem izvozu torija v isto državo, pri čemer je vsak izvoz manjši od dvajset ton, skupaj z drugimi pa presega dvajset ton na leto;

(c) količine, kemično sestavo, sedanjo lokacijo in uporabo ali predvideno uporabo vsakega uvoza takšnega materiala izven Skupnosti v države za izrecno nejedrske namene v količinah, ki presegajo:

(1) deset ton urana ali pri zaporednem uvozu urana, pri čemer je vsak uvoz manjši od deset ton, skupaj z drugimi pa presega deset ton na leto;

(2) dvajset ton torija ali pri zaporednem uvozu torija, pri čemer je vsak uvoz manjši od 20 ton, skupaj z drugimi pa presega dvajset ton na leto;

* 8. junija 1998 je Svet v imenu Evropske skupnosti za atomsko energijo (Skupnost) odobril sklep Komisije, ne samo tega dodatnega protokola k Sporazumu med 13 državami članicami Skupnosti brez jedrskega orožja, Skupnostjo in Mednarodno agencijo za atomsko energijo (MAAE) (objavljen v UL L 51, zvezek 21, dne 22. februarja 1978, in kot dokument MAAE INFCIRC/193, dne 14. septembra 1973), ampak tudi dodatnih protokolov k sporazumom med Združenim kraljestvom Velike Britanije in Severno Irsko, Skupnostjo in MAAE (objavljen kot dokument MAAE INFCIRC/263, oktobra 1978) ter med Francijo, Skupnostjo in MAAE (objavljen kot dokument MAAE INFCIRC/290, decembra 1981). Vse tri dodatne protokole so podpisale ustrezne podpisnice na Dunaju 22. septembra 1998. Besedilo vsakega izmed njih je na voljo na spletni strani <http://europa.eu.int/en/comm/dg17/nuclear/nuchome.htm>

pri čemer se razume, da se informacije o takšnem materialu, ki je namenjen za nejedrsko uporabo, ne zahtevajo, potem ko je material v svoji nejedrski obliki končne uporabe.

(vii) (a) Informacije glede količin, uporab in lokacij jedrskega materiala, oproščenega varovanja v skladu s členom 37 Sporazuma o varovanju;

(b) informacije glede količin (ki so lahko v obliki ocen) in uporab na vsaki lokaciji jedrskega materiala, oproščenega varovanja v skladu s členom 36(b) Sporazuma o varovanju, ki še ni v nejedrski obliki končne uporabe, v količinah, ki presegajo tiste, določene v členu 37 Sporazuma o varovanju. Za posredovanje teh informacij se ne zahteva podrobno vodenje evidence jedrskega materiala.

(viii) Informacije glede lokacije ali nadaljnje obdelave srednje- ali visokoaktivnih odpadkov ali odpadkov, ki vsebujejo plutonij, visokoobogaten uran ali uran-233, za katere je varovanje prenehalo v skladu s členom 11 Sporazuma o varovanju. Za namen tega odstavka »nadaljnja obdelava« ne vključuje prepakiranja odpadkov ali njihove nadaljnje priprave brez ločevanja elementov zaradi shranjevanja ali odlaganja.

(ix) Naslednje informacije glede določene opreme in nejedrskega materiala navedenega v Prilogi II:

(a) za vsak izvoz takšne opreme in materiala iz Skupnosti: identiteto, količino, lokacijo predvidene uporabe v državi prejemnici in datum oziroma predvideni datum izvoza;

(b) na izrecno zahtevo Agencije potrditev s strani države uvoznice informacij, ki jih je Agenciji o izvozu takšne opreme in materiala v državo uvoznico posredovala država izven Skupnosti.

(x) Splošne načrte za naslednje desetletno obdobje, pomembne za razvoj jedrskega gorivnega cikla (vključno z načrtovanimi raziskovalnimi in razvojnimi dejavnostmi, povezanimi z jedrskim gorivnim ciklom), ko jihodobrijo ustrezni organi v državi.

(b) Vsaka država si po najboljših močeh prizadeva, da Agenciji predloži naslednje informacije:

(i) splošen opis in informacije o podrobnejši opredelitvi lokacije raziskovalnih in razvojnih dejavnosti, povezanih z jedrskim gorivnim ciklom, ki ne vključujejo jedrskega materiala in so izrecno povezane z obogatitvijo, predelavo jedrskega goriva ali obdelavo srednje- ali visokoaktivnih odpadkov, ki vsebujejo plutonij, visokoobogaten uran ali uran-233, ki se izvajajo kjer koli v zadevni državi, ki pa jih ta država ne financira, posebej ne odobrava ali nadzoruje oziroma se ne izvajajo v njenem imenu. Za namen tega odstavka »obdelava« srednje- ali visokoaktivnih odpadkov ne vključuje prepakiranja odpadkov ali njihove nadaljnje priprave brez ločevanja elementov zaradi shranjevanja ali odlaganja.

(ii) Splošen opis dejavnosti in identiteto osebe ali pravne osebe, ki takšne dejavnosti izvaja na lokacijah, ki jih je Agencija odkrila zunaj mesta in za katere Agencija meni, da bi lahko bile funkcionalno povezane z dejavnostmi na tem mestu. Takšne informacije se dajo na posebno zahtevo Agencije. Informacije se dajo po posvetovanju z Agencijo in pravočasno.

(c) Na zahtevo Agencije, država oziroma Skupnost zagotovi dopolnitev ali pojasnitev katere koli informacije, ki jo je dala po tem členu, če je pomembna za varovanje.

Člen 3

(a) Vsaka država ali Skupnost, oziroma obe, predloži Agenciji informacije, določene v členu 2(a)(i), (iii), (iv), (v), (vi)(a), (vii) in (x) ter členu 2(b)(i), v 180 dneh po začetku veljavnosti tega protokola.

(b) Vsaka država ali Skupnost, oziroma obe, Agenciji vsako leto do 15. maja predloži dopolnitve informacij iz odstavka (a), za obdobje, ki zajema prejšnje koledarsko leto. Če se predhodno predložene informacije niso spremenile, vsaka država ali Skupnost, ali obe, to navede.

(c) Skupnost Agenciji vsako leto do 15. maja predloži informacije, določene v členu 2(a)(vi)(b) in (c) za obdobje, ki zajema prejšnje koledarsko leto.

(d) Vsaka država Agenciji vsake četrta leta predloži informacije, določene v členu 2(a)(ix)(a). Te informacije se predložijo v 60 dneh po koncu vsakega četrletja.

(e) Skupnost in vsaka država predložijo Agenciji informacije, določene v členu 2(a)(viii), 180 dni pred nadaljnjo obdelavo, do 15. maja vsako leto pa informacije o spremembah lokacije za obdobje, ki zajema prejšnje koledarsko leto.

(f) Vsaka država in Agencija se dogovorita o času in pogostosti predložitve informacij, določenih v členu 2(a)(ii).

(g) Vsaka država Agenciji predloži informacije iz člena 2(a)(ix)(b) v 60 dneh po zahtevi Agencije.

DODATNI DOSTOP

Člen 4

Naslednje velja v zvezi z uresničevanjem dodatnega dostopa po členu 5 tega protokola:

(a) Agencija ne poskuša mehanično ali sistematično preverjati informacij iz člena 2, vendar pa ima dostop do:

(i) katere koli lokacije iz člena 5(a)(i) ali (ii) na selektivni podlagi, da ne bo neprijavljenega jedrskega materiala in dejavnosti;

(ii) katere koli lokacije iz člena 5(b) ali (c), da bi rešili vprašanje v zvezi s pravilnostjo in popolnostjo predloženih informacij v skladu s členom 2 ali da bi pojasnili neskladnost v zvezi s temi informacijami;

(iii) katere koli lokacije iz člena 5(a)(iii), v tolikšni meri, kot je za Agencijo potrebno, da zaradi varovanja potrdi izjavo Skupnosti ali države o stanju razgradnje objekta ali lokacije zunaj jedrskih objektov, kjer se je jedrski material običajno uporabljal.

(b) (i) Agencija najavi zadevni državi, oziroma zadevni državi in Skupnosti po odstavku (a) ali (c) člena 5, kadar gre za jedrski material, dostop vsaj 24 ur vnaprej, razen kot je določeno v točki (ii) spodaj.

(ii) Za dostop do katerega koli kraja na mestu, ki se zahteva v zvezi z obiski za verifikacijo projektnih podatkov ali z ad-hoc ali rutinskimi inšpekcijami na tem mestu, se vnaprejšnje obvestilo, če Agencija tako zahteva, da vsaj dve uri prej, v izrednih okoliščinah pa tudi v manj kot dveh urah.

(c) Vnaprejšnje obvestilo je pisno in v njem se navedejo razlogi za dostop in dejavnosti, ki se bodo izvajale med takšnim dostopom.

(d) V primeru spornega vprašanja ali neskladnosti Agencija zagotovi zadevni državi oziroma Skupnosti možnost, da pojasni in olajša reševanje vprašanja ali neskladnosti. Takšna možnost bo dana, preden se zahteva dostop, razen če Agencija meni, da bi odložitev dostopa vplivala na namen, zaradi katerega se dostop zahteva. Agencija o vprašanju ali neskladnosti v nobenem primeru ne sprejema kakršnih koli odločitev, preden državi članici oziroma Skupnosti ni bila dana takšna možnost.

(e) Dostop je možen le med rednim delovnim časom, razen če se zadevna država strinja z drugačno rešitvijo.

(f) Zadevna država, oziroma zadevna država in Skupnost za dostop po členu 5(a) ali členu 5(c), kadar gre za jedrski material, ima pravico, da inšpektorje Agencije med dostopom spremljajo predstavniki zadevne države oziroma inšpektorji Skupnosti, če to inšpektorjev Agencije ne zadržuje ali kako drugače ovira pri opravljanju njihovih nalog.

Člen 5

Vsaka država Agenciji omogoči dostop do:

(a) (i) katerega koli kraja na mestu;

(ii) katere koli lokacije, ki jo je zadevna država določila v skladu s členom 2(a)(v) do (viii);

(iii) katerega koli razgrajenega objekta ali razgrajene lokacije zunaj jedrskih objektov, kjer se je jedrski material običajno uporabljal.

(b) Katere koli lokacije, ki jo je zadevna država določila v skladu s členom 2(a)(i), členom 2(a)(iv), členom 2(a)(ix)(b) ali členom 2(b), razen lokacij iz (a)(i), pod pogojem, da si zadevna država po najboljših močeh prizadeva, da nemudoma izpolni zahteve Agencije z drugimi sredstvi, če takega dostopa ni sposobna omogočiti.

(c) Katere koli lokacije, ki jo je določila Agencija, razen lokacij iz odstavkov (a) in (b), zaradi jemanja vzorcev iz okolja,

značilnih za posamezno lokacijo, pod pogojem, da si zadevna država po najboljših močeh prizadeva, da nemudoma izpolni zahteve Agencije na bližnjih lokacijah ali z drugimi sredstvi, če takega dostopa ni sposobna omogočiti.

Člen 6

Pri izvajanju člena 5 lahko Agencija izvaja naslednje dejavnosti:

(a) za dostop v skladu s členom 5(a)(i) ali (iii): vizualno opazovanje; zbiranje vzorcev iz okolja; uporabo naprav za odkrivanje in merjenje sevanja; uporabo pečatov in drugih sredstev za prepoznavanje in ugotavljanje nepooblaščenih posegov, ki so določeni v dopolnilnih dogovorih; in druge objektivne ukrepe, za katere je bilo dokazano, da so tehnično izvedljivi, in katerih uporabo je odobril Svet guvernerjev (v nadaljnjem besedilu »Svet«) po posvetovanjih med Agencijo, Skupnostjo in zadevno državo.

(b) Za dostop v skladu s členom 5(a)(ii): vizualno opazovanje; štetje kosov jedrskega materiala; nedestruktivna merjenja in jemanje vzorcev; uporabo naprav za odkrivanje in merjenje sevanja; pregledovanje dokumentov v zvezi s količinami in izvorom materiala in razpolaganjem z njim; zbiranje vzorcev iz okolja in druge objektivne ukrepe, za katere je bilo dokazano, da so tehnično izvedljivi, in katerih uporabo je odobril Svet po posvetovanjih med Agencijo, Skupnostjo in zadevno državo.

(c) Za dostop v skladu s členom 5(b): vizualno opazovanje; zbiranje vzorcev iz okolja; uporabo naprav za odkrivanje in merjenje sevanja; pregledovanje dokumentov o proizvodnji in pošiljanju v zvezi z varovanjem in druge objektivne ukrepe, za katere je bilo dokazano, da so tehnično izvedljivi, in katerih uporabo je odobril Svet po posvetovanjih med Agencijo in zadevno državo.

(d) Za dostop v skladu s členom 5(c): zbiranje vzorcev iz okolja, in če rezultati ne rešijo vprašanja ali neskladnosti na lokaciji, ki jo je Agencija določila v skladu s členom 5(c), uporabo vizualnega opazovanja, naprav za odkrivanje in merjenje sevanja ter druge objektivne ukrepe na tej lokaciji, kot je bilo dogovorjeno med zadevno članico ter, kadar gre za jedrski material, Skupnostjo, in Agencijo.

Člen 7

(a) Na predlog države se Agencija in država dogovorita o nadzoru dostopa v skladu s tem protokolom, da bi preprečili razširjanje zaupnih informacij, da bi izpolnili varnostne zahteve ali zahteve za fizično varovanje ali da bi zavarovali lastninsko ali poslovno občutljive informacije. Takšni dogovori Agencije ne ovirajo pri dejavnostih, ki so potrebne za verodostojno zagotovitev, da na posamezni lokaciji ni neprijavljenega jedrskega materiala in dejavnosti, vključno z rešitvijo vprašanja v zvezi s pravilnostjo in popolnostjo informacij iz člena 2, ali z nedoslednostjo v zvezih njimi.

(b) Država lahko pri predložitvi informacij iz člena 2 Agencijo obvesti o krajih na mestu ali lokaciji, na katerih bi bil možen nadzorovan dostop.

(c) Do začetka veljavnosti katerih koli potrebnih dopolnilnih dogovorov ima država možnost nadzorovanega dostopa v skladu z določbami odstavka (a).

Člen 8

Nič v tem protokolu državi ne preprečuje, da ne bi Agenciji ponudila dostopa do dodatnih lokacij poleg tistih iz členov 5 in 9, ali da od Agencije ne bi zahtevala izvedbe verifikacijskih dejavnosti na določeni lokaciji. Agencija si po najboljših močeh prizadeva ugoditi takšni zahtevi.

Člen 9

Vsaka država mora Agenciji omogočiti dostop do lokacij, ki jih je določila Agencija, za jemanje vzorcev iz okolja na širšem območju pod pogojem, da si zadevna država po najboljših močeh prizadeva izpolniti zahteve Agencije na alternativnih lokacijah, če ni zmožna omogočiti takšnega dostopa. Agencija takšnega dostopa ne zahteva, dokler uporabe jemanja vzorcev iz okolja na širšem območju in postopkovne

ureditve za to ne odobri Svet po posvetovanjih med Agencijo in zadevno državo.

Člen 10

(a) Agencija obvesti državo oziroma Skupnost o:

(i) dejavnostih, ki se izvajajo v skladu s tem protokolom, vključno s tistimi glede kakršnih koli vprašanj ali nedoslednosti, na katere je Agencija zadevno državo oziroma Skupnost opozorila, v 60 dneh po tem, ko je Agencija izvedla dejavnosti.

(ii) Rezultati dejavnosti glede kakršnih koli vprašanj ali nedoslednosti, na katere je Agencija državo članico oziroma Skupnost opozorila, in sicer čim prej, vendar v vsakem primeru v 30 dneh po tem, ko je Agencija prišla do rezultatov.

(b) Agencija obvesti zadevno državo in Skupnost o ugotovitvah, do katerih je prišla na podlagi svojih dejavnosti v skladu s tem protokolom. Ugotovitve se sporočajo letno.

IMENOVANJE INŠPEKTORJEV AGENCIJE

Člen 11

(a) (i) Generalni direktor uradno obvesti Skupnost in države o odobritvi Sveta glede katerega koli uslužbenca Agencije za inšpektorja za varovanje. Če Skupnost v treh mesecih po prejemu obvestila o odobritvi Sveta generalnega direktorja ne obvesti o svoji zavrnitvi takšnega uslužbenca za inšpektorja za države, velja inšpektor, o katerem so bile Skupnost in države obveščene, za imenovanega.

(ii) Generalni direktor v odgovoru na zahtevo Skupnosti ali na lastno pobudo takoj obvesti Skupnost in države o umiku imenovanja katerega koli uslužbenca za inšpektorja za države.

(b) Za obvestilo iz odstavka (a) se šteje, da so ga Skupnost in države prejele sedem dni po datumu, ko je Agencija Skupnosti in državam poslala obvestilo s priporočeno pošto.

VIZUMI

Člen 12

Vsaka država v enem mesecu po prejemu zahtevka imenovanemu inšpektorju, določenemu v zahtevku, priskrbi ustrezne vizume za večkratno vstop/izstop in/ali prehod, kadar se to zahteva, da inšpektorju zagotovi, da vstopi na ozemlje zadevne države in na njem ostane zaradi opravljanja svojih nalog. Vsi zahtevani vizumi veljajo vsaj eno leto in se po potrebi obnovijo, da zajamejo trajanje inšpektorjevega imenovanja za države.

DOPOLNILNI DOGOVORI

Člen 13

(a) Kadar država oziroma Skupnost ali Agencija ugotovi, da je treba v dopolnilnih dogovorih določiti, kako naj se uporabljajo ukrepi, določeni v tem protokolu, se ta država oziroma ta država ter skupnost in Agencija dogovorita o takšnih dopolnilnih dogovorih v 90 dneh po začetku veljavnosti tega protokola, ali kadar je potreba po takšnih dopolnilnih dogovorih ugotovljena po začetku veljavnosti tega protokola, v 90 dneh po datumu takšne ugotovitve.

(b) Do začetka veljavnosti katerih koli potrebnih dopolnilnih dogovorov ima Agencija pravico uporabljati ukrepe določene s tem protokolom.

KOMUNIKACIJSKI SISTEMI

Člen 14

(a) Vsaka država dovoli in ščiti svobodne komunikacije Agencije zaradi uradnih namenov med inšpektorji Agencije v zadevni državi ter sedežem Agencije in/ali območnimi uradi, vključno z nadzorovanim in nenadzorovanim prenosom informacij, ki jih oddajajo zadrževalne in/ali nadzorne oziroma merilne naprave Agencije. Agencija ima po posvetovanju z zadevno državo pravico do uporabe mednarodno vzpostavljanih sistemov neposrednih komunikacij, vključno s satelitskimi

sistemi in drugimi oblikami telekomunikacije, ki se v zadevni državi ne uporabljajo. Na zahtevo države ali Agencije se podrobno o izvajanju tega odstavka glede nadzorovanega ali nenadzorovanega prenosa informacij, ki jih oddajajo za državne in/ali nadzorne oziroma merilne naprave Agencije, določijo v dopolnilnih dogovorih.

(b) Pri komunikaciji in prenosu informacij, kot sta določena v odstavku (a), se upošteva potreba po varovanju lastniško ali poslovno občutljivih informacij ali projektnih podatkov, ki jih država obravnava kot posebej občutljive.

VAROVANJE ZAUPNIH INFORMACIJ

Člen 15

(a) Agencija vzdržuje strog režim za zagotavljanje učinkovitega varovanja pred razkritjem poslovnih, tehnoloških in industrijskih skrivnosti ter drugih zaupnih informacij, ki jih izve, vključno s takšnimi informacijami, ki jih izve pri izvajanju tega protokola.

(b) Režim iz odstavka (a), med drugim vključuje določbe v zvezi s:

(i) splošnimi načeli in z njimi povezanimi ukrepi za ravnanje z zaupnimi informacijami;

(ii) pogoji zaposlovanja osebja v zvezi z varovanjem zaupnih informacij;

(iii) postopki ob kršitvah ali domnevnih kršitvah zaupnosti.

(c) Svet odobri in redno preverja režim iz odstavka (a) zgoraj.

PRILOGE

Člen 16

(a) Priloge tega protokola so njegov sestavni del. Razen za namene spremembe Prilog I in II pomeni izraz »Protokol«, kot je uporabljen v tem aktu, protokol in priloge skupaj.

(b) Seznam dejavnosti, določen v Prilogi I, in seznam opreme ter materiala, določen v Prilogi II, lahko Svet spremeni na podlagi nasveta odprte delovne skupine izvedencev, ki jo ustanovi Svet. Vsaka takšna sprememba začne veljati štiri mesece po tem, ko jo je sprejel Svet.

(c) Priloga III k temu protokolu določa, kako Skupnost in države izvajajo ukrepe tega protokola.

ZAČETEK VELJAVNOSTI

Člen 17

(a) Ta protokol začne veljati z dnem, ko Agencija prejme od Skupnosti in držav pisno uradno obvestilo o izpolnitvi njihovih postopkov za začetek veljavnosti.

(b) Države in Skupnost lahko kadar koli pred začetkom veljavnosti tega protokola izjavijo, da bodo ta protokol uporabljale začasno.

(c) Generalni direktor vse države članice Agencije nemudoma obvesti o vsaki izjavi o začasni uporabi tega protokola in o začetku njegove veljavnosti.

OPREDELITVE

Člen 18

Za namen tega protokola:

(a) »raziskovalne in razvojne dejavnosti, povezane z jedrskim gorivnim ciklom,« pomenijo tiste dejavnosti, ki so izrecno povezane s katerim koli razvojnim vidikom postopka ali sistema katere koli od naslednjih postavk:

- pretvorbe jedrskega materiala,
- obogatitve jedrskega materiala,
- izdelovanja jedrskega goriva,
- reaktorjev,
- kritičnih objektov,
- predelave jedrskega goriva,

– obdelave (brez prepakiranja odpadkov ali priprave brez ločevanja elementov zaradi shranjevanja ali odlaganja) srednje- ali visokoaktivnih odpadkov, ki vsebujejo plutonij, visokoobogaten uran ali uran-233,

vendar ne vključujejo dejavnosti v zvezi s teoretičnim ali temeljnim znanstvenim raziskovanjem ali z raziskovanjem in razvojem uporabe radioaktivnih izotopov v industriji, medicini, hidrologiji in kmetijstvu, vplivov na zdravje in okolje ter izboljšanja vzdrževanja.

(b) »Mesto« pomeni tisto območje, ki ga Skupnost in država razmejita v ustreznih projektnih podatkih za objekt, vključno z zaprtim objektom, ter v ustrezni informaciji o lokaciji zunaj jedrskih objektov, kjer se jedrski material običajno uporablja, vključno z zaprto lokacijo zunaj jedrskih objektov, kjer se je jedrski material običajno uporabljal (to je omejeno na lokacije z vročimi celicami ali na lokacije, kjer so opravljali dejavnosti, povezane s pretvorbo, obogatitvijo, izdelovanjem goriva ali predelavo). »Mesto« mora vključevati tudi vse naprave, nameščene skupaj z objektom ali lokacijo, za opravljanje bistvenih storitev ali njihovo uporabo, kar vključuje: vroče celice za obdelavo obsevanih materialov brez jedrskega materiala, naprave za ravnanje z odpadki, njihovo shranjevanje in odlaganje ter stavbe v zvezi z navedenimi dejavnostmi, ki jih je zadevna država določila v skladu s členom 2(a)(iv).

(c) »Razgrajeni objekt« ali »razgrajena lokacija zunaj jedrskega objekta« pomeni napravo ali lokacijo, s katere so bile preostale strukture in oprema, ki so bistvene za njeno uporabo, odstranjene ali onesposobljene, tako da se ne uporablja za shranjevanje in se ne more več uporabljati za ravnanje z jedrskim materialom, njegovim obdelovanjem ali uporabo.

(d) »Zaprti objekt« ali »zapra lokacija zunaj jedrskega objekta« pomeni napravo ali lokacijo, na kateri so bile dejavnosti ustavljene in jedrski material odstranjen, vendar objekt ni bil razgrajen.

(e) »Visokoobogaten uran« pomeni uran, ki vsebuje 20 ali več odstotkov izotopa urana-235.

(f) »Jemanje vzorcev iz okolja, značilnih za posamezno lokacijo« pomeni zbiranje vzorcev iz okolja (npr. zraka, vode, vegetacije, zemlje, umazanije) na lokaciji in v njeni neposredni bližini, ki jo je Agencija izbrala zaradi pomoči Agenciji pri ugotavljanju neprijavljenega jedrskega materiala ali jedrskih dejavnosti na določeni lokaciji.

(g) »Jemanje vzorcev iz okolja na širšem območju« pomeni zbiranje vzorcev iz okolja (npr. zraka, vode, vegetacije, zemlje, umazanije) na nizu lokacij, ki ga je Agencija izbrala zaradi pomoči Agenciji pri ugotavljanju neprijavljenega jedrskega materiala ali jedrskih dejavnosti na širšem območju.

(h) »Jedrski material« pomeni kateri koli osnoven ali poseben cepljivi material, kot je določeno v členu XX Statuta. Izraz osnoven material se ne razlaga v pomenu rude ali ostankov rude. Vsaka odločitev Sveta v smislu člena XX Statuta Agencije po začetku veljavnosti tega protokola, ki razširja materiale, ki se štejejo za osnoven material ali poseben cepljivi material, bo po tem protokolu začela veljati šele, ko jo sprejmejo Skupnost in države.

(i) »Objekt« pomeni:

(i) reaktor, kritični objekt, obrat za pretvorbo, obrat za izdelavo, obrat za predelavo, obrat za ločevanje izotopov ali ločeno skladišče ali

(ii) katero koli lokacijo, na kateri se običajno uporablja jedrski material v količinah nad enim efektivnim kilogramom.

(j) »Lokacija zunaj jedrskih objektov« pomeni katero koli napravo ali lokacijo, ki ni objekt, kjer se jedrski material običajno uporablja v količinah enakih enemu efektivnemu kilogramu ali manj.

Dunaj, dvaindvajsetega septembra tisočdevetstoosemindevetdeset sestavljeno v dveh izvodih v angleškem, danskem, finskem, francoskem, grškem, italijanskem, nemškem, nizozemskem, portugalskem, španskem in švedskem jeziku, pri čemer so besedila enako verodostojna, razen v primerih odstopanj, ko besedila, sklenjena v uradnih jezikih Sveta guvernerjev Mednarodne agencije za atomsko energijo, prevladajo.

PRILOGA I

Seznam dejavnosti iz člena 2(a)(iv) Protokola

(i) Izdelovanje *rotorskih cevi za centrifuge* ali sestavljanje *plinskih centrifug*.

Rotorska cev za centrifugo pomeni tankostenski valj, kot je navedeno v točki 5.1.1 (b) Priloge II.

Plinska centrifuga pomeni centrifuge, kot so opisane v uvodnem pojasnilu k točki 5.1 Priloge II.

(ii) Izdelovanje *difuzijskih pregrad*.

Difuzijska pregrada pomeni tanek, porozen filter, kot je opisano v točki 5.3.1(a) Priloge II.

(iii) Izdelovanje ali sestavljanje *sistemov z lasersko tehnologijo*.

Sistemi z lasersko tehnologijo pomenijo sisteme, ki so sestavljeni iz delov, kot je opisano v točki 5.7 Priloge II.

(iv) Izdelovanje ali sestavljanje *elektromagnetnih ločevalnikov izotopov*.

Elektromagnetni ločevalniki izotopov pomenijo predmete iz točke 5.9.1 Priloge II in vsebujejo ionske izvore, kot je opisano v točki 5.9.1 (a) Priloge II.

(v) Izdelovanje ali sestavljanje *kolon ali opreme za ekstrakcijo*.

Kolone ali oprema za ekstrakcijo pomeni predmete, kot je opisano v točkah 5.6.1, 5.6.2, 5.6.3, 5.6.5, 5.6.6, 5.6.7 in 5.6.8 Priloge II.

(vi) Izdelovanje *aerodinamičnih ločevalnih šob ali vrtničnih cevi*.

Aerodinamične ločevalne šobe ali vrtnične cevi pomenijo ločevalne šobe in vrtnične cevi, kot je naknadno opisano v točkah 5.5.1 in 5.5.2 Priloge II.

(vii) Izdelovanje ali sestavljanje *sistemov za generiranje uranove plazme*.

Sistemi za generiranje uranove plazme pomenijo sisteme za generiranje uranove plazme, kot je opisano v točki 5.8.3 Priloge II.

(viii) Izdelovanje *cirkonijevih cevi*.

Cirkonijeve cevi pomenijo cevi, kot je opisano v točki 1.6 Priloge II.

(ix) Izdelovanje in koncentracija *težke vode ali devterija*.

Težka voda ali devterij pomeni devterij, težko vodo (devterijev oksid) in katero koli devterijevo spojino, v kateri je razmerje med devterijevimi atomi in vodikom večje od 1:5000.

(x) Izdelovanje *grafita jedrske kakovosti*.

Grafit jedrske kakovosti pomeni grafit s čistostjo manj od 5 ppm ekvivalentov bora in z gostoto nad $1,5 \text{ g/cm}^3$.

(xi) Izdelovanje *vsebnikov za obsevano gorivo*.

Vsebnik za obsevano gorivo pomeni posodo za prevoz in/ali shranjevanje obsevanega goriva, ki zagotavlja kemijsko, toplotno in radiološko zaščito ter med ravnanjem, prevozom in shranjevanjem odvrta zaostalo toploto.

(xii) Izdelovanje *reaktorskih kontrolnih palic*.

Reaktorske kontrolne palice pomenijo palice, kot je opisano v točki 1.4 Priloge II.

(xiii) Izdelovanje *kritično varnih rezervoarjev in posod*.

Kritično varni rezervoarji in posode pomenijo predmete, kot je opisano v točkah 3.2 in 3.4 Priloge II.

(xiv) Izdelovanje *strojev za rezanje obsevanih gorivnih elementov*.

Stroji za rezanje obsevanih gorivnih elementov pomenijo opremo, kot je opisano v točkah 3.2 in 3.4 Priloge II.

(xv) Konstrukcija *vročih celic*.

Vroča celica pomeni vročo celico ali več medsebojno povezanih vročih celic, ki imajo skupno prostornino najmanj 6 m^3 in ščitenje, ki je enako ali večje od ekvivalenta $0,5 \text{ m}$ betona z gostoto $3,2 \text{ g/cm}^3$ ali večjo in ima opremo za daljinsko upravljanje.

PRILOGA II

Seznam opreme in nejedrskih materialov za poročanje o uvozu in izvozu v skladu s členom 2(a)(ix)

1. REAKTORJI IN NJIHOVA OPREMA

1.1 Celoviti jedrski reaktorji

Jedrski reaktorji, ki so sposobni vzdrževati nadzorovano, samostojno verižno jedrsko reakcijo; izključeni so reaktorji z nično energijo – to so reaktorji, ki so konstruirani tako, da pri polni obremenitvi ne proizvedejo več kot 100 gramov plutonija na leto.

Pojasnilo

»Jedrski reaktor« načeloma obsega postavke, ki so znotraj reaktorske posode ali so z njo neposredno spojene, opremo, ki nadzira raven moči v sredici, in sestavne dele, ki običajno vsebujejo primarno hladilo reaktorske sredice ali so v neposrednem stiku z njim ali pa ga nadzirajo.

Namen te določbe ni izvzeti reaktorjev, ki bi jih bilo v razumnih okvirih mogoče spremeniti tako, da bi lahko proizvajali bistveno več kot 100 gramov plutonija na leto. Reaktorji, konstruirani za neprekinjeno delovanje pri znatnih ravneh moči ne glede na svojo zmogljivost proizvodnje plutonija, se ne štejejo za »reaktorje z nično energijo«.

1.2 Reaktorske tlačne posode

Kovinske posode kot celote ali kot njihovi glavni tovarniško izdelani deli, ki so posebej konstruirani ali pripravljeni tako, da lahko vsebujejo sredico jedrskega reaktorja, kot ga določa točka 1.1, in so sposobni prenašati delovni tlak primarnega hladila.

Pojasnilo

Točka 1.2 zajema tudi glavo reaktorske tlačne posode kot enega glavnih tovarniško izdelanih delov tlačne posode.

Dele notranjosti reaktorja (npr. nosilne stebre in plošče za sredico ter druge notranje dele posode, vodila za kontrolne palice, toplotne ščite, lopute, mrežne plošče, difuzijske plošče itd.) običajno dobavi pooblaščen dobavitelj reaktorja. V nekaterih primerih so določeni notranji nosilni sestavni deli vključeni v izdelavo tlačne posode. Dobava teh sestavnih delov, ki bistveno vplivajo na zanesljivost in varnost delovanja reaktorja (s tem pa tudi na garancije in odgovornost dobavitelja reaktorja), zunaj prvotno dogovorjenih dobav reaktorja naj ne bi bila običajna praksa. Takšen način dobave se šteje za malo verjeten, čeprav ločena dobava teh velikih, dragih posebnih predmetov, ki so posebej konstruirani in pripravljeni, ni nemogoča.

1.3 Naprave za polnjenje in praznjenje reaktorskega goriva

Oprema, ki je posebej konstruirana ali izdelana za vnašanje ali odstranjevanje goriva v jedrskem reaktorju, kot ga določa odstavek 1.1, in omogoča posege med obratovanjem reaktorja ali tehnično zahtevno postavljanje in vstavljanje predmetov in dovoljuje obsežno zamenjavo goriva pri ustavljenem reaktorju v primerih, ko ni neposredne vizualne kontrole in pristopa do jedrskega goriva.

1.4 Reaktorske kontrolne palice

Palice, ki so posebej konstruirane ali izdelane za nadzor in krmiljenje hitrosti jedrske reakcije v reaktorjih, kot jih določa odstavek 1.1.

Pojasnilo

Poleg nevtronskih absorpcijskih delov ta točka vključuje še opremo nosilnih in obesnih delov, če so dostavljeni ločeno v ta namen.

1.5 Reaktorske tlačne cevi

Cevi, ki so posebej konstruirane ali izdelane za vstavev gorivnih elementov in primarnega hladila v reaktorju, kot jih določa točka 1.1 pri delovnem tlaku nad 5,1 MPa (740 psi).

1.6 Cirkonijeve cevi

Čisti cirkonij in cirkonij v zlitinah v obliki cevi ali snopov cevi v količinah, ki presegajo 500 kg v katerem koli 12-mesečnem obdobju, in ki so posebej konstruirane ali izdelane za uporabo v jedrskih reaktorjih, kot jih določa odstavek 1.1, in kjer je masno razmerje med hafnijem in cirkonijem manjše od 1:500.

1.7 Črpalke primarnega hladila

Črpalke, ki so posebej konstruirane ali izdelane za kroženje primarnega hladila v jedrskih reaktorjih, kot jih določa odstavek 1.1.

Pojasnilo

Posebej konstruirane ali izdelane črpalke lahko obsegajo tudi tehnološko zahtevne zatesnjene ali večkrat zatesnjene sisteme, da se prepreči iztekanje primarnega hladila, črpalke z oklopljenim pogonom in črpalke s sistemi inercialne mase. Ta opredelitev obsega tudi črpalke, za katere je bilo izdano potrdilo v skladu s standardom NC-1 ali enakovrednimi standardi.

2. NEJEDRSKI MATERIALI ZA REAKTORJE**2.1 Devterij in težka voda**

Devterij, težka voda (devterijev oksid) in katera koli druga devterijeva spojina, v kateri je razmerje med številom devterijevih in vodikovih atomov večje od 1:5000, namenjena za uporabo v jedrskih reaktorjih, kot jih določa odstavek 1.1, v količinah nad 200 kilogramov devterijevih atomov za katero koli državo prejemnico v katerem koli 12-mesečnem obdobju.

2.2 Grafit jedrske kakovosti

Grafit s čistostjo manj od 5 ppm ekvivalentov bora in z gostoto nad 1,5 g/cm³ za uporabo v jedrskih reaktorjih, kot jih določa odstavek 1.1, v količinah nad 3 x 10⁴ kg (30 ton) za katero koli državo prejemnico v katerem koli 12 mesečnem obdobju.

Pojasnilo

Zaradi poročanja o izvozu bo vlada določila, ali je grafit, ki se izvažja in ki ustreza zgornjim specifikacijam, namenjen za uporabo v jedrskih reaktorjih.

3. OBRATI ZA PREDELAVO OBSEVANIH GORIVNIH ELEMENTOV IN OPREMA, KI JE POSEBEJ KONSTRUIRANA ALI IZDELANA V TA NAMEN**Uvodna opomba**

Pri predelavi izrabljenega goriva se plutonij in uran ločita od močno radioaktivnih cepitvenih produktov in drugih transuranov. Za to ločevanje je mogoče uporabiti različne tehnične procese. Vendar je z leti postal najbolj uporaben in sprejemljiv proces Purex. Purex obsega raztopitev obsevanega jedrskega goriva v dušikovi kislini, ki ji sledi ločevanje urana, plutonija in cepitvenih produktov s solventno ekstrakcijo, za katero se uporablja mešanica tributilfosfata v organski raztopini.

V objektih za Purex potekajo podobni postopki, kot so: rezanje gorivnih elementov, raztapljanje goriva, solventna ekstrakcija in shranjevanje procesnih raztopin. Lahko so opremljeni tudi za termalno denitracijo uranovega nitrata, pretvorbo plutonijevega nitrata v oksid ali kovino in za obdelavo odpadnih tekočin s cepitvenimi produkti v obliko, primerno za dolgoročno shranjevanje ali odlaganje. Vendar se lahko v objektih za Purex značilne vrste postopkov in opreme za iz-

vajanje navedenih postopkov razlikujejo zaradi več razlogov, kot na primer zaradi vrste in količine predelanega obsevanega jedrskega goriva in zaradi predvidene uporabe pridobljenega materiala ter varnosti in vzdrževanja, upoštevanih pri projek-tiranju objekta.

»Obrat za predelavo obsevanih gorivnih elementov« vključuje opremo in sestavne dele, ki običajno pridejo v neposredni stik s procesnim tokom obsevanega goriva in glavnim tokom jedrskega materiala in cepitvenih produktov in jih neposredno krmilijo.

Ti procesi, vključno s celovitim sistemom za pretvorbo plutonija in za izdelavo plutonijeve kovine se lahko prepoznajo po ukrepih za preprečevanje kritičnosti (npr. z geometrijo), izpostavljenosti sevanju (npr. s ščitjenjem) in za preprečevanje nevarnosti zastrupitve (npr. z osamitvijo).

Postavke opreme, za katere se šteje, da zanje velja besedna zveza »posebej konstruirana ali izdelana oprema« za predelavo obsevanih gorivnih elementov, obsegajo:

3.1 Stroji za rezanje obsevanih gorivnih elementov**Uvodna opomba**

Ta oprema prebije oblogo goriva in tako izpostavi obsevani jedrski material raztopitvi. Najpogosteje se uporabljajo posebej zasnovane kovinske rezalne škarje, čeprav se lahko uporablja tudi sodobnejša oprema, kot npr. laserji.

Daljinsko upravljana oprema, ki je posebej konstruirana ali izdelana za uporabo v obratih za predelavo obsevanega jedrskega goriva in se uporablja za rezanje, sekanje ali striženje gorivnih svežnjev ali palic.

3.2 Posode za raztapljanje**Uvodna opomba**

V posode za raztapljanje se običajno daje razsekano izrabljeno gorivo. V teh kritično varnih posodah se obsevano jedrsko gorivo raztopi v dušikovi kislini in se preostale obloge odstranijo iz postopka.

Kritično varne posode (npr. posode majhnega premera obročaste ali ploščate oblike), posebej konstruirane ali izdelane za uporabo v obratih za predelavo obsevanega jedrskega goriva, se uporabljajo za raztapljanje jedrskega goriva in so odporne proti vročim, močno korozivnim tekočinam ter omogočajo daljinsko upravljano polnjenje in vzdrževanje.

3.3 Solventni ekstraktorji in oprema zanje**Uvodna opomba**

V solventnem ekstraktorju sta raztopina obsevanega goriva iz posod za raztapljanje in organska raztopina, s katero se ločujejo uran, plutonij in produkti cepitve. Oprema za solventno ekstrakcijo je običajno zasnovana tako, da ustreza strogim obratovalnim parametrom, kot so dolga obratovalna življenjska doba brez zahtev po vzdrževanju ali z možnostjo enostavne zamenjave, enostavnost delovanja in nadzora ter prilagodljivost različnim razmeram, v katerih postopek poteka.

Posebej konstruirani ali izdelani solventni ekstraktorji, kot na primer pulzne kolone, mešalni usedalniki ali centrifugalni kontaktorji, ki se uporabljajo v obratih za predelavo obsevanega goriva. Solventni ekstraktorji morajo biti odporni proti koroziji z dušikovo kislino. Običajno so narejeni po izjemno visokih industrijskih standardih (vključno s posebnim varjenjem, inšpekcijo, z uporabo kontrole kakovosti in za zagotavljanje kakovosti) iz nizkoogljivega nerjavnega jekla, titana, cirkonija ali drugih visokokakovostnih materialov.

3.4 Posode za zadrževanje ali shranjevanje kemikalij**Uvodna opomba**

Rezultat faze s solventno ekstrakcijo so trije glavni procesni tokovi procesne tekočine. Pri nadaljnji obdelavi vseh treh tokov se uporabljajo zadrževalne ali shranjevalne posode, in sicer:

(a) raztopina čistega uranovega nitrata se koncentrira s pomočjo uparjanja in se prenese v postopek denitracije, kjer se pretvori v uranov oksid. Ta oksid se ponovno uporabi v jedrskem gorivnem ciklu;

(b) raztopina intenzivno radioaktivnih produktov cepitve se običajno koncentrira z uparjanjem in shranjuje kot koncentrat procesne tekočine. Ta koncentrat se lahko kasneje uparja in pretvori v obliko, ki je primerna za shranjevanje ali odstranjevanje;

(c) raztopina čistega plutonijevega nitrata se koncentriira in shrani, dokler ne gre v nadaljnji postopek. Zlasti pa so posode za zadrževanje ali shranjevanje plutonijevih raztopin zasnovane tako, da ne pride do kritičnosti, ki lahko nastane zaradi sprememb koncentracije in oblike tega toka.

Posebej konstruirane ali izdelane zadrževalne ali shranjevalne posode, ki se uporabljajo v obratih za predelavo obsevnega goriva, morajo biti odporne proti koroziji z dušikovo kislino. Običajno so narejene iz nizkoogljivega nerjavnega jekla, titana, cirkonija ali drugih visokokakovostnih materialov. Opremljene so lahko z daljinskim upravljanjem in vzdrževanjem ter imajo lahko naslednje lastnosti za nadzor jedrske kritičnosti:

(1) stene ali notranji deli, izdelani iz materialov, ki vsebujejo najmanj 2% ekvivalenta bora, ali

(2) največji premer 175 mm (7") za valjaste oblike ali

(3) največjo širino 75 mm (3") za ploščate ali obročaste oblike.

3.5 Sistem za pretvorbo plutonijevega nitrata v plutonijev oksid

Uvodna opomba

V večini predelovalnih obratov obsega ta končni postopek pretvorbo raztopine plutonijevega nitrata v plutonijev dioksid. Glavne funkcije tega postopka so: skladiščenje in prilagajanje dovajanega procesnega materiala, obarjanje in ločevanje na trdno snov in procesno tekočino, kalciniranje, ravnanje s produkti, prezračevanje, ravnanje z odpadki in nadziranje postopka.

Celotni sistemi, posebej konstruirani ali izdelani za pretvorbo plutonijevega nitrata v plutonijev oksid, so posebej prirejeni, da preprečijo jedrsko kritičnost in učinke sevanja ter zmanjšajo nevarnost zastrupitev na najnižjo možno mero.

3.6 Sistem za pretvorbo plutonijevega oksida v kovinski plutonij

Uvodna opomba

Ta postopek, ki je lahko povezan s predelovalnim obratom, vključuje fluoriranje plutonijevega dioksida, običajno z visoko korozivnim vodikovim fluoridom, pri čemer nastane plutonijev fluorid, ki se potem reducira z uporabo kovinskega kalcija visoke čistosti, tako da nastane kovinski plutonij in žlindra kalcijevega fluorida. Glavne funkcije tega postopka so: fluoriranje (npr. z opremo, ki je izdelana iz plemenite kovine ali prevlečena z njo), redukcija kovine (npr. z uporabo keramičnih talilnikov), recikliranje žlindre, ravnanje s produkti, prezračevanje, ravnanje z odpadki in nadzor postopka.

Celotni sistemi, posebej konstruirani ali izdelani za pretvorbo plutonijevega oksida v kovinski plutonij, so posebej prirejeni, da preprečijo jedrsko kritičnost in učinke sevanja ter zmanjšajo nevarnost zastrupitev na najnižjo možno mero.

4. OBRATI ZA PROIZVODNJO GORIVNIH ELEMENTOV

»Obrati za proizvodnjo gorivnih elementov« sestojijo iz opreme, ki

(a) običajno pride v neposredni stik z jedrskim materialom ali neposredno predeluje ali preverja pretok jedrskega materiala ali pa

(b) neprepustno zapre jedrski material v oblogo goriva.

5. OBRATI ZA LOČEVANJE URANOVIH IZOTOPOV IN OPREMA, RAZEN ANALITIČNIH INSTRUMENTOV, POSEBEJ KONSTRUIRANA IN IZDELANA V TA NAMEN

Postavke opreme, za katere se šteje, da zanje velja besedna zveza »oprema, razen analitičnih inštrumentov, po-

sebej konstruirana in izdelana« za ločevanje izotopov urana, obsegajo:

5.1 Plinske centrifuge ter sestavni deli in sklopi, ki so posebej konstruirani ali izdelani za uporabo v plinskih centrifugah

Uvodna opomba

Plinska centrifuga je običajno sestavljena iz tankostenskega valja (valjev) s premerom od 75 mm (3") do 400 mm (16"), ki je v vakuumu in se vrti z visoko obodno hitrostjo razreda velikosti 300 m/s ali več, pri čemer je njegova osrednja os navpična. Za doseg visoke hitrosti morajo imeti konstrukcijski materiali vrtljivih sestavnih delov visoko razmerje med trdnostjo in gostoto; sklop rotorja – in zato tudi njegovi posamezni sestavni deli – pa morajo biti izdelani z majhnimi dopustnimi odstopanji, da se zmanjša neuravnoteženost na najmanjšo možno mero. V primerjavi z drugimi centrifugami je za plinsko centrifugo za obogatitev urana značilno, da ima znotraj rotorske komore vrtljivo loputo diskaste oblike in mirujoč cevni sestav za dovajanje in odvajanje plinastega UF₆, ki ga sestavljajo vsaj trije ločeni kanali, od katerih sta dva priključena na lopatice, ki potekajo od osi rotorja proti obodu rotorske komore. V vakuumu je tudi več kritičnih elementov, ki se ne vrtijo in ki jih, čeprav so posebej konstruirani, ni težko izdelati niti niso izdelani iz posebnega materiala. Vendar pa je za centrifugo potrebno večje število teh sestavnih delov, tako da so lahko te količine pomemben podatek o končni uporabi.

5.1.1 Vrteči se sestavni deli

(a) Celoviti sklopi rotorjev

To so tankostenski valji ali večje število med seboj povezanih tankostenskih valjev, ki so izdelani iz enega ali več materialov z visokim razmerjem med trdnostjo in gostoto, opisanih v pojasnilih k temu oddelku. Če so valji povezani, so spojeni z gibkimi spojkami ali obroči, ki so opisani v oddelku 5.1.1 (c) v nadaljevanju. Rotor v končni obliki je opremljen z notranjimi loputami in končniki, ki so opisani v oddelku 5.1.1 (d) in (e) v nadaljevanju. Vendar pa je navedeno opremo mogoče dobaviti tudi delno sestavljeno.

(b) Cevi za rotorje

To so posebej konstruirani ali izdelani tankostenski valji debeline 12 mm (0,5") ali manj, s premerom od 75 mm (3") do 400 mm (16"), ki so izdelani iz enega ali več materialov z visokim razmerjem med trdnostjo in gostoto, opisanih v pojasnilih k temu oddelku.

(c) Obroči ali spojke

To so posebej konstruirane ali izdelane spojke za lokalno podporo rotorskih cevi ali za povezavo več rotorskih cevi. Spojke so kratki valji s prirobnico, z debelino sten do 3 mm (0,12") in s premerom od 75 mm (3") do 400 mm (16"), izdelane pa so iz materiala z visokim razmerjem med trdnostjo in gostoto, opisanega v pojasnilih k temu oddelku.

(d) Lopute

To so posebej konstruirani ali izdelani diskasto oblikovani sestavni deli s premerom od 75 mm (3") do 400 mm (16"), ki se vgrajujejo v notranjost rotorskih cevi centrifuge, da ločujejo odvodno komoro od glavne ločevalne komore ter v nekaterih primerih pomagajo pri kroženju plinastega UF₆ v rotorski cevi; izdelani so iz materiala z visokim razmerjem med trdnostjo in gostoto, opisanega v pojasnilih k temu oddelku.

(e) Končniki

To so diskasto oblikovani sestavni deli s premerom od 75 mm (3") do 400 mm (16"), ki so posebej konstruirani ali izdelani za tesnjenje obeh koncev rotorskih cevi in zapirajo plinasti UF₆ v rotorsko cev; v nekaterih primerih so izdelani tako, da obenem podpirajo rotorsko cev ali so sestavni del zgornjega ležaja ali pa nosijo vrteče se elemente motorja in spodnjega ležaja (končnika); izdelani so iz materiala z visokim razmerjem med trdnostjo in gostoto, opisanega v pojasnilih k temu oddelku.

Pojasnilo

Materiali, ki se uporabljajo za izdelavo vrtečih se sestavnih delov, so:

(a) maražno jeklo z natezno trdnostjo najmanj $2,05 \times 10^9$ N/m² (300.000 psi),

(b) aluminijeve zlitine z natezno trdnostjo najmanj $0,46 \times 10^9$ N/m² (67.000 pse),

(c) vlaknasti materiali, primerni za uporabo v kompozitnih strukturah s specifičnim modulom najmanj $12,3 \times 10^6$ m in s specifično natezno trdnostjo najmanj $0,3 \times 10^6$ m (»specifični modul« je razmerje med Youngovim modulom v N/m² in specifično težo v N/m³; »specifična natezna trdnost« je razmerje med natezno trdnostjo v N/m² in specifično težo v N/m³).

5.1.2 Statični sestavni deli

(a) Magnetni viseči ležaji

To so posebej konstruirani ali izdelani ležaji, sestavljeni iz obročastega magneta, ki visi v ohišju z dušilnim sredstvom. Ohišje je izdelano iz materiala (glej pojasnilo k oddelku 5.2), ki je odporen proti koroziji z UF₆. Magnet je spojen z osjo ali drugim magnetom, pritrjenim na zgornji končnik rotorske cevi, opisani v oddelku 5.1.1 (e). Magnet je lahko obročaste oblike z razmerjem med zunanjim in notranjim premerom, manjšim ali enakim 1,6:1. Magnet ima lahko začetno permeabilnost 0,15 H/m (120.000 CGS enot) ali več ali remanenco najmanj 98,5% ali magnetno jakost večjo od 80 kJ/m³ (10^7 gauss-oerstedov). Poleg običajnih lastnosti materiala je pogoj, da odklon med magnetno in geometrijsko osjo ne presega zelo majhnih dopustnih odstopanj (manjših kot 0,1 mm ali 0,004") ali da homogenost snovi magneta ustreza posebnim zahtevam.

(b) Ležaji/blazičniki

To so posebej konstruirani ali izdelani skodeličasti ležaji, ki so pritrjeni na blazičnik. Polkroglasto konstruiran tečaj gredi ležaja je običajno izdelan iz kaljenega jekla in je pritrjen na spodnji končnik rotorske cevi, opisan v oddelku 5.1.1 (e). Gred je lahko uležajena s hidrodinamičnim ležajem. Skodelica ležaja ima obliko okrogle ploščice s polkroglasto vdolbino na eni strani. Opisani sestavni deli so pogosto dobavljeni ločeno od blazičnikov.

(c) Molekularne črpalke

To so posebej konstruirani ali izdelani valji z notranje ustrezno mehansko obdelanimi spiralnimi utori in izvrtinami. Tipične dimenzije valja so: notranji premer 75 mm (3") do 400 mm (16"), debelina sten najmanj 10 mm (0,4"), dolžina je enaka premeru valja ali večja. Utori tipično pravokotnega preseka so globoki najmanj 2 mm (0,08").

(d) Satorji motorjev

To so posebej konstruirani ali izdelani obročasti satorji za večfazne AC histerezne (ali reluctance) sinhronske motorje z veliko hitrostjo za delovanje v vakuumu v frekvenčnem območju 600 do 2000 Hz in z razponom moči od 50 do 1000 VA. Sator sestavlja večfazno navitje okoli laminiranega železnega jedra z majhnimi izgubami z debelino lamel do 2 mm (0,08").

(e) Ohišja centrifug

To so ohišja, ki so posebej konstruirana ali izdelana za vgradnjo cevastih rotorjev plinskih centrifug. Ohišje predstavlja tog valj z debelino stene do 30 mm (1,2") in z zelo natančno obdelavo obeh koncev, za vgradnjo ležajev z eno ali več prirobnicami. Obdelana konca ohišja sta vzporedna in pravokotna na os valja, dovoljeno odstopanje pa ne sme presegati 0,05°. Ohišje ima lahko tudi obliko satovja, v katero se lahko vgradi več rotorskih cevi. Ohišja so izdelana iz materiala, ki je odporen proti koroziji z UF₆, ali prevlečena z njim.

(f) Odvodne cevi

To so posebej konstruirane ali izdelane cevi z notranjim premerom do 12 mm (0,5") za odvajanje plina UF₆ iz rotorske cevi po principu Pitotove cevi (to je z odprtino, usmerjeno proti krožečemu plinu v rotorski cevi, na primer z upoginitvijo konca radialno usmerjene cevi) in jih je možno pritrčiti na centralni sistem za odvajanje plina. Cevi so izdelane iz materiala, ki je odporen proti koroziji z UF₆, ali prevlečene z njim.

5.2 Posebej konstruirani ali izdelani pomožni sistemi, oprema in sestavni deli za obrate za izotopsko obogatitev s plinskimi centrifugami

Uvodna opomba

Pomožni sistemi, oprema in sestavni deli za obrat za izotopsko obogatitev s plinskimi centrifugami so sistemi za dovaja-

nje UF₆ centrifugam, za medsebojno povezovanje posameznih centrifug, tako da tvorijo kaskade (ali stopnje) in tako omogočajo postopno vse višje stopnje obogatitve, in za odvajanje »obogatene« in »osiromašene« proizvoda UF₆ iz centrifug skupaj z opremo za pogon centrifug ali za krmiljenje obrata.

Običajno se UF₆ uparja iz trdnega agregatnega stanja z uporabo segretyh avtoklavov in se dovaja v plinasti obliki centrifugam po kaskadnem razdelilnem cevovodu. Plinasti tokovi »obogatene« in »osiromašene« UF₆ iz centrifug prav tako tečejo po kaskadnem zbirnem cevovodu v hladne pasti (ki delujejo pri približno 203 K (–70 °C)), kjer se kondenzirajo pred shranjevanjem v primerne vsebnike za prevoz in skladiščenje. Ker obrat za obogatitev sestoji iz več tisoč centrifug, razvrščenih v kaskade, znaša dolžina kaskadnega razdelilnega cevovoda nekaj kilometrov, z nekaj tisoč zvarov in z večkratnim ponavljanjem strukture. Oprema, sestavni deli in cevni sistemi se izdelujejo po zelo visokih merilih glede vakuumu in čistoče.

5.2.1 Napajalni sistemi/sistemi za odvajanje obogatene in osiromašene UF₆

Ti sistemi so posebej konstruirani ali izdelani procesni sistemi, ki obsegajo:

- napajalne avtoklave (ali postaje) za dovajanje UF₆ v kaskade centrifug pri tlaku do 100 kPa (15 psi) in pretoku 1 kg/h ali več;
- desublimatorje (hladne pasti) za odvajanje UF₆ iz kaskad centrifug pri tlaku do 3 kPa (0,5 psi). Prenesti morajo ohlajanje do 203 K (–70 °C) in segrevanje do 343 K (70 °C);
- postaje za odvajanje »obogatene« in »osiromašene« UF₆ v vsebnike.

Ti sistemi, oprema in cevovodi so v celoti izdelani iz materiala, odpornega proti koroziji z UF₆, ali obloženi s takim materialom (glej pojasnila k temu oddelku) in se izdelujejo po zelo visokih merilih glede vakuumu ali čistoče.

5.2.2 Razdelilni cevni sistemi

To je posebej konstruiran ali izdelan cevni sistem in razdelilni cevni sistem za usmerjanje pretoka UF₆ v kaskadah centrifug. Omrežje cevi v kaskadah centrifug je običajno sestavljeno iz trojnega razdelilnika, pri čemer je vsaka centrifuga priključena na vsak razdelilnik. Gre torej za večkratno ponavljanje oblik. Razdelilni cevni sistem je v celoti izdelan iz materiala, odpornega proti UF₆ (glej pojasnilo k temu oddelku), po zelo visokih merilih glede vakuumu ali čistoče.

5.2.3 UF₆ masni spektrometri/ionski izvori

To so posebej konstruirani ali izdelani magnetni ali štiripolni masni spektrometri za »neposredno« vzorčenje iz plinastega pretoka obogatene ali osiromašene UF₆ in imajo vse naslednje značilnosti:

1. enotno ločljivost za enoto atomske mase nad 320;
2. ionske izvore, ki so izdelani iz nikroma, monela ali z njima prevlečeni ali pa so ponikljani;
3. ionske izvore za obstreljevanje z elektroni;
4. zbiralni sistem, ki je primeren za izotopske analize.

5.2.4 Frekvenčni pretvorniki

To so posebej konstruirane ali izdelane naprave za uravnavanje frekvence električnega toka (znani tudi kot pretvorniki) v satorjih elektromotorjev, kot so opredeljeni v skladu s 5.1.2 (d), ali deli, sestavni deli ali podsklopi takšnih frekvenčnih pretvornikov in imajo vse naslednje značilnosti:

1. večfazni izhod s frekvencami od 600 do 2000 Hz;
2. visoko stabilnost frekvence (frekvenčno krmiljenje boljše od 0,1%);
3. nizko harmonično popačenje (manj kot 2%) in
4. izkoristek nad 80%.

Pojasnilo

Vse zgoraj našteje postavke prihajajo v neposreden stik z uplinjenim UF₆ ali neposredno upravljajo centrifuge in pretok plina od centrifuge do centrifuge ter od kaskade do kaskade.

Materiali, ki so odporni proti koroziji z UF₆, so nerjavno jeklo, aluminij in aluminijeve zlitine ter nikelj in nikljeve zlitine z najmanj 60% niklja.

5.3 Posebej konstruirani ali izdelani sklopi in sestavni deli za izotopsko obogatitev s plinsko difuzijo

Uvodna opomba

Pri metodi ločevanja uranovih izotopov s plinsko difuzijo je glavni tehnološki sklop posebna porozna pregrada za difuzijo plinov, toplotni izmenjevalnik za hlajenje plina (plin se segreva pri postopku stiskanja), zaporni ventili in regulacijski ventili ter cevovodi. Če se pri tehnologiji plinske difuzije uporablja uranov heksafluorid (UF_6), morajo biti vse površine celotne opreme, cevovodov in instrumentov (ki prihajajo v stik s plinom) izdelane iz materiala, ki ob stiku z UF_6 ostane stabilen. V obratu za plinsko difuzijo je potrebnih več teh sklopov, tako da je lahko količina pomemben podatek o končni uporabi.

5.3.1 Pregrade za difuzijo plinov

(a) To so posebej konstruirani ali izdelani porozni filtri z velikostjo por od 100 do 1000 Å (angstrom) debeline največ 5 mm (0,2"), cevaste oblike s premerom največ 25 mm (1"), izdelani pa so iz kovinskega, polimernega ali keramičnega materiala, ki je odporen proti koroziji z UF_6 , in

(b) posebej pripravljene spojine ali praškaste snovi za izdelavo takšnih filtrov. Takšne spojine ali praški vsebujejo nikelj ali zlitine z najmanj 60% niklja, aluminijevega oksida ali proti UF_6 odporne popolnoma fluorirane ogljikovodikove polimere s čistostjo najmanj 99,9%, velikostjo delcev manjšo od 10 µm, visoko stopnjo enakomerne zrnatosti in so posebej pripravljeni za izdelavo pregrad za difuzijo plinov.

5.3.2 Ohišja difuzorjev

To so posebej konstruirane ali izdelane neprepustno za prte valjaste posode s premerom nad 300 mm (12") in dolžino najmanj 900 mm (35") ali pravokotne posode primerljivih mer z vhodnim priključkom in z izhodnima priključkoma za vgradnjo pregrad za difuzijo plinov, pri čemer imajo vsi priključki premer nad 50 mm (2"), ohišja difuzorjev so izdelana iz materiala, ki je odporen proti UF_6 , ali so prevlečene z njim in konstruirane za vodoravno ali navpično vgradnjo.

5.3.3 Kompresorji in puhala

To so posebej konstruirani ali izdelani aksialni, centrifugalni ali batni kompresorji oziroma puhala z zmogljivostjo najmanj 1 m³ UF_6 /min in izhodnim tlakom do nekaj sto kPa (100 psi), ki so izdelani za dolgotrajno delovanje v okolju z UF_6 in imajo lahko pogonski elektromotor ustrezne moči, sem spadajo tudi posamezni sklopi kompresorjev in puhala. Ti kompresorji in puhala omogočajo tlačna razmerja med 2:1 in 6:1 ter so izdelani iz materiala, ki je odporen proti koroziji z UF_6 , ali so prevlečeni z njim.

5.3.4 Tesnila gredi

To so posebej konstruirana in izdelana vakuumška tesnila z dovodnim in odvodnim priključkom za tesnilno sredstvo, ki tesnijo gred rotorja puhala ali kompresorja, ki je povezana s pogonskim motorjem, tako da preprečujejo vdiranje zraka v notranjo komoro kompresorja ali puhala, ki je napolnjena z UF_6 . Takšna tesnila so običajno konstruirana tako, da v notranjost kompresorja ne vdre več kot 1000 cm³ zraka na minuto (60 in³/min).

5.3.5 Toplotni izmenjevalniki za hlajenje UF_6

To so posebej konstruirani ali izdelani toplotni izmenjevalniki iz materiala, ki je odporen proti UF_6 (razen nerjavnega jekla) ali iz bakra ali katere koli kombinacije teh kovin ali so prevlečeni z njimi, za tlačno izgubo zaradi puščanja, manjšo od 10 Pa/h (0,0015 psi) pri tlačni razliki 100 kPa (15 psi).

5.4 Posebej konstruirani ali izdelani pomožni sistemi, oprema in sestavni deli za izotopsko obogatitev s plinsko difuzijo

Uvodna opomba

Pomožni sistemi, oprema in sestavni deli za obrate za obogatitev s plinsko difuzijo so sistemi, potrebni za dovajanje UF_6 v sklop za plinsko difuzijo, za povezovanje posameznih sklopov med seboj, tako da sestavljajo kaskade (ali stopnje)

in tako omogočijo postopno vse višje stopnje obogatitve, in za odvajanje »obogatenega« in »osiromašenega« UF_6 iz difuzijskih kaskad. Ker je za difuzijske kaskade značilna velika inercija, imata vsaka prekinitev njihovega delovanja in predvsem njihovo zaprtje resne posledice. Zato so v obratu za plinsko difuzijo pomembni dosledno in stalno vzdrževanje vakuumu v vseh tehnoloških sistemih, avtomatska zaščita pred nesrečami in natančna avtomatska regulacija toka plina. Zaradi vsega tega pa je treba obrat opremiti številnimi posebnimi merilnimi, regulacijskimi in krmilnimi sistemi.

Običajno se UF_6 uparja iz valjev, vloženih v avtoklave, in se dovaja v plinasti obliki do vstopne točke po kaskadnem razdelilnem cevovodu. »Obogateni« in »osiromašeni« uplinjeni UF_6 se od izstopnih točk vodi po kaskadnem razdelilnem cevovodu do hladnih pasti ali do kompresorskih postaj, kjer se utekočini in vodi v primerne vsebnike za prevoz ali skladiščenje. Ker obrat za obogatitev sestoji iz velikega števila centrifug, razvrščenih v kaskade, znaša dolžina kaskadnega razdelilnega cevovoda nekaj kilometrov, z nekaj tisoč zvarov in z večkratnim ponavljanjem strukture. Oprema, sestavni deli in cevni sistemi se izdelujejo po zelo visokih merilih glede vakuumu in čistoče.

5.4.1 Napajalni sistemi/sistemi za odvajanje obogatenega in osiromašenega UF_6

To so posebej konstruirani ali izdelani procesni sistemi za obratovanje pri tlaku 300 kPa (45 psi) ali manj, ki obsegajo:

- napajalne avtoklave (ali sisteme) za napajanje kaskad za plinsko difuzijo z UF_6 ;
- desublimatorje (ali hladne pasti) za odstranjevanje UF_6 iz difuzijskih kaskad;
- postaje za utekočinjenje, kjer se uplinjeni UF_6 s stiskanjem in ohlajanjem utekočini;
- postaje za shranjevanje »obogatenega« ali »osiromašenega« UF_6 v vsebnike.

5.4.2 Razdelilni cevni sistem

To je posebej konstruiran ali izdelan cevni sistem in razdelilni cevni sistem za usmerjanje pretoka UF_6 v kaskadah za plinsko difuzijo. Omrežje cevi je običajno sestavljeno iz sistema »dvojnih« razdelilnikov, pri čemer je vsaka celica priključena na vsak razdelilnik.

5.4.3 Vakuumski sistemi

(a) To so posebej konstruirani ali izdelani veliki vakuumski zbiralniki, vakuumski razdelilniki in vakuumške črpalke s sesalno zmogljivostjo najmanj 5 m³/min ali več.

(b) Vakuumške črpalke, posebej konstruirane za obratovanje v okolju z UF_6 , izdelane iz aluminija, niklja ali nikljevih zlitin, ki vsebuje nad 60% niklja, ali prevlečene z njimi. Takšne črpalke so lahko rotacijske ali batne, lahko imajo fluoroogljkova tesnila in lahko vsebujejo posebne delovne fluide.

5.4.4 Posebni zaporni in regulacijski ventili

To so posebej konstruirani ali izdelani ročni ali avtomatski zaporni in regulacijski ventili z mehomo za tlačno razbremenitev, izdelani iz materiala, ki je odporen proti z UF_6 , s premerom 40 do 1500 mm (1,5 do 59") za vgradnjo v glavne in pomožne sisteme obratov za izotopsko obogatitev s plinsko difuzijo.

5.4.5 UF_6 masni spektrometri/ionski izvori

To so posebej konstruirani ali izdelani magnetni ali štiripolni masni spektrometri za neposredno vzorčenje iz plinastega pretoka obogatenega ali osiromašenega UF_6 in imajo vse naslednje značilnosti:

1. enotno ločljivost za enoto atomske mase nad 320;
2. ionske izvore, ki so izdelani iz nikroma, monela ali z njima prevlečeni ali pa so ponikljani;
3. ionske izvore za obstreljevanje z elektroni;
4. zbiralni sistem, ki je primeren za izotopske analize.

Pojasnilo

Zgoraj naštetih postavke prihajajo v neposreden stik z uplinjenim UF_6 ali neposredno upravljajo tok znotraj kaskade. Vse površine, ki prihajajo v stik z uplinjenim UF_6 , so v celoti iz-

delane iz materiala, odpornega proti UF_6 , ali prevlečene z njim. Za namene oddelkov, ki se nanašajo na postavke za plinsko difuzijo, so materiali, odporni proti koroziji z UF_6 , nerjavno jeklo, aluminij, aluminijeve zlitine, aluminijev oksid, nikelj ali zlitine z najmanj 60% niklja in popolnoma fluorinirani polimeri ogljikovodikov, odporni proti UF_6 .

5.5 Posebej konstruirani ali izdelani sistemi, oprema in sestavni deli za obrate za aerodinamično izotopsko obogatitev

Uvodna opomba

V postopkih za aerodinamično bogatitev se zmes plina-stega UF_6 in lahkega plina (vodika ali helija) stisne in potem vodi skozi ločevalne elemente, v katerih se izotopi ločijo izotopov zaradi velikih centrifugalnih sil, ki nastajajo zaradi ukrivljene geometrije sten ločevalnih elementov. Uspešno sta bila razvita dva postopka te vrste: postopek z ločevalnimi šobami in postopek z vrtničnimi cevmi. Pri obeh postopkih so glavni sestavni deli stopnje za ločevanje valjaste posode s posebnimi ločevalnimi elementi (šobe ali vrtnične cevi), plinskimi kompresorji in toplotnimi izmenjevalniki za odvajanje toplote, ki nastaja pri stiskanju. V aerodinamičnem obratu je potrebnih več takih stopenj, tako da so lahko količine pomembnih podatkov o končni uporabi. Ker se pri aerodinamičnem postopku uporablja UF_6 , morajo biti površine vse opreme, vseh cevi in instrumentov (ki prihajajo v stik s plinom) izdelane iz materiala, ki ob stiku z UF_6 ostane stabilen.

Pojasnilo

Postavke, našteje v tej točki, prihajajo v neposreden stik z uplinjenim UF_6 ali pa neposredno upravljajo tok znotraj kaskade. Vse površine, ki prihajajo v stik z uplinjenim UF_6 , so v celoti izdelane iz materiala, odpornega proti UF_6 , ali pa so zaščitene z njimi. Za namene točk, ki se nanašajo na postavke za aerodinamično obogatitev, so materiali odporni proti koroziji z UF_6 , nerjavno jeklo, aluminij, aluminijeve zlitine, aluminijev oksid, nikelj ali zlitine z najmanj 60% niklja in popolnoma fluorinirani polimeri ogljikovodikov, odporni proti UF_6 .

5.5.1 Ločevalne šobe

To so posebej konstruirane ali izdelane ločevalne šobe in njihovi sklopi. Ločevalne šobe imajo ukrivljene kanale s polmerom ukrivljenosti, manjšim od 1 mm (običajno 0,05 do 0,1 mm), in so odporne proti koroziji z UF_6 , pri izstopu iz šobe pa je ostro rezilo, ki razdeli izstopajoči tok plina na dva dela.

5.5.2 Vrtnične cevi

To so posebej konstruirane ali izdelane vrtnične cevi in njihovi sklopi. So valjasti ali stožčasti, izdelani iz materiala, ki je odporen proti koroziji z UF_6 , ali zaščiten z njim, s premerom od 0,5 do 4 cm ter razmerjem med dolžino in premerom 20:1 ali manj, z eno ali več tangencialnimi vstopnimi odprtini. Cevi imajo lahko na enem ali na obeh koncih šobaste dodatke.

Pojasnilo

Dovajni vlin vstopa v vrtnično cev tangencialno na enem koncu ali prek vrtničnih lopatic ali pa na številnih tangencialnih mestih vzdolž oboda cevi.

5.5.3 Kompresorji in puhala

To so posebej konstruirani ali izdelani aksialni, centrifugalni ali batni kompresorji ali puhala, ki so izdelani iz materiala, odpornega proti koroziji z UF_6 , ali prevlečeni z njim, in imajo sesalno zmogljivost najmanj 2 m³/min nosilnega plina (vodik ali helij), ki vsebuje UF_6 .

Pojasnilo

Ti kompresorji in plinska puhala imajo običajno razmerje pritiskov od 1,2:1 do 6:1.

5.5.4 Tesnila gredi

To so posebej konstruirana in izdelana tesnila z dovodnim in odvodnim priključkom za tesnilno sredstvo, ki tesnijo gred rotorja, ki povezuje kompresor ali puhalo s pogonskim motorjem, tako da preprečujejo puščanje UF_6 ali vdiranje zraka ali tesnilnega plina v notranjo komoro kompresorja ali puhala, ki je napolnjena z mešanico UF_6 in nosilnega plina.

5.5.5 Toplotni izmenjevalniki za hlajenje plina

To so posebej konstruirani ali izdelani toplotni izmenjevalniki, ki si izdelani iz materiala, odpornega proti koroziji z UF_6 , ali zaščiteni z njim.

5.5.6 Ohišja ločevalnih elementov

To so posebej konstruirana ali izdelana ohišja za vgradnjo vrtničnih cevi ali ločevalnih šob in so iz materiala, ki je odporen proti koroziji z UF_6 , ali zaščiten z njim.

Pojasnilo

Ta ohišja so lahko valjaste posode s premerom nad 300 mm in dolžino nad 900 mm ali pa pravokotne posode primerljivih mer in so lahko konstruirana za navpično ali vodoravno vgradnjo.

5.5.7 Napajalni sistemi in sistemi za odvajanje obogatene in osiromašene UF_6

To so posebej konstruirani in izdelani procesni sistemi ali oprema za obrate za obogatitev in so izdelani iz materiala, ki je odporen proti koroziji z UF_6 , ali zaščiten z njim, ki obsegajo:

(a) napajalne avtoklave, peči ali sisteme za napajanje procesa obogatitve z UF_6 ;

(b) desublimatorje (ali hladne pasti) za odstranjevanje UF_6 iz procesa obogatitve in za nadaljnjo obdelavo po segrevanju;

(c) postaje za pretvorbo v trdno stanje ali utekočinjenje za odstranjevanje UF_6 iz procesa obogatitve s stiskanjem in pretvorbo v tekoče ali trdno agregatno stanje;

(d) postaje za shranjevanje »obogatene« ali »osiromašene« UF_6 v vsebnike.

5.5.8 Razdelilni cevni sistem

To je posebej konstruirani ali izdelani razdelilni cevni sistem za usmerjanje pretoka UF_6 v aerodinamičnih kaskadah, izdelan iz materiala, ki je odporen proti koroziji z UF_6 , ali zaščiten z njim. Omrežje cevi je običajno sestavljeno iz sistema dvojnih razdelilnikov, pri čemer je vsaka stopnja ali skupina stopenj priključena na vsakega od razdelilnikov.

5.5.9 Vakuumski sistemi in črpalke

(a) To so posebej konstruirani ali izdelani vakuumski sistemi s sesalno zmogljivostjo najmanj 5 m³/min, sestavljeni iz vakuumskih zbiralnikov, vakuumskih razdelilnikov in vakuumskih črpalk, konstruirani za obratovanje v okolju z UF_6 .

(b) Vakuumske črpalke, posebej konstruirane ali izdelane za obratovanje v okolju z UF_6 , iz materiala, ki je odporen proti koroziji z UF_6 , ali zaščiten z njim. Takšne črpalke imajo lahko fluoroogljikova tesnila in posebne delovne fluide.

5.5.10 Posebni zaporni in regulacijski ventili

To so posebej konstruirani ali izdelani ročni ali avtomatski zaporni in regulacijski ventili z mehom za tlačno razbremenitev, izdelani iz materiala, ki je odporen proti koroziji z UF_6 , ali zaščiteni z njim, s premerom od 40 do 1500 mm za vgradnjo v glavne in pomožne sisteme obratov za aerodinamično izotopsko obogatitev.

5.5.11 UF_6 masni spektrometri in ionski izvori

To so posebej konstruirani ali izdelani magnetni ali štiripolni masni spektrometri za neposredno vzorčenje iz plinastega pretoka obogatene ali osiromašene UF_6 in imajo vse naslednje značilnosti:

1. enotno ločljivost za enoto atomske mase nad 320;
2. ionske izvore, ki so izdelani iz nikroma, monela ali z njima prevlečeni ali pa so ponikljani;
3. ionske izvore za obstreljevanje z elektroni;
4. zbiralni sistem, ki je primeren za izotopske analize.

5.5.12 Sistemi za ločevanje UF_6 od nosilnega plina

To so posebej konstruirani ali izdelani procesni sistemi za ločevanje UF_6 od nosilnega plina (vodik ali helij).

Pojasnilo

Ti sistemi so konstruirani za zmanjšanje vsebnosti UF_6 v nosilnem plinu do 1 ppm in veliko jih vključuje opremo, kot je:

- (a) kriogeni toplotni izmenjevalniki in kriogeni ločevalniki za temperature $-120\text{ }^{\circ}\text{C}$ ali manj ali
- (b) kriogene hladilne enote za temperature $-120\text{ }^{\circ}\text{C}$ ali manj ali
- (c) ločevalne šobe ali vrtnične cevi za ločevanje UF_6 od nosilnega plina ali
- (d) hladne pasti za UF_6 za temperature $-20\text{ }^{\circ}\text{C}$ ali manj.

5.6 Posebej konstruirani ali izdelani sistemi, oprema in sestavni deli za uporabo v obratih za obogatitev s kemično ali ionsko izmenjavo

Uvodna opomba

Neznatna razlika mas izotopov urana povzroča majhne spremembe v ravnotežjih kemičnih reakcij, kar je mogoče izkoristiti kot osnovo za ločevanje izotopov. Uspešno sta bila razvita dva postopka; kemična izmenjava med tekočinama in ionska izmenjava med trdno snovjo in tekočino.

Pri postopku kemične izmenjave med tekočinama prideta protitočno v stik tekoči fazi (vodna in organska), ki se med seboj ne mešata, kar povzroči kaskadni učinek več tisoč ločevalnih stopenj. Vodna faza je sestavljena iz uranovega klorida v raztopini solne kisline; organska faza je sestavljena iz ekstrakta, ki vsebuje uranov klorid v organskem topilu. Kontaktorji, ki se uporabljajo v ločevalni kaskadi, so lahko izmenjevalne kolone med tekočinama (kot so pulzirne kolone s perforiranimi ploščami) ali centrifugalni kontaktorji za kemično izmenjavo med tekočinama. Zaradi omogočanja povratnega toka v ločevalno kaskado mora na vsaki strani ločevalne kolone potekati kemična reakcija (oksidacija in redukcija). Pri konstruiranju je pomembno preprečiti onesnaženje procesnih tokov s določenimi kovinskimi ioni. Zato se uporabljajo plastične, s plastiko prevlečene (sem sodi tudi uporaba polimerov fluoroogljikov) in/ali s steklom prevlečene kolone in cevovodi.

Pri postopku ionske izmenjave med trdno snovjo in tekočino se doseže obogatitev z adsorpcijo/desorpcijo urana na posebni visoko aktivni smoli za ionsko izmenjavo oziroma adsorbentu. Raztopina urana v solni kislini in drugih kemičnih reagentih se vodi skozi valjaste kolone za obogatitev, ki so napolnjene s sloji adsorbenta. Da teče postopek neprekinjeno, je potreben sistem za povratni tok za sproščanje urana iz adsorbenta nazaj v tekočo fazo, tako da je mogoče ločeno zbirati »obogateni« in »osiromašeni« uran. To se izvede z uporabo primernih kemičnih redukcijskih/oksidacijskih sredstev, ki se popolnoma regenerirajo v ločenih zunanjih krožnih tokovih in jih je mogoče deloma regenerirati znotraj samih kolon za ločevanje izotopov. Prisotnost vročih koncentriranih raztopin solne kisline v postopku zahteva, da je oprema izdelana iz posebnega materiala, ki je odporen proti koroziji, ali zaščiten z njim.

5.6.1 Kolone za izmenjavo med tekočinama (kemična izmenjava)

Protitočne kolone za kemično izmenjavo med tekočinama z mehanskim izvorom energije (tj. pulzirne kolone s perforiranimi ploščami, kolone s povratnimi ploščami in kolone z notranjimi turbinskimi mešali) so posebej konstruirane ali izdelane za izotopsko obogatitev urana s kemično izmenjavo. Zaradi odpornosti proti koroziji s koncentriranimi raztopinami solne kisline so te kolone ali njihovi notranji deli izdelani iz primerne plastičnega materiala (kot so polimeri fluoroogljika) ali iz stekla ali zaščiteni z njim. Kolone so konstruirane tako, da se raztopine zadržujejo v njih kratek čas (do 30 sekund).

5.6.2 Centrifugalni kontaktorji za izmenjavo med tekočinama (kemična izmenjava)

To so centrifugalni kontaktorji za izmenjavo med tekočinama, posebej konstruirani ali izdelani za obogatitev urana s postopkom kemične izmenjave. Ti kontaktorji z vrtenjem povzročijo disperzijo organske in vodne komponente, nato pa ju ponovno ločijo s centrifugiranjem. Zaradi odpornosti proti koroziji s koncentriranimi raztopinami solne kisline so kontaktorji ali njihovi notranji deli izdelani iz primerne plastičnega materiala (kot so polimeri fluoroogljika) ali zaščiteni z njim ali obdani s steklom. Centrifugalni kontaktorji so konstruirani tako, da se raztopine zadržujejo v njih kratek čas (do 30 sekund).

5.6.3 Sistemi in oprema za redukcijo urana (kemična izmenjava)

(a) To so posebej konstruirane ali izdelane celice za elektrokemično redukcijo urana iz enega v drugo valentno stanje pri postopku izotopske obogatitve urana s kemično izmenjavo. Deli celic, ki so v stiku s procesno raztopino, morajo biti izdelani iz materiala, odpornega proti koroziji s koncentriranimi raztopinami solne kisline.

Pojasnilo

Katodni prekat celice mora biti konstruiran tako, da se prepreči ponovna oksidacija urana v višje valentno stanje. Da uran ostane v katodnem prekatu, ima lahko celica neprepustno diafragmsko membrano, izdelano iz posebnega materiala za izmenjavo kationov. Katoda je iz primerne trdnega prevodnika, kot je grafit.

(b) To so posebej konstruirani ali izdelani sistemi na koncu kaskade za odvzem U^{4+} iz pretoka organske komponente, uravnavanje koncentracije kisline in napajanje celic za elektrokemično redukcijo.

Pojasnilo

Ti sistemi so sestavljeni iz opreme za solventno ekstrakcijo za izločanje U^{4+} iz organske komponente v vodno raztopino, opreme za izparevanje in/ali druge opreme za uravnavanje in nadziranje pH raztopine, črpalk ali drugih prenosnih naprav za napajanje celic za elektrokemično redukcijo. Pomembna zahteva pri konstruiranju je preprečiti onesnaženje vodnega toka z določenimi kovinskimi ioni. Zato dele sistema, ki so v stiku s procesnim tokom, sestavlja oprema, izdelana iz primerne materiala (kot so steklo, polimeri fluoroogljika, polifenilsulfat, polietersulfon in s smolo impregnirani grafit) ali zaščiten z njimi.

5.6.4 Sistemi za pripravo vhodnih komponent (kemična izmenjava)

To so posebej konstruirani ali izdelani sistemi za proizvodno vhodne raztopine uranovega klorida visoke čistosti v obratih, ki uporabljajo izotopsko ločevanje urana s postopkom kemično izmenjave.

Pojasnilo

Ti sistemi so sestavljeni iz opreme za raztapljanje, solventno ekstrakcijo in/ali ionsko izmenjavo za čiščenje ter iz elektrolitskih celic za redukcijo urana U^{6+} ali U^{4+} v U^{3+} . Pri tem nastane raztopina uranovega klorida, ki ima le nekaj ppm kovinskih nečistoč, kot so krom, železo, vanadij, molibden in drugi divalentni ali večvalentni kationi. Konstrukcijski materiali delov sistema za pridobivanje visoko čistega U^{3+} so steklo, polimeri fluoroogljika, polifenilsulfat, polietersulfon ter s plastiko prevlečeni in s smolo impregnirani grafiti.

5.6.5 Sistemi za oksidacijo urana (kemična izmenjava)

To so posebej konstruirani ali izdelani sistemi za oksidacijo urana iz U^{3+} v U^{4+} in njegovo vračanje v kaskade za izotopsko ločevanje urana pri procesu obogatitve s kemično izmenjavo.

Pojasnilo

Ti sistemi lahko vključujejo opremo, kot je:

(a) oprema za vzpostavljanje stika med klorom in kisikom z vodnim iztokom iz opreme za ločevanje izotopov in za ekstrahiranje tako dobljenega U^{4+} v organski tok, ki se po desorpciji vrača s konca kaskade;

(b) oprema, ki ločuje vodo od solne kisline, tako da je mogoče vodo in koncentrirano solno kislino ponovno vrniti v postopek na primernih mestih.

5.6.6 Visoko aktivne smole/adsorbenti za ionsko izmenjavo (ionska izmenjava)

Visoko aktivne smole ali adsorbenti za ionsko izmenjavo so posebej konstruirani ali izdelani za obogatitev urana s ionsko izmenjavo, vključno s poroznimi makromrežastimi smolami in/ali zrnatimi strukturami, pri katerih so aktivne skupine za kemično izmenjavo omejene na prevleko na površini neaktivne porozne nosilne strukture, in drugimi kompozitnimi strukturami v kakršni koli primerni obliki, vključno z delci ali vlakni. Te

smole/adsorbenti za ionsko izmenjavo s premerom 0,2 mm ali manj morajo biti kemično odporni proti koncentrirani solni kislini in njenim raztopinam ter fizično dovolj trdni, da ne razpadejo v kolonah za ionsko izmenjavo. Smole/adsorbenti so posebej pripravljeni tako, da omogočajo zelo hitro izmenjavo izotopov urana (razpolovni čas hitrosti izmenjave manj kot 10 sekund) in lahko obratujejo pri temperaturi od 100 do 200 °C.

5.6.7 Kolone za ionsko izmenjavo (ionska izmenjava)

To so valjaste kolone s premerom nad 1000 mm za namestitve slojev smol/adsorbentov za ionsko izmenjavo in so posebej konstruirane ali izdelane za obogatitev urana s procesom ionske izmenjave. Kolone so izdelane iz materiala, odpornega proti koroziji s koncentrirano solno kislino (kot je titan ali fluoroogljikova plastika), ali zaščitene z njim ter lahko obratujejo pri temperaturi od 100 do 200 °C in tlakih nad 0,7 MPa (102 psia).

5.6.8 Povratni sistemi za ionsko izmenjavo (ionska izmenjava)

(a) To so posebej konstruirani ali izdelani sistemi za kemično ali elektrokemično redukcijo za regeneriranje kemičnega redukcijskega sredstva, ki se uporablja v kaskadah za obogatitev urana z ionsko izmenjavo.

(b) To so posebej konstruirani ali izdelani sistemi za kemično ali elektrokemično oksidacijo za regeneriranje kemičnega redukcijskega sredstva, ki se uporablja v kaskadah za obogatitev urana z ionsko izmenjavo.

Pojasnilo

Pri postopku obogatitve z ionsko izmenjavo se lahko kot reducirni kation uporabi npr. trivalentni titan (Ti^{3+}), v primeru katerega redukcijski sistem regenerira Ti^{3+} z redukcijo Ti^{4+} . Pri postopku se lahko uporabi npr. trivalentno železo (Fe^{3+}) kot oksidant, v primeru katerega oksidacijski sistem regenerira Fe^{3+} z oksidacijo Fe^{2+} .

5.7 Posebej konstruirani ali izdelani sistemi, oprema in sestavni deli za uporabo v obratih za obogatitev urana z lasersko tehnologijo

Uvodna opomba

Sodobni sistemi za postopke obogatitve z laserji se delijo v dve kategoriji: tiste sisteme, pri katerih je procesni medij atomska uranova para, in sisteme, pri katerih je procesni medij para uranove spojine. Običajno se za te sisteme uporabljajo naslednji izrazi: prva kategorija, lasersko ločevanje izotopov v atomski pari (AVLIS ali SILVA); druga kategorija, lasersko ločevanje izotopov v molekularni pari (MLIS ali MOLIS) in kemična reakcija z laserskim aktiviranjem, odvisnim od izotopa (CRISLA). Sistemi, oprema in sestavni deli za obrate za lasersko obogatitev vsebujejo:

(a) naprave za dovajanje pare kovinskega urana (za selektivno fotoionizacijo) ali naprave za dovajanje pare uranove spojine (za fotodisociacijo ali kemično aktiviranje);

(b) naprave za zbiranje »obogatenega« in »osiromašenega« kovinskega urana v prvi kategoriji ter naprave za zbiranje disociranih ali kemično reagiranih spojin kot »obogateni« uran in nespremenjeni material kot »osiromašeni« uran v drugi kategoriji;

(c) procesne laserske sisteme za selektivno vzbujanje izotopa urana-235; in (d) opremo za pripravo dovajanega materiala in pretvorbo obogatenega urana. Zaradi zahtevnosti spektroskopije uranovih atomov in spojin je lahko vključena katera koli od številnih razpoložljivih laserskih tehnologij.

Pojasnilo

Večina postavk, naštetih v tem oddelku, prihajajo v neposreden stik s kovinskim uranom v plinasti ali staljeni obliki ali s procesnim plinom, sestavljenim iz UF_6 ali zmesi UF_6 in drugih plinov. Vse površine, ki prihajajo v stik z uranom ali UF_6 , so v celoti izdelane iz materiala, ki je odporen proti koroziji, ali prevlečene z njim. Za namene točke, ki se nanaša na postavke za obogatitev z lasersko tehnologijo, so materiali, ki so odporni proti koroziji z uparjenim ali tekočim kovinskim uranom ali uranovimi zlitinami, z itrijem prevlečen grafit in tantal; materiali,

odporni proti koroziji z UF_6 , pa baker, nerjavno jeklo, aluminij, aluminijeve zlitine, nikelj ali zlitine z najmanj 60% niklja in polnoma fluorirani polimeri ogljikovodika, odporni proti UF_6 .

5.7.1 Sistemi za uparjanje urana (AVLIS)

To so posebej konstruirani ali izdelani sistemi za uparjanje urana, sestavljeni iz pasovnih ali skenirnih elektronskih topov, ki oddajajo elektronske curke z močjo, ki na tarči znaša več kot 2,5 kW/cm.

5.7.2 Sistemi za ravnanje s staljenim kovinskim uranom (AVLIS)

To so posebej konstruirani ali izdelani sistemi za ravnanje s talinami kovinskega urana ali njegovih zlitin, sestavljeni iz talilnih loncev in opreme za njihovo hlajenje.

Pojasnilo

Talilni lonci in drugi deli tega sistema, ki pridejo v stik s staljenim uranom ali uranovimi zlitinami, so izdelani iz materiala, ki je primerno odporen proti koroziji in visokim temperaturam, ali pa so zaščiteni s takim materialom. Primerni materiali so tantal, grafit, s prevleko iz itrija, grafit s prevleko iz oksidov redkih zemelj ali njihove zmesi.

5.7.3 Sistem za zbiranje »obogatenega« in »osiromašenega« kovinskega urana (AVLIS)

To so posebej konstruirani ali izdelani zbiralniki za zbiranje »obogatenega« in »osiromašenega« urana v talini ali v trdni obliki.

Pojasnilo

Sestavni deli za te sklope so izdelani iz materiala, ki je odporen proti vročini in koroziji z uparjenim ali tekočim kovinskim uranom, ali pa so zaščiteni z njimi (kot je grafit s prevleko iz itrija ali tantal) in lahko obsegajo cevi, ventile, vezne kose, »žlebove«, napajalne kanale, toplotne izmenjevalnike in kolektorske plošče za magnetne, elektrostatične ali druge metode ločevanja.

5.7.4 Ohišja ločevalnika (AVLIS)

To so posebej konstruirane ali izdelane valjaste ali pravokotne posode za namestitve izvora uparjenega kovinskega urana, elektronskega topa in sistema za zbiranje »obogatenega« in »osiromašenega« urana.

Pojasnilo

Ta ohišja imajo večje število vhodov za napajanje z elektriko in vodo, odprtine za laserski curek, priključke za vakuumsko črpalko ter opremo za diagnostiko in nadzor instrumentov. Opremljena so s pripravami za odpiranje in zapiranje, kar omogoča obnavljanje notranjih sestavnih delov.

5.7.5 Nadzvočne ekspanzijske šobe (MLIS)

To so posebej konstruirane ali izdelane nadzvočne ekspanzijske šobe za hlajenje mešanice UF_6 in nosilnega plina do temperature 150 K ali manj ter so odporne proti koroziji z UF_6 .

5.7.6 Zbiralniki za uranov pentafluorid (MLIS)

To so posebej konstruirani ali izdelani zbiralniki za zbiranje uranovega pentafluorida (UF_5) v trdnem agregatnem stanju, ki so sestavljeni iz filtra, udarnega ali ciklonskega zbiralnika ali iz kombinacije obeh in so odporni proti koroziji z UF_5/UF_6 .

5.7.7 Kompresorji za mešanico UF_6 in nosilnega plina (MLIS)

To so posebej konstruirani ali izdelani kompresorji za mešanico UF_6 in nosilnega plina za dolgotrajno obratovanje v okolju z UF_6 . Sestavni deli teh kompresorjev, ki prihajajo v stik s procesnim plinom so izdelani iz materiala, ki je odporen proti koroziji z UF_6 , ali prevlečeni z njim.

5.7.8 Tesnila gredi (MLIS)

To so posebej konstruirana ali izdelana tesnila gredi z dovodnim in odvodnim priključkom za tesnilno sredstvo, ki tesnijo gred rotorja, ki povezuje kompresor s pogonskim motorjem,

tako da preprečujejo puščanje procesnega plina ali vdiranje zraka ali tesnilnega plina v notranjo komoro kompresorja, napolnjeno z mešanico UF_6 in nosilnega plina.

5.7.9 Sistemi za fluoriranje (MLIS)

To so posebej konstruirani ali izdelani sistemi za fluoriranje trdnega UF_5 v plinasti UF_6 .

Pojasnilo

Ti sistemi so konstruirani za fluoriranje zbranega praškastega UF_5 v UF_6 , ki se zbira v vsebnike za obogateni UF_6 ali se dovaja v enote MLIS, kjer se dodatno obogati. Po prvi metodi reakcija fluoriranja lahko poteka v sistemu za ločevanje izotopov, kjer pride do reakcije in se pridobi »obogateni« UF_6 neposredno po izstopu iz zbiralnikov. Po drugi metodi pa se lahko praškasti UF_5 odstrani in vodi iz zbiralnika »obogatenega« UF_5 v primerno reakcijsko posodo (npr. reaktor s fluidiziranim slojem, vijačni reaktor ali plamenski stolp) za fluoriranje. Po obeh metodah se uporablja oprema za shranjevanje in prenos fluora (ali kakega drugega primerne sredstva za fluoriranje) ter za zbiranje in prenos UF_6 .

5.7.10 UF_6 masni spektrometri in ionski izvori (MLIS)

To so posebej konstruirani ali izdelani magnetni ali štiripolni masni spektrometri za »neposredno« vzorčenje iz plinastega pretoka »obogatenega« ali »osiromašenega« UF_6 in imajo vse naslednje značilnosti:

1. enotno ločljivost za enoto atomske mase nad 320;
2. ionske izvore, ki so izdelani iz nikroma, monela ali z njima prevlečeni ali pa so ponikljani;
3. ionske izvore za obstreljevanje z elektroni;
4. zbiralni sistem, ki je primeren za izotopske analize.

5.7.11 Napajalni sistemi/sistemi za odvajanje osiromašenega in obogatenega UF_6 (MLIS)

To so posebej konstruirani ali izdelani procesni sistemi ali oprema za obrate za obogatitev, izdelani iz materiala, ki je odporen proti koroziji z UF_6 , ali zaščiteni z njim, ki obsegajo:

- (a) napajalne avtoklave, peči ali sisteme za napajanje procesa obogatitve z UF_6 ;
- (b) desublimatorje (ali hladne pasti) za odstranjevanje UF_6 iz procesa obogatitve in za nadaljnjo obdelavo po segrevanju;
- (c) postaje za pretvorbo v trdno stanje in utekočinjenje za odstranjevanje UF_6 iz procesa obogatitve s stiskanjem in pretvorbo v tekoče ali trdno agregatno stanje;
- (d) postaje za shranjevanje »obogatenega« ali »osiromašenega« UF_6 v vsebnike.

5.7.12 Sistemi za ločevanje UF_6 od nosilnega plina (MLIS)

To so posebej konstruirani ali izdelani sistemi za ločevanje UF_6 od nosilnega plina. Nosilni plin je lahko dušik, argon ali drug plin.

Pojasnilo

Ti sistemi lahko vsebujejo opremo, kot je:

- (a) kriogeni toplotni izmenjevalniki ali kriogeni ločevalniki, za temperature -120 °C ali manj ali
- (b) kriogene hladilne enote, za temperature -120 °C ali manj ali
- (c) hladne pasti za UF_6 , za temperature -20 °C ali manj.

5.7.13 Laserski sistemi (AVLIS, MLIS in CRISLA)

To so posebej konstruirani ali izdelani laserji ali laserski sistemi za ločevanje uranovih izotopov.

Pojasnilo

Laserski sistem za postopek AVLIS je običajno sestavljen iz dveh laserjev: laserja z bakrovo paro in laserja z barvilom kot aktivnim sredstvom. Laserski sistem za MLIS je običajno sestavljen iz CO_2 laserja ali laserja s plinskimi molekulami, obstojnimi samo v vzbujenem stanju (excimer), in optičnih celic za večkratni prehod z vrtljivimi zrcali na obeh koncih. Pri laserjih ali laserskih sistemih je za oba postopka potreben stabilizator frekvenčnega spektra, ki omogoča delovanje v daljšem časovnem obdobju.

5.8 Posebej konstruirani ali izdelani sistemi, oprema in sestavni deli za uporabo v obratih za obogatitev s plazemskim ločevanjem

Uvodna opomba

Pri postopku ločevanja s plazmo gre plazma uranovih ionov skozi električno polje, uglaseno na resonančno frekvenco U-235 ionov, tako da selektivno absorbirajo energijo in povečujejo premer svojih spiralno oblikovanih orbit. Ioni na timicah velikega premera se prestrežejo in izkoristijo za pridobivanje obogatenega U-235. Plazma, ki nastane z ionizacijo uranove pare, se zadrži v vakuumski komori z magnetnim poljem visoke jakosti, ki ga ustvarja superprevodni magnet. Glavni tehnološki sistemi postopka so sistem za ustvarjanje uranove plazme, ločevalni modul s superprevodnim magnetom in sistemi za odstranjevanje kovine, nameščeni za zbiranje »obogatenega« in »osiromašenega« urana.

5.8.1 Izvori mikrovalov in antene

To so posebej konstruirani ali izdelani generatorji mikrovalov in antene za ustvarjanje ali pospeševanje ionov in z naslednjimi značilnostmi: s frekvenco nad 30 GHz in s srednjo izhodno močjo za proizvodnjo ionov nad 50 kW.

5.8.2 Tuljave za vzbujanje ionov

To so posebej konstruirane ali izdelane radiofrekvenčne tuljave za vzbujanje ionov pri frekvencah nad 100 kHz, ki delujejo pri srednji moči nad 40 kW.

5.8.3 Sistemi za generiranje uranove plazme

To so posebej konstruirani ali izdelani sistemi za generiranje uranove plazme, ki jih lahko sestavljajo močni pasovni ali skenirni elektronski topovi z močjo na tarči nad 2,5 kW/cm.

5.8.4 Sistemi za ravnanje s staljenim kovinskim uranom

To so posebej konstruirani ali izdelani sistemi za ravnanje s talinami kovinskega urana ali njegovih zlitin, sestavljeni iz talilnih loncev in opreme za njihovo hlajenje.

Pojasnilo

Talilni lonci in drugi deli tega sistema, ki pridejo v stik s staljenim uranom ali uranovimi zlitinami, so izdelani iz materiala, ki je primerno odporen proti koroziji in visokim temperaturam, ali pa so zaščiteni s takim materialom. Primerni materiali so tantal, grafit s prevleko iz itrija, grafit s prevleko iz oksidov redkih zemelj ali njihove zmesi.

5.8.5 Sistem za zbiranje »obogatenega« in »osiromašenega« kovinskega urana

To so posebej konstruirani ali izdelani zbiralniki za zbiranje »obogatenega« in »osiromašenega« kovinskega urana v trdni obliki. Izdelani so iz materiala, ki je odporen proti visokim temperaturam in koroziji s parami kovinskega urana, kot je grafit s prevleko iz itrija ali tantal, ali zaščiteni z njim.

5.8.6 Ohišja ločevalnika

To so posebej konstruirane ali izdelane valjaste posode za uporabo v obratih za obogatitev urana s plazemskim ločevanjem, v katere se namestijo izvor plazme, radiofrekvenčna tuljava in zbiralniki »obogatenega« in »osiromašenega« urana.

Pojasnilo

Ta ohišja imajo več vhodov za napajanje z elektriko, priključke za difuzijsko črpalko ter opremo za diagnostiko in nadzor instrumentov. Opremljena so s pripravami za odpiranje in zapiranje, kar omogoča obnavljanje notranjih sestavnih delov, ter so izdelana iz primerne nemagnetnega materiala, kot je nerjavno jeklo.

5.9 Posebej konstruirani ali izdelani sistemi, oprema in sestavni deli za uporabo v obratih za elektromagnetno obogatitev

Uvodna opomba

Pri elektromagnetnem postopku se ioni kovinskega urana, ki nastanejo z ionizacijo soli dovajanega materiala

(običajno UCl_4), pospešijo in vodijo skozi magnetno polje, ki povzroči, da gredo ioni različnih izotopov po različnih poteh. Glavni sestavni deli elektromagnetnega ločevalnika izotopov so: magnetno polje za odklanjanje/ločevanje izotopov v ionskem curku, ionski vir s pospeševalnim sistemom in zbiralni sistem za ločene ione. Pomožni sistemi za ta postopek so: napajalni sistem za magnet, visokonapetostni napajalni sistem za ionski vir, vakuumski sistem in obsežni kemični sistemi za ravnanje s proizvodom ter čiščenje in recikliranje sestavnih delov.

5.9.1 Elektromagnetni ločevalniki izotopov

To so posebej konstruirani ali izdelani elektromagnetni ločevalniki izotopov, oprema in sestavni deli za ločevanje uranovih izotopov in obsegajo:

(a) ionske izvore

To so posebej konstruirani ali izdelani enojni ali večkratni izvori uranovih ionov, ki so sestavljeni iz izvora uranove pare, ionizatorja in pospeševalnika ionskega curka, izdelani pa so iz primerne materiala, kot je grafit, nerjavno jeklo ali baker, ter so sposobni zagotavljati ionski curek s skupno jakostjo najmanj 50 mA;

(b) zbiralnike ionov

To so posebej konstruirane ali izdelane zbiralne plošče z dvema ali več zarezami in žepi za zbiranje ionskih curkov obogatene in osiromašenega urana in so izdelane iz primerne materiala, kot je grafit ali nerjavno jeklo;

(c) vakuumška ohišja

To so posebej konstruirana ali izdelana vakuumška ohišja za vgradnjo elektromagnetnih ločevalnikov urana, izdelana iz primerne materiala, kot je grafit ali nerjavno jeklo, in konstruirana za obratovanje pri tlaku 0,1 Pa ali manj;

Pojasnilo

Ohišja so posebej konstruirana za vgradnjo ionskih virov, zbiralnih plošč in vložkov za vhodno hlajenje s priključki za difuzijsko črpalko, z odprtino in pokrovom za odstranjevanje in ponovno vgradnjo teh sestavnih delov.

(d) magnetne pole

To so posebej konstruirani ali izdelani magnetni poli s premerom nad 2 m za vzdrževanje stalnega magnetnega polja znotraj elektromagnetnega ločevalnika izotopov in za prenos magnetnega polja med sosednjimi ločevalniki.

5.9.2 Viri visoke napetosti

To so posebej konstruirani ali izdelani viri visoke napetosti za ionske izvore z vsemi naslednjimi značilnostmi: sposobnostjo neprekinjenega delovanja, izhodne napetosti najmanj 20.000 V, jakosti izhodnega toka najmanj 1 A in regulacije napetosti, boljše kot 0,01% v časovnem obdobju osmih ur.

5.9.3 Viri energije za magnetne

To so posebej konstruirani ali izdelani viri enosmernega toka za elektromagnetne z vsemi naslednjimi značilnostmi: sposobnostjo neprekinjenega proizvodnje izhodnega toka z jakostjo najmanj 500 A pri napetostih najmanj 100 V in regulacije napetosti ali toka, boljše kot 0,01% v časovnem obdobju osmih ur.

6. OBRATI ZA PRIDOBIVANJE TEŽKE VODE, DEVTERIJA IN DEVTERIJEVIH SPOJIN TER POSEBEJ KONSTRUIRANA ALI IZDELANA OPREMA V TA NAMEN

Uvodna opomba

Težka voda se lahko pridobiva z več različnimi postopki. Vendar pa sta se za komercialno uspešna izkazala izmenjevalni postopek voda–vodikov sulfid (postopek GS) in izmenjevalni postopek amoniak–vodik.

Postopek GS temelji na izmenjavi vodika in devterija med vodo in vodikovim sulfidom znotraj zaporedja stolpov, ki delujejo tako, da je njihov zgornji del hladen in spodnji del vroč. Voda teče po stolpih navzdol, plinasti vodikov sulfid pa kroži od dna proti vrhu stolpov. Niz perforiranih plošč pospešuje medsebojno mešanje plina in vode. Devterij pri nizkih tem-

peraturah prehaja v vodo, pri visokih pa v vodikov sulfid. Plin ali voda, obogatena z devterijem, se odvzema iz stolpov prve stopnje na stiku vročih in hladnih delov, postopek pa se potem ponavlja v stolpih nadaljnjih stopenj. Proizvod zadnje stopnje, voda, obogatena do 30% z devterijem, se pošlje v destilacijsko enoto, v kateri se pridobi težka voda reaktorske kakovosti; tj. 99,75% devterijev oksid.

Izmenjevalni postopek amoniak–vodik lahko izloči devterij iz sinteznega plina ob stiku s tekočim amoniakom ob prisotnosti katalizatorja. Sintezni plin se dovaja v izmenjevalne stolpe in v pretvornik amoniaka. V notranjosti stolpov teče plin od dna proti vrhu, tekoči amoniak pa teče od vrha proti dnu. Devterij se izloči iz vodika v sinteznem plinu in se koncentrira v amoniaku. Amoniak potem teče v razgrajevalnik amoniaka na dnu stolpa, plin pa teče v pretvornik amoniaka na vrhu. Nadaljnja obogatitev poteka v nadaljnjih stopnjah, težka voda reaktorske kakovosti pa se pridobi s končno destilacijo. Sintezni plin se lahko dovaja iz obrata za pridobivanje amoniaka, tega pa je mogoče zgraditi v sklopu obrata za težko vodo po izmenjevalnem postopku amoniak–vodik. Za izmenjevalni postopek amoniak–vodik se kot vir devterija lahko uporabi tudi navadna voda.

Veliko ključnih postavk opreme obratov za pridobivanje težke vode z izmenjevalnim postopkom GS ali pa izmenjevalnim postopkom amoniak–vodik je skupnih večjemu številu segmentov kemične in naftne industrije. To še posebej velja za majhne obrate, v katerih se uporablja postopek GS. Le malo postavk te opreme je na voljo v »redni prodaji«. Postopek GS in postopek amoniak–vodik zahtevata ravnanje z večjimi količinami vnetljivih, korozivnih in strupenih tekočin pri visokem tlaku. V skladu s tem je treba pri izdelavi načrtovalnih in obratovalnih standardov za obrate in opremo, namenjeno tem postopkom, posvetiti veliko pozornost izbiri materialov in specifikacijam, da se tako zagotovi dolga življenjska doba z visoko varnostjo in zanesljivostjo. Izbira je predvsem odvisna od gospodarskih dejavnikov in potreb. Večina postavk te opreme se zato izdelava v skladu z zahtevami kupca.

Treba je tudi pripomniti, da je mogoče tako v izmenjevalnem postopku GS kakor tudi v izmenjevalnem postopku amoniak–vodik postavke opreme, ki vsaka zase sicer ni posebej konstruirana ali izdelana za pridobivanje težke vode, medsebojno povezati v sisteme, ki so posebej konstruirani ali izdelani za pridobivanje težke vode. Primeri takšnih sistemov so katalitski sistem, ki se uporablja v izmenjevalnem postopku amoniak–vodik, in sistemi za destilacijo vode, ki se pri obeh postopkih uporabljajo za končno koncentriranje težke vode do reaktorske kakovosti.

Posebej konstruirane ali izdelane postavke opreme za pridobivanje težke vode z izmenjevalnim postopkom voda–vodikov sulfid ali izmenjevalnim postopkom amoniak–vodik vključujejo naslednje:

6.1 Stolpi za izmenjavo voda–vodikov sulfid

To so izmenjevalni stolpi iz kakovostnega ogljikovega jekla (kot je ASTM A516), s premerom od 6 m (20') do 9 m (30') za obratovanje pri tlakih, ki so večji ali enaki kot 2 MPa (300 psi), in z dopustno korozijo 6 mm ali več; stolpi so posebej konstruirani ali izdelani za pridobivanje težke vode z izmenjevalnim postopkom voda–vodikov sulfid.

6.2 Puhala in kompresorji

To so nizkotlačna enostopenjska centrifugalna puhala ali kompresorji (tj. 0,2 MPa ali 30 psi) za kroženje vodikovega sulfida (tj. plina z več kot 70% H_2S), posebej konstruirani ali izdelani za pridobivanje težke vode z izmenjevalnim postopkom voda–vodikov sulfid. Imajo pretočno zmogljivost najmanj 56 m³/sekundo (120.000 SCFM) pri obratovalnem tlaku najmanj 1,8 MPa (260 psi) sesalne zmogljivosti ter tesnila, primerna za obratovanje v okolju z mokrim H_2S .

6.3 Izmenjevalni stolpi za sistem amoniak–vodik

To so izmenjevalni stolpi, visoki najmanj 35 m (114,3'), s premerom od 1,5 m (4,9') do 2,5 m (8,2') za obratovanje pri tlakih nad 15 MPa (2225 psi) in so posebej konstruirani ali izdelani za pridobivanje težke vode z izmenjevalnim postopkom

amoniak–vodik. Ti stolpi imajo vsaj eno aksialno odprtino s prirobnico z enakim premerom kot valj, skozi katero se lahko vstavijo ali odstranijo notranji deli stolpa.

6.4 Notranji deli stolpov in stopenjske črpalke

To so posebej konstruirani ali izdelani notranji deli stolpov in stopenjske črpalke za pridobivanje težke vode z izmenjevalnim postopkom amoniak–vodik. Notranji deli stolpov so posebej konstruirani stopenjski kontaktorji, ki omogočajo neposreden stik med plinom in tekočino. Stopenjske črpalke so posebej konstruirane potopne črpalke za kroženje amoniaka znotraj kontaktnih stopenj v stolpih.

6.5 Razgrajevalniki amoniaka

To so posebej konstruirane ali izdelane naprave z delovnim tlakom najmanj 3 MPa (450 psi) za pridobivanje težke vode z izmenjevalnim postopkom amoniak–vodik.

6.6 Infrardeči absorpcijski analizatorji

Infrardeči absorpcijski analizatorji za neposredno analizo razmerja med vodikom in devterijem pri koncentracijah devterija so najmanj 90%.

6.7 Katalitski gorilniki

To so posebej konstruirani ali izdelani katalitski gorilniki za pretvorbo obogatene devterija v težko vodo, ki se uporabljajo v obratih za pridobivanje težke vode z izmenjevalnim postopkom amoniak–vodik.

7. OBRATI ZA PRETVORBO URANA IN OPREMA, KI JE POSEBEJ KONSTRUIRANA ALI IZDELANA V TA NAMEN

Uvodna opomba

V obratih in sistemih za pretvorbo urana se lahko izvede ena ali več pretvorb iz ene kemične spojine urana v drugo, vključno s: pretvorbo koncentratov uranove rude v UO_3 , pretvorbo UO_3 v UO_2 , pretvorbo uranovih oksidov v UF_4 ali UF_6 , pretvorbo UF_4 v UF_6 , pretvorbo UF_6 v UF_4 , pretvorbo UF_4 v kovinski uran in pretvorbo uranovih fluoridov v UO_2 . Veliko ključnih postavk opreme obratov za pretvorbo urana je skupnih večjemu številu segmentov kemične predelovalne industrije. Na primer, vrste opreme, ki se uporabljajo v teh postopkih, so lahko: peči, rotacijske peči, reaktorji s fluidiziranim slojem, reaktorji s plamensko kolono, centrifuge za tekočine, destilacijske kolone in kolone za ekstrakcijo med tekočinama. Le malo teh postavk je na voljo v »redni prodaji«, saj se večina izdelava v skladu z zahtevami in specifikacijami kupca. V nekaterih primerih je treba pri konstrukciji in izdelavi posvetiti posebno pozornost korozivnim lastnostim nekaterih uporabljenih kemikalij (HF , F_2 , ClF_3 in uranovi fluoridi). Opozoriti je tudi treba, da je mogoče pri vseh postopkih za pretvorbo urana postavke opreme, ki vsaka zase niso posebej konstruirane ali izdelane za pretvorbo urana, povezati v take sisteme, ki so posebej konstruirani ali izdelani za uporabo pri pretvorbi urana.

7.1 Posebej konstruirani ali izdelani sistemi za pretvorbo koncentratov uranove rude v UO_3

Pojasnilo

Pretvorba koncentratov uranove rude v UO_3 se lahko izvede tako, da se ruda najprej raztopi v dušikovi kislini in z uporabo topila, kot je tributilfosfat, izloči prečiščen uranilnitrat. Nato se uranilnitrat pretvori v UO_3 s koncentriranjem in denitriranjem ali pa z nevtralizacijo s plinastim amoniakom, pri čemer nastane amonijev diuranat, zatem sledijo filtriranje, sušenje in kalciniranje.

7.2 Posebej konstruirani ali izdelani sistemi za pretvorbo UO_3 v UF_6

Pojasnilo

Pretvorba UO_3 v UF_6 se lahko izvede neposredno s fluoriranjem. Postopek zahteva vir plinastega fluora ali klorovega trifluorida.

7.3 Posebej konstruirani ali izdelani sistemi za pretvorbo UO_3 v UO_2

Pojasnilo

Pretvorbo UO_3 v UO_2 se lahko izvede z redukcijo UO_3 s termično razgrajenim amoniakom ali vodikom.

7.4 Posebej konstruirani ali izdelani sistemi za pretvorbo UO_2 v UF_4

Pojasnilo

Pretvorbo UO_2 v UF_4 se lahko izvede z reakcijo UO_2 s plinastim vodikovim fluoridom (HF) pri 300 do 500 °C.

7.5 Posebej konstruirani ali izdelani sistemi za pretvorbo UF_4 v UF_6

Pojasnilo

Pretvorba UF_4 v UF_6 se izvede z eksotermno reakcijo s fluorom v kolonskem reaktorju. UF_6 se kondenzira iz vročih iztekajočih plinov tako, da se njihov tok spusti preko hladne pasti, ohlajene na –10 °C. Postopek zahteva vir plinastega fluora.

7.6 Posebej konstruirani ali izdelani sistemi za pretvorbo UF_6 v kovinski uran

Pojasnilo

Pretvorba UF_6 v kovinski uran se izvede z redukcijo z magnezijem (za velike šarže) ali s kalcijem (za majhne šarže). Reakcija poteka pri temperaturah nad tališčem urana (1130 °C).

7.7 Posebej konstruirani ali izdelani sistemi za pretvorbo UF_6 v UO_2

Pojasnilo

Pretvorba UF_6 v UO_2 se lahko izvede po enem od treh postopkov. Pri prvem postopku se z uporabo vodika in pare UF_6 reducira in hidrolizira v UO_2 . Pri drugem se UF_6 hidrolizira v vodni raztopini, doda se amoniak, da se obori amonijev diuranat, nato se diuranat reducira v UO_2 z vodikom pri 820 °C. Pri tretjem postopku se v vodi vežejo plinasti UF_6 , CO_2 in NH_3 , pri čemer kot oborina nastaja amonijev uranilkarbonat. Amonijev uranilkarbonat se veže s paro in vodikom pri 500 do 600 °C, pri čemer nastane UO_2 .

Pretvorba UF_6 v UO_2 je pogosto prva stopnja v obratu za izdelavo goriva.

7.8 Posebej konstruirani ali izdelani sistemi za pretvorbo UF_6 v UF_4

Pojasnilo

Pretvorba UF_6 v UF_4 se izvede z redukcijo z vodikom.

PRILOGA III

V kolikor ukrepi tega protokola vključujejo jedrski material, ki ga je navedla Skupnost, in ne vplivajo na člen 1 tega protokola, Agencija in Skupnost sodelujeta, da olajšata izvajanje navedenih ukrepov in se izogneta nepotrebnemu podvajanju dejavnosti.

Skupnost predloži Agenciji informacije o prenosih za jedrske in nejedrske namene, iz vsake države v drugo državo članico Skupnosti in o tistih prenosih v vsako državo iz druge države članice Skupnosti, ki ustrezajo informacijam, ki naj se predložijo po členu 2(a)(vi)(b) in členu 2(a)(vi)(c), o izvozu in uvozu izvirnega materiala, ki ni dosegel sestave in čistosti, ustrezne za izdelovanje goriva ali za izotopsko obogatitev.

Vsaka država predloži Agenciji informacije o prenosih v druge države članice Skupnosti ali iz njih, ki ustrezajo informacijam o naštetih opremi in nejedrskem materialu, kot navaja Priloga II tega protokola, ki naj se predložijo po členu 2(a)(ix)(a) v zvezi z izvozom in, na posebno zahtevo Agencije, po členu 2(a)(ix)(b) v zvezi z uvozom.

Glede na Skupno raziskovalno središče Skupnosti, Skupnost tudi izvaja ukrepe, ki jih ta protokol določa za države, po potrebi v tesnem sodelovanju z državo, na ozemlju katere se nahaja ustanova središča.

Povezovalni odbor, ustanovljen po členu 25(a) Protokola iz člena 26 Sporazuma o varovanju, se bo razširil, da se omogoči udeležba predstavnikov držav in prilagoditev novim okoliščinam, ki izhajajo iz tega protokola.

Izključno za namene izvajanja tega protokola ter brez vpliva na svoja pooblastila in odgovornosti Skupnosti in nje-

nih držav članic, se vsaka država, ki se odloči, da Komisijo Evropskih skupnosti pooblasti za izvajanje nekaterih določb, ki so po protokolu odgovornost držav, o tem pisno obvesti druge pogodbenice Protokola. Komisija Evropskih skupnosti obvesti druge pogodbenice Protokola o sprejetju kakršnega koli tovrstnega sklepa.

3. člen

Za izvajanje dodatnega protokola skrbi Ministrstvo za okolje, prostor in energijo Republike Slovenije.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 801-10/04-24/1

Ljubljana, dne 15. julija 2004

EPA 1243-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

VSEBINA

- | | | |
|-----|--|------|
| 82. | Zakon o ratifikaciji Mednarodne konvencije o zatiranju financiranja terorizma (MMKZFT) | 4457 |
| 83. | Zakon o ratifikaciji Konvencije, pripravljene na podlagi člena K.3(2)(c) Pogodbe o Evropski uniji, o boju proti korupciji uradnikov Evropskih skupnosti ali uradnikov držav članic Evropske unije (MKKUES) | 4468 |
| 84. | Zakon o ratifikaciji Sporazuma med Kraljevino Belgijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Irsko, Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko, Evropsko skupnostjo za atomsko energijo in Mednarodno agencijo za atomsko energijo o izvajanju člena III (1) in (4) Pogodbe o neširjenju jedrskega orožja (MSPNJO) | 4477 |
| 85. | Zakon o ratifikaciji Dodatnega protokola k Sporazumu med Republiko Avstrijo, Kraljevino Belgijo, Kraljevino Dansko, Republiko Finsko, Zvezno republiko Nemčijo, Helensko republiko, Irsko, Italijansko republiko, Velikim vojvodstvom Luksemburg, Kraljevino Nizozemsko, Portugalsko republiko, Kraljevino Španijo, Kraljevino Švedsko, Evropsko skupnostjo za atomsko energijo in Mednarodno agencijo za atomsko energijo pri izvajanju člena III (1) in (4) Pogodbe o neširjenju jedrskega orožja (MDPNJO) | 4517 |