



Treaty Series No. 63 (1996)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Swiss Federal Council

concerning the Proposed Export by
British Nuclear Fuels Plc to the
Nordostschweizerische Kraftwerke AG
of Dottingen, Switzerland

of 12 Mixed Oxide Fuel Assemblies
for the Purpose of Electricity Generation

Berne, 4 October 1995 and 9 October 1995

[The Agreement entered into force on 9 October 1995]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 1996*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE SWISS FEDERAL COUNCIL CONCERNING THE
PROPOSED EXPORT BY BRITISH NUCLEAR FUELS PLC TO THE
NORDOSTSCHWEIZERISCHE KRAFTWERKE AG OF DOTTINGEN,
SWITZERLAND OF 12 MIXED OXIDE FUEL ASSEMBLIES FOR
THE PURPOSE OF ELECTRICITY GENERATION**

No. 1

*The British Embassy at Berne
to the Federal Department of Foreign Affairs of Switzerland*

*British Embassy
Berne
4 October 1995*

Note No. 119

Her Britannic Majesty's Embassy present their compliments to the Federal Department of Foreign Affairs and have the honour to refer to the proposed export by British Nuclear Fuels plc, of Warrington, Cheshire, England to the Nordostschweizerische Kraftwerke AG of Dottingen, Switzerland of 12 Mixed Oxide Fuel Assemblies, with a total of approximately 5025 Kgs (approximately 242 Kgs PuO₂) for the purpose of electricity generation.

In this connection the Embassy have the further honour to refer to the relevant provisions of the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968¹ as well as International Atomic Energy Agency (IAEA) document INFCIRC/254/Rev 1/Part 1 and to state that the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "The United Kingdom Government") base their nuclear export policies on these documents.

So that Her Britannic Majesty's Government are in a position to implement the guidelines set out in the appendix to the IAEA document INFCIRC/254/Rev 1/Part 1 (hereinafter referred to as "the guidelines") the Embassy have the honour to propose that the Government of the Swiss Federal Council (hereinafter referred to as "The Government of Switzerland") shall, in respect of the material described above, comply with the following conditions:

- (a) in accordance with paragraphs 1 and 2 of the guidelines the material and any material derived from it shall be used only for peaceful purposes and shall not be used in any way which would result in any nuclear explosive device;
- (b) in accordance with paragraph 3 of the guidelines the material, and any material derived from it, shall be placed under effective physical protection in accordance with the protection characteristics set out in Annex B to the guidelines, the implementation of those measures of physical protection being the responsibility of the Government of Switzerland;
- (c) in accordance with paragraph 4 of the guidelines, IAEA safeguards shall apply to the material and any material derived from it; and
- (d) in accordance with paragraph 10 of the guidelines the Government of Switzerland shall not retransfer the material or transfer any materials which may be derived from it and which are identified in the trigger list in part A of annex A to the guidelines to any third party unless the recipient of the retransfer shall first have provided the Government of Switzerland with the same assurances as those required by the United Kingdom Government for the transfer of this material and the Government of Switzerland is satisfied as to the *bona fides* of such third party.

¹Treaty Series No. 88 (1970), Cmnd. 4474.

The principle of the implementation of safeguards for the material which it is proposed to export from the United Kingdom to Switzerland having been accepted, and in order that this implementation may be effective, the United Kingdom Government shall confirm officially to the Government of Switzerland the execution of the transfer providing the relevant information as to the quantity and form of the material, date of despatch and consignee.

If the foregoing proposals are acceptable to the Government of Switzerland, the Embassy have the honour to propose that this Note and your reply in that sense shall constitute an Agreement between our two Governments which shall enter into force on the date of your reply.

Her Britannic Majesty's Embassy avail themselves of this opportunity to renew to the Federal Department of Foreign Affairs the assurance of their highest consideration.

No. 2

*The Federal Department of Foreign Affairs of the Swiss Federal Council
to the British Embassy at Berne*

*Federal Department of Foreign Affairs
Berne*

9 October 1995

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ad. No. 119

The Federal Department of Foreign Affairs presents its compliments to Her Britannic Majesty's Embassy and has the honour to refer to the Embassy's Note of 4 October 1995 which reads as follows:

[As in No. 1]

The Department has the honour to confirm that the foregoing proposals are acceptable to the Swiss Federal Council and that the Embassy's Note and this reply shall constitute an Agreement between our two Governments which shall enter into force on today's date.

The Federal Department of Foreign Affairs avails itself of this opportunity to renew to Her Britannic Majesty's Embassy the assurance of its highest consideration.