

# AGREEMENTS

## BILATERAL AGREEMENTS

### **Brazil – United States**

#### *Agreement concerning co-operation in nuclear energy (2003)*

This Agreement was signed in Washington DC on 20 June 2003 between the Department of Energy of the United States and the Ministry of Science and Technology of the Federative Republic of Brazil. Its objective is to establish a framework for collaboration between the Parties for research and development of advanced nuclear technologies. The Parties share an interest in developing advanced concepts and breakthroughs in nuclear fission and reactor technology to address the principal technical, societal and economic obstacles to the expanded peaceful use of nuclear energy. They also seek to promote and maintain nuclear science and engineering infrastructure in their respective countries to sustain the capabilities necessary for the development and use of nuclear energy. They desire to promote the exchange of scientific and technological information and collaborative research and development between the US and Brazilian agencies and research organizations focused on advanced technologies for improving nuclear power systems.

The Department of Energy proposes to engage in co-operative nuclear research and development (R&D) activities under the Agreement as part of its International Nuclear Energy Research Initiative whose goal is to undertake, through bilateral agreements between the Department of Energy and International Counterpart Governmental entities, Research and Development to develop safe, cost effective, proliferation resistant and sustainable nuclear technologies to meet future global energy needs. The areas of co-operation include: 1) advanced reactor developments for future generation energy systems; 2) advanced reactor fuel and reactor fuel cycle integration; 3) life management and upgrading of current operating reactors; 4) advanced fuel and material irradiation and use of experimental facilities; 5) environmental and safety issues related to new reactor and fuel cycle technologies; 6) other areas as the parties may agree in writing. The Agreement entered into force upon signature for five years with automatic five years renewals unless, prior to expiration, either party notifies in writing of intent to terminate.

### **Germany – Russian Federation**

#### *Agreements on the elimination and disposal of nuclear weapons*

On 16 July 2003, the German Foreign Office published an Agreement between the government of the Federal Republic of Germany and the government of the Russian Federation on Assistance for the Russian Federation regarding the Reduction/Elimination of Nuclear and Chemical Weapons by the Russian Federation. That Agreement was already signed on 16 December 1992 and entered into force on 11 May 1993 (Bundesgesetzblatt 2003 II p. 815). It is a Framework Agreement which requires

implementing agreements to be concluded by the Parties (Article 2). In accordance with Article 1 of the Agreement, Germany renders gratuitous assistance in relation to the elimination of nuclear and chemical weapons on Russian territory on the basis of international agreements. According to Article 6 paragraph 1, the Parties mutually waive the bringing of claims for the compensation of damage caused in connection with the implementation of the Agreement. Paragraph 2 of the same Article stipulates that third-party damage will be compensated by that Party in whose territory the damage occurs. The Agreement was concluded for an unlimited period of time but it may be terminated by giving six months notice (Article 10).

An Agreement to implement the above Framework Agreement was concluded on 16 December 1992 between the German Foreign Office and the Ministry for Atomic Energy of the Russian Federation on co-operation to ensure the safety of the disposal of nuclear weapons. The Agreement, in accordance with its Article 8, entered into force on 11 May 1993; it was published on 16 July 2003 in *Bundesgesetzblatt* 2003 II p. 817. Pursuant to its Article 1, the German Foreign Office will provide the Russian Ministry for Atomic Energy (Minatom) with services and equipment as listed in the Annex to the Agreement. This Annex contains ten categories including vehicles for radiation measurements, manipulators, electricity generators and other equipment. The Agreement was originally concluded for a period of one year, but has been tacitly prolonged on a year-to-year basis.

On 6 October 2003, the German Foreign Office and the Russian Ministry of Defence signed an Agreement on Co-operation to Ensure Physical Protection of Nuclear Material and of Nuclear Weapons to be Disposed of (*Bundesgesetzblatt* 2003 II p. 1917), which entered into force on the date of its signature. It is limited in time but it will be terminated when the above-mentioned Framework Agreement is terminated.

The Preamble of this Agreement states that it is designed to implement the Framework Agreement and the 1998 German-Russian Agreement on Nuclear Liability in Connection with Deliveries from Germany for Nuclear Installations in the Russian Federation (see *Nuclear Law Bulletin* No. 63). Article 1, paragraph 1 expressly stipulates that the provisions of both Agreements apply to all activities performed under the 2003 Agreement. This reference to the German-Russian Liability Agreement confirms therefore that its liability provisions take precedence.

The German Party undertakes to support the Russian Party by providing gratuitous financial and technical assistance and training with a view to:

- improving the conditions for safe and reliable storage of certain nuclear weapons to be decommissioned;
- improving emergency preparedness and the equipment of personnel in dangerous nuclear facilities;
- laying down conditions for the safe and reliable transportation of the nuclear weapons to be disposed of;
- improving the equipment of specialised incident management forces;
- performing technical-economic studies and other relevant projects as agreed between the parties.

Article 2 provides that the total cost of equipment and services to be rendered by the German Party must not exceed the financial means expressly appropriated for this purpose in the German state budget. The Parties establish a joint expert group to implement the agreement. The German Party, its personnel, the contractors and their personnel, within the framework of the Russian legislation, are

exempted from taxes and similar charges. They may freely import and export equipment necessary for the implementation of the Agreement (Article 4).

Representatives of the German government, the German parliament and those entities which perform activities within the framework of the agreement are entitled to control the use of equipment and services rendered at sites where assistance activities are carried out (Article 5).