

3. The provisions of paragraphs 1 and 2 of this Part shall only apply:

- (a) where the reprocessing, storage, transfer or retransfer in question takes place within the framework of the description of the current and planned nuclear energy programme of Japan up-dated as necessary by the Government of Japan;
- (b) as long as the Amended Agreement remains in force and the Treaty on the Non-Proliferation of Nuclear Weapons is in force in respect of Japan;
- (c) as long as the consultations on matters arising out of the application of the Amended Agreement continue to take place on a timely basis, these consultations being intended, *inter alia*, as a forum for up-dating on a regular basis, and for providing information on any significant changes relevant to, the description of the current and planned nuclear energy programme of Japan;
- (d) provided that, in the case of a transfer beyond the jurisdiction of the Government of Japan to a third country or group of countries of identified material for its reprocessing, the identified material in question will be subject to a nuclear cooperation agreement between Canada and that third country or group of countries and an agreement regarding toll reprocessing exists between Canada and that third country or group of countries.

4. As regards the prior consent of the Government of Canada under paragraphs 1 and 2 of Article III of the Amended Agreement for reprocessing, storage and transfer of identified material that falls outside the framework of the description of the current and planned nuclear energy programme of Japan, the Government of Canada, at the request of the Government of Japan, shall enter into consultations provided for in the Amended Agreement. These consultations shall occur within 40 days of the request.

If the foregoing is acceptable to the Government of Japan, I have further the honour to propose that Part II of the present Note, which is authentic in English and French, and Your Excellency's reply to that effect shall be regarded as constituting an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to extend to Your Excellency the assurance of my highest consideration.

ALLAN J. MACEACHEN
*Secretary of State for
External Affairs*

His Excellency Kiyohisa Mikanagi,
Ambassador of Japan,
Ottawa.