

5. The material, nuclear material, equipment, facilities and technology subject to this Agreement, as well as by-products shall remain subject to the provisions of this Agreement until:

- (a) They have been transferred or retransferred beyond the jurisdiction of the recipient Party in accordance with the provisions of Article 10 of this Agreement, or returned to the Party having initially transferred them, or until
- (b) The Parties decide by mutual agreement that they are no longer subject to this Agreement and withdraw them from that jurisdiction, or until
- (c) In the case of nuclear material, it has been established by the IAEA, in accordance with the provisions for the termination of safeguards in the agreements between the Government of the Republic of India and the Agency or between the Government of Canada and the Agency, that it has been consumed or diluted to the extent that it is no longer usable for any nuclear activity relevant from the point of view of Agency safeguards, or that it is no longer practically recoverable.

6. If the IAEA decides that the application of IAEA safeguards is no longer possible, the supplier country and the recipient country should consult and agree on appropriate verification measures.

ARTICLE 9

Physical Protection

1. Each Party shall make sure that, within its territory, or outside its territory to the point where that responsibility is taken over by the other Party or by a third State, adequate measures to ensure the physical protection of the material, nuclear material, equipment and facilities referred to in this Agreement are adopted, in accordance with its national legislation and the international commitments to which it is a signatory, in particular the Convention on the Physical Protection of Nuclear Material of 26 October 1979 and its amendment adopted on 8 July 2005 (hereinafter referred to as "the Convention").

2. In regard to nuclear material, the minimum levels of physical protection shall be those specified in Annex 1 of the Convention. Within its own jurisdiction, each Party reserves the right, where necessary and in accordance with its national regulations, to apply stricter physical protection criteria.