

CANADA

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA, THE GOVERNMENT OF SPAIN AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS

WHEREAS the Government of Canada and the Government of Spain have made and may make arrangements for the transfer of nuclear material, material, equipment, facilities and information from Canada to Spain or from Spain to Canada pursuant to their Agreement for the Development and Application of Atomic Energy for Peaceful Purposes of 7 July 1975⁽¹⁾ (hereinafter referred to as "the Co-operation Agreement");

WHEREAS the Government of Canada and the Government of Spain have agreed that nuclear material, material, equipment, facilities and information transferred from Canada to Spain or from Spain to Canada shall be used only for the development and application of atomic energy for peaceful purposes;

WHEREAS the International Atomic Energy Agency (hereinafter referred to as "the Agency") is authorized by its Statute to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement;

WHEREAS the Government of Canada and the Government of Spain have requested the Agency to apply safeguards to nuclear material, material, equipment and facilities transferred from Canada to Spain or from Spain to Canada, to nuclear material, material, equipment and facilities produced, processed or used thereby or therewith or with the use of information provided from Canada to Spain or from Spain to Canada and to all subsequent generations of special fissionable material produced by the use of any such item;

WHEREAS the Board of Governors of the Agency (hereinafter referred to as "the Board") has acceded to that request on 17 september 1976;

NOW THEREFORE, the Government of Canada, the Government of Spain and the Agency have agreed as follows:

PART I
DEFINITIONS

Section 1. For the purposes of this Agreement:

- (a) "Equipment" shall mean any equipment which is specially designed or prepared for the processing, use or production of nuclear material or material. The term shall include all items listed in Appendix A to this Agreement as well as any major components thereof;
- (b) "Facility" shall mean:
 - (i) A principal nuclear facility as defined in paragraph 78 of the Safeguards Document as well as a critical facility or a separate storage installation;
 - (ii) A plant for the production of heavy water; or
 - (iii) Any location where nuclear material in amounts greater than one effective kilogram is customarily used;

⁽¹⁾Treaty Series No. 1976/19