

component which is subject to this Agreement and was transferred to the recipient Party by the supplier Party after the entry into force of this Article and within a 20 year period prior to the first operation of such facility, and if such facility has been so designated by the recipient Party or the supplier Party after consultations with the recipient Party.

“H. Any facility within the jurisdiction of a recipient Party for (i) enrichment or reprocessing, or (ii) heavy water production shall be conclusively presumed to be subject to this Agreement if it is subject to paragraph A or B of Article I BIS and if:

- (1) a facility of the same type or a major, critical component thereof or related designated nuclear technology has been transferred to that Party subject to this Agreement after the entry into force of this Article and before the first operation of such facility;
- (2) such facility has been designated by the recipient Party, or the supplier Party after consultations with the recipient Party, as a facility whose design, construction or operating process is of essentially the same type as a facility designed, constructed or operated on the basis of or by the use of a transferred facility, a major critical component thereof, or related designated nuclear technology referred to in subparagraph (1); and
- (3) such facility has first commenced operation within twenty years after the date of the first operation of a facility or major critical component referred to in subparagraph (1), or such facility has first commenced operation within twenty years after the date of the first operation of a facility or major critical component designed, constructed or operated on the basis of transferred designated nuclear technology referred to in subparagraph (1).

Neither this paragraph nor paragraph G shall limit or restrict paragraph E or F, including the duration of the right under those paragraphs to identify equipment and devices or major critical components as having been constructed or operated on the basis of or by the use of transferred designated nuclear technology or major critical components, nor limit the duration of the safeguards or other controls imposed under this Agreement.

“I. Source and special nuclear material, moderator material, equipment and devices, major critical components, components, classified information, Restricted Data and designated nuclear technology which were subject to this Agreement or to the Exchanges of Notes of January 28 and 30, 1969, March 18 and 25, 1976, or November 15, 1977, before the entry into force of this Article, and which are included on an agreed inventory to be established by the appropriate governmental authorities of both Parties, shall be subject to this Agreement.”