

**ANNEX D****Nuclear Material, Material, Equipment and Technology Subject to this Agreement**

The following nuclear material, material, equipment and technology are subject to this Agreement provided that they are intended for nuclear use:

- (a) Nuclear material, material, equipment and technology transferred between the jurisdictions of the Parties, directly or through third parties;
- (b) Material and nuclear material that is produced or processed on the basis, or by the use, of any equipment subject to this Agreement;
- (c) Nuclear material that is produced or processed on the basis, or by the use, of any nuclear material or material subject to this Agreement;
- (d) Equipment which the recipient Party, or the supplying Party after consultations with the recipient Party, has designated as being designed, constructed or operated on the basis of, or by the use, of the technology referred to above, or technical data derived from equipment referred to above; and
- (e) Without restricting the generality of the foregoing, equipment that satisfies all three of the following criteria:
  - (i) that is of the same type as equipment referred to in subparagraph (a) (i.e. its design, construction or operating processes are based on essentially the same or similar physical or chemical processes as agreed in writing by the Parties prior to the transfer of the equipment referred to in subparagraph (a));
  - (ii) that is so designated by the recipient Party, or the supplier Party after consultation with the recipient Party; and
  - (iii) the first operation of which commences at a location within the jurisdiction of the recipient Party within 20 years of the date of the first operation of the equipment referred to in sub-subparagraph (i).