

AGREED MINUTES

In connection with the Agreement between the Government of Japan and the Government of the Socialist Republic of Viet Nam for Cooperation in the Development and Peaceful Uses of Nuclear Energy, signed at Hanoi today (hereinafter referred to as "the Agreement"), the undersigned hereby record the following understandings:

1. It is confirmed that nuclear material transferred pursuant to the Agreement and nuclear material recovered or produced as a by-product may be handled based on the principles of fungibility and proportionality when they are used in mixing processes where they lose their identity, or are deemed to lose it, in the process of conversion or fuel fabrication.

2. It is confirmed that, for the effective implementation of the Agreement, the Parties shall exchange annually the then current inventories of nuclear material, material, equipment and technology subject to the Agreement.

3. With reference to paragraph (b) of Article 3 of the Agreement, it is confirmed that the Socialist Republic of Viet Nam intends to take necessary measures for the conclusion of the Protocol referred to in the said paragraph and upon the conclusion of the said Protocol shall act in conformity with its provisions. Nuclear material, material, equipment and technology may be transferred from Japan to the Socialist Republic of Viet Nam prior to the conclusion of the said Protocol only when the Parties agree in advance and in writing on the terms and conditions of such transfer which shall include provision of information on the use of such nuclear material, material, equipment and technology by the Government of the Socialist Republic of Viet Nam and acceptance of consultation visits by the Government of Japan to relevant facilities in the Socialist Republic of Viet Nam upon request by the Government of Japan.

4. With reference to Article 5 of the Agreement, it is confirmed that a national system of accounting for and control of nuclear material covering all nuclear material transferred pursuant to the Agreement and nuclear material recovered or produced as a by-product has been established and will be maintained in accordance with the laws and regulations in force in each State.

5. With reference to paragraph 1 of Article 6 of the Agreement, it is confirmed that, Japan shall act in conformity with the provisions of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done on September 5, 1997, and the Socialist Republic of Viet Nam intends to take necessary measures for the conclusion of the said Convention, and upon the conclusion of the said Convention, shall act in conformity with its provisions.

6. With reference to paragraph 2 of Article 6 of the Agreement, it is confirmed that, should an incident corresponding to Level 2 or higher of the International Nuclear and Radiological Event Scale occur at a facility within the jurisdiction of the Socialist Republic of Viet Nam, in which nuclear material, material, equipment or technology subject to the Agreement is located or used, the Government of the Socialist Republic of Viet Nam shall inform the International Atomic Energy Agency (hereinafter referred to as "the Agency") of the incident, make a request for and receive a relevant safety review team of the Agency as necessary, and take measures recommended by the Agency in accordance with the laws and regulations in force in the Socialist Republic of Viet Nam.

7. With reference to Article 7 of the Agreement, it is confirmed that Japan shall act in conformity with the provisions of the International Convention for the Suppression of Acts of Nuclear Terrorism, opened for signature on September 14, 2005, and the Socialist Republic of Viet Nam intends to take necessary measures for the conclusion of the said Convention, and upon the conclusion of the said Convention, shall act in conformity with its provisions.

8. With reference to Article 7 and paragraph 1 of Article 12 of the Agreement, it is confirmed that the Parties shall, at the request of either of them, consult for the purpose of reviewing the adequacy of measures of physical protection related to nuclear material transferred pursuant to the Agreement and nuclear material recovered or produced as a by-product.

9. In the application of sub-paragraph (b) of paragraph 1 of Article 13 of the Agreement, it is confirmed that, in respect of determining material violation under the said sub-paragraph, any of the following findings made by the Board of Governors of the Agency shall be accepted by the Parties as conclusive:

- (a) a finding of non-compliance;

- (b) a finding that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded under relevant safeguards agreement to nuclear weapons or other nuclear explosive devices; or
- (c) a finding that the Agency is not able to verify that there have been no undeclared nuclear material or activities.

At Hanoi, this twentieth day of January, 2011

For the Government of Japan:

谷崎泰明

For the Government
of the Socialist Republic
of Viet Nam:

Le Tien