

AGREED MINUTES

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In connection with the Agreement between the Government of Japan and the European Atomic Energy Community for Co-operation in the Peaceful Uses of Nuclear Energy, signed at Brussels today (hereinafter referred to as "the Agreement"), the undersigned hereby record the following understandings:

1. With reference to all the Articles in the Agreement, it is confirmed that the headings of the Articles are included for convenience of reference only and shall not affect the interpretation of the Agreement.
2. With reference to the provisions of paragraph 4 of Article 5 of the Agreement, it is confirmed that the Community shall take the necessary steps to ensure that the Member States of the Community which are not yet contracting parties to the Convention on Nuclear Safety become contracting parties as soon as possible, in accordance with the provisions of Article 6 of the Act concerning the conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, which entered into force on 1 May 2004.
3. With reference to the provisions of Article 8 of the Agreement, it is confirmed that:
 - (a) Euratom safeguards are applied to all nuclear material in civil use in the Community;
 - (b) Implementation of the Safeguards Agreement for Japan ensures the application of safeguards by the Agency with respect to all nuclear material in all nuclear activities in Japan; and
 - (c) Implementation of the Safeguards Agreement for the Member States of the Community other than the United Kingdom of Great Britain and Northern Ireland and the French Republic ensures the application of safeguards by the Agency with respect to all nuclear material in all nuclear activities within those Member States of the Community.

4. With reference to the provisions of sub-paragraph 1(b) of Article 8 of the Agreement, it is confirmed that:

- (a) The Safeguards Agreement for the Member States of the Community other than the United Kingdom of Great Britain and Northern Ireland and the French Republic shall, under the provisions of Article 23 of that agreement, come into force for non-nuclear weapon states party to the Non-Proliferation Treaty which become Member States of the Community after entry into force of the Agreement.
- (b) With regard to each Member State that acceded to the Community on 1 May 2004, the Safeguards Agreement and the Additional Protocol between that Member State and the Agency fulfils the requirements of sub-paragraph 1(b) of Article 8 of the Agreement until entry into force of the Safeguards Agreement for the Member States of the Community other than the United Kingdom of Great Britain and Northern Ireland and the French Republic as supplemented by the Additional Protocol, for that Member State.

5. With reference to the provisions of paragraph 3 of Article 8 of the Agreement, it is confirmed that, when the Agency is not applying safeguards in the Community as required by paragraph 2 of Article 8 of the Agreement, the Government of Japan, recognising the importance of the application of Euratom safeguards in the Community pursuant to the Euratom Treaty, shall take due account of the effectiveness of the Community safeguards system.

6. With reference to the provisions of Article 9 of and Annex B to the Agreement, it is confirmed that retransfers include also transfers of nuclear material recovered or produced as a by-product beyond the territorial jurisdiction of the receiving Party.

7. With reference to the provisions of paragraph 1 of Article 9 of and Annex B to the Agreement and in consideration of the commitments undertaken by the Government of Japan and by the Government of each Member State of the Community within the group of nuclear supplier countries known as the Nuclear Suppliers Group, it is confirmed that assurances obtained by the receiving Party in accordance with the document entitled "Guidelines for Nuclear Transfers" and published by the Agency as INFCIRC/254/Rev.6/Part 1 satisfy the assurances referred to in the above mentioned paragraph. It is further confirmed, in the case of a retransfer to a nuclear weapon state which does not have in force a bilateral agreement for co-operation in the peaceful uses of nuclear energy with the supplying Party, that, with the exception of assurance (ii), the same assurances as set out in Annex B are required but that the assurance (iii) may be replaced by an alternative assurance agreed between the Parties.

8. With reference to the provisions of paragraph 2 of Article 9, it is confirmed that the Government of Japan will notify the Community of the existence of appropriate bilateral agreements and the Community will notify the Government of Japan of the list of third countries to which items may be retransferred without the prior written consent of the supplying Party. It is further confirmed that each Party may add to or delete the third countries so notified or listed at any time but, in the case of a deletion, shall consult with the other Party before the third country becomes no longer eligible for retransfers.

9. With reference to the provisions of Article 10 of the Agreement, it is confirmed, for the effective implementation of the Agreement, that:

- (a) The Community shall provide to the Government of Japan annually the then current inventories of:
 - (i) nuclear material transferred pursuant to the Agreement which is in the facilities for reprocessing, enrichment and fuel fabrication (including mixed oxide fuel fabrication) designated by the Parties. The Parties will confirm the list so designated upon entry into force of the Agreement. This list may be updated by mutual consent of the Parties; and
 - (ii) equipment and non-nuclear material transferred pursuant to the Agreement.

- (b) The Government of Japan shall provide to the Community annually the then current inventories of:
 - (i) nuclear material transferred pursuant to the Agreement; and
 - (ii) equipment and non-nuclear material transferred pursuant to the Agreement.

10. With reference to the provisions of Article 10 of the Agreement, it is confirmed that the Government of Japan and the relevant Governments of the Member States of the Community have decided to adopt policies, as set out in the document published by the Agency as INFCIRC/549 ("Guidelines for the Management of Plutonium"), with respect to management of plutonium, including, where applicable, plutonium subject to the Agreement.

11. With reference to the provisions of Article 11 of and Annex C to the Agreement, it is confirmed that the measures of physical protection which shall be applied by the Government of Japan, the Governments of the Member States of the Community and, as appropriate, the European Commission to nuclear material subject to the Agreement satisfy the guidelines contained in the document published by the Agency as INFCIRC/254/Rev.6/Part 1 ("Guidelines for Nuclear Transfers"). When applying measures of physical protection, the Government of Japan, the Governments of the Member States of the Community and, as appropriate, the European Commission will refer to relevant international recommendations, including those contained in the document published by the Agency as INFCIRC/225/Rev.4 ("The Physical Protection of Nuclear Material and Nuclear Facilities"). Each Party will decide recommendations to be referred based on its specific security circumstances.

12. With reference to the provisions of paragraph 3 of Article 12 of the Agreement, it is understood by the Parties that the reporting requirements in respect of nuclear material referred to in that paragraph of the Government of Japan, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic pursuant to the respective Agreed Minutes to the bilateral agreements referred to in paragraph 1 of Article 12 will, upon entry into force of the Agreement, continue in effect.

13. With reference to the provisions of paragraph 4 of Article 12 of the Agreement, it is confirmed that in order to facilitate the application of the Agreement to nuclear material which has been transferred before the entry into force of the Agreement between Japan and the Member States of the Community other than the United Kingdom of Great Britain and Northern Ireland and the French Republic, the Parties shall establish lists of such nuclear material.

14. With reference to the provisions of Article 16 of the Agreement, it is confirmed that modifications to the Annexes to the Agreement will be made taking into account the evolution of the document published by the Agency as INFCIRC/254/Rev.6/Part 1 ("Guidelines for Nuclear Transfers").

15. With reference to the provisions of paragraph 2 of Article 17 of the Agreement, it is confirmed that if any question of interpretation or dispute arises concerning the implementation of those provisions, the Parties shall follow consultation and/or dispute resolution measures equivalent to those set out in paragraphs 2 and 3 of Article 15 of the Agreement.

SIGNED at Brussels, this twenty-seventh day of February, 2006.

For the Government
of Japan:

河村武和

For the European Atomic
Energy Community:

Piebalgs