

On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of China on cooperation in the peaceful uses of nuclear energy

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated March 10, 2011 No. 244

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The Government of the Republic of Kazakhstan RESOLVES:

1. To approve the attached Agreement between the Government of the Republic of Kazakhstan and the Government of the People's Republic of China on cooperation in the field of peaceful uses of atomic energy, concluded in Astana on 12 June 2010.

2. The present resolution shall be enforced on the date of its signing.

Prime Minister the Republic of Kazakhstan

K. Massimov

AGREEMENT between the Government of the Republic of Kazakhstan and Government of the People's Republic of China on cooperation in the peaceful uses of nuclear energy

The Government of the Republic of Kazakhstan and the Government of the People's Republic of China (hereinafter referred to as the "Parties"),

Guided by the Treaty of Good Neighbourliness, Friendship and Cooperation between the Republic of Kazakhstan and the People's Republic of China of 23 December 2002,

Noting with satisfaction the fruitful outcome of economic, scientific and technical cooperation between the States Parties,

Recognizing that both countries are members of the International Atomic Energy Agency (hereinafter referred to as "IAEA") and parties to the Treaty on the Non-Proliferation of Nuclear Weapons dated 1 July 1968 (hereinafter referred to as "the Treaty"),

Desiring to further develop and expand mutually beneficial economic, scientific and technical relations between the Republic of Kazakhstan and the People's Republic of China on the basis of mutual respect for sovereignty and non-interference in each other's internal affairs, equality and mutual benefit,

Stressing the importance of cooperation between the two countries in the peaceful uses of nuclear energy and nuclear technologies,

Whereas the Republic of Kazakhstan is a non-nuclear-weapon State party to the Treaty and has concluded an Agreement between the Republic of Kazakhstan and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons of 26 July 1994 (hereinafter referred to as the "

Safeguards Agreement"), and the People's Republic of China is a nuclear-weapon State party to the Treaty, and has concluded an Agreement between the People's Republic of China and the International Atomic Energy Agency

have agreed to the following:

Article 1

Definitions

For the purposes of this Agreement:

- (a) "Equipment" means any equipment as defined in IAEA document INFCIRC/254/Rev.9/PART I;
- (b) "Nuclear material" means any source material or any special fissionable material as defined in article XX of the IAEA Statute;
- (c) "Special non-nuclear material" means any non-nuclear material for reactors as defined in IAEA document INFCIRC/254/Rev.9/Part I;
- (d) "Person" means any natural or legal person established in accordance with the national laws of the States Parties, other than the Parties themselves;
- (e) "Technology" means technical data, as defined by the Vendor Party prior to transfer and after consultation with the Recipient Party, that are relevant to non-proliferation issues and necessary for the design, operation or maintenance of equipment or for the processing of nuclear material or special non-nuclear material, including, but not limited to, drawings, photographic negatives and prints, magnetic and optical media, design data, specifications and operating instructions, except in the case of matte

Article 2

Principles of cooperation

On the basis of mutual respect for each other's sovereignty, non-interference in the other's internal affairs, equality and mutual benefit, the Parties shall develop cooperation in the field of peaceful uses of nuclear energy in accordance with the national legislation of the States Parties and in accordance with each Party's international obligations.

Article 3

Areas of cooperation

Within the framework of this Agreement, areas of cooperation between the Parties in the peaceful uses of nuclear energy may include:

- (a) Research and development;
- (b) health, nuclear safety, emergency planning and environmental protection;
- (c) agriculture, industry, medicine and electricity generation;
- (d) exploration and development of uranium resources;
- (e) Safety and regulation of nuclear energy;
- (f) Processing of uranium concentrates, manufacture of nuclear fuel and its components, production of nuclear energy, construction of nuclear power plants;
- (g) Other areas that may be mutually agreed upon.

Article 4

Forms of cooperation

The cooperation provided for in Article 3 of this Agreement may take the following forms :

- (a) Exchange of scientific and technological information (including provision of technologies, drawings and specifications);
- (b) Transfer of patents or other property rights in intellectual property. Transfer of intellectual property objects recognized as secret by one of the Parties shall be carried out in accordance with the national legislation of the Parties' states in the field of protection of state secrets;
- (c) Transfer of nuclear materials, special non-nuclear materials, equipment and technology;
- (d) Joint research projects on the application of nuclear technologies;
- (e) joint production projects in the field of nuclear energy;
- (f) Exchange and training of scientific and technological personnel between the persons of the Parties;
- (g) Industrial cooperation between the persons of the Parties;
- (h) other forms of cooperation as agreed upon by the Parties.

Article 5

Competent authorities

1. Cooperation under this Agreement shall be carried out through the competent authorities of the States Parties: for the Republic of Kazakhstan - Ministry of Industry and New Technologies of the Republic of Kazakhstan, for the People's Republic of China - State Energy Administration of China and the Atomic Energy Agency of China. If the competent authority under this Agreement is changed by one of the Parties, it shall notify the other Party in writing.

2. The details, content, terms and conditions of cooperation shall be determined by the competent authorities after negotiations.

Article 6

Confidentiality

1. The Parties warrant that without the written consent of the other Party, information obtained through exchange or joint research and development shall not be disclosed or shared with any third party.

2. The Parties shall take the necessary measures, stipulated by the national laws of their states, to ensure the confidentiality of information, including trade secrets, as well as the know-how exchanged by the competent authorities in the implementation of this Agreement.

3. The exchange of classified information is not provided for in the implementation of this Agreement.

Article 7

Intellectual property

The Parties and their competent authorities shall, in accordance with the international obligations of each Party and in accordance with the national laws of the States Parties, effectively protect intellectual property related to activities carried out under this Agreement and agreements signed by competent authorities. Article 5 Competent authorities

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Article 8

Peaceful uses

1. Cooperation under this Agreement shall be for peaceful purposes only, and any nuclear material, special non-nuclear material, equipment and technology or by-products derived from its use shall not be used for research, development or manufacture of any explosive device or for any military purpose.

2. The Parties shall implement paragraph 1 of this article through the application of the IAEA safeguards system. Kazakhstan satisfies this requirement under its safeguards agreement with IAEA. In the People's Republic of China, this requirement is satisfied by the Voluntary Statement Agreement with IAEA.

3. The parties shall notify IAEA of any nuclear material, special non-nuclear material and equipment transferred under this Agreement.

4. Nuclear material, special non-nuclear material, equipment and technology received under this Agreement shall not be transferred beyond the territory or jurisdiction of the Recipient Party without the written consent of the Vendor Party.

Article 9

Right to terminate cooperation

The Parties shall make every effort to avoid actions that may affect cooperation under this Agreement. If a Party, at any time after the entry into force of this Agreement, fails to comply with the provisions of article 8 or paragraph 1 of article 10 of this Agreement, the Parties shall start consultations in a timely manner on the issues available, it being understood that the other Party has the right to terminate further cooperation under this Agreement.

Article 10

Physical protection

1. The Parties shall, within the limits of their authority, take appropriate measures to ensure the physical protection of nuclear materials, special non-nuclear materials and equipment at the level recommended in IAEA document INFCIRC/225/Rev.4 transferred under this Agreement or derived from their use.

2. The Parties shall designate competent physical protection authorities and inform each other of points of contact for cooperation in the international transport of nuclear materials, as well as in other physical protection matters of mutual interest to the Parties.

Article 11

Additional commitments

1. The parties should consult each other on international transactions concerning the peaceful uses of nuclear energy of mutual interest.

2. The Parties shall consult each other on activities under this Agreement aimed at identifying the international environmental consequences of such activities and shall cooperate in the field of environmental protection on an international scale against radioactive, chemical or thermal pollution resulting from peaceful nuclear activities under this Agreement, and shall also cooperate in related fields of health and environmental protection.

3. The Parties shall make every effort to facilitate the exchange of technology, experts and specialists necessary for cooperation under this Agreement.

4. Neither Party shall use any provisions of this Agreement to obtain commercial benefits through interference in the commercial relations of the other Party.

Article 12

Settlement of disputes

Any dispute arising out of the interpretation or execution of this Agreement shall be settled amicably through consultation and negotiation between the Parties.

Article 13

Entry into force, amendment and termination

1. This Agreement shall enter into force on the date of receipt through diplomatic channels of the last of the written notifications of Parties on the completion of domestic procedures necessary for its entry into force.

2. This Agreement is concluded for thirty years. In the event that neither Party notifies the other Party through diplomatic channels six months prior to the expiration of this period of its intention not to extend this Agreement, it shall be automatically extended for subsequent periods of ten years until one Party notifies the other Party through diplomatic channels six months prior to the expiration of the current ten-year period of its intention not to extend it.

3. In the event of termination of this Agreement, its provisions shall remain in force in respect of agreements and/or contracts concluded during the period of its validity and not completed by the time of termination, unless otherwise agreed between the Parties.

4. In case of termination of this Agreement, the obligations of the Parties under Article 8 and paragraph 1 of Article 10 of this Agreement shall remain in force, unless otherwise agreed between the Parties.

5. This Agreement may be amended by mutual agreement of the Parties. Such amendments and addenda will be an integral part of this Agreement and will be formalized in the form of protocols, entering into force in the manner prescribed for the entry into force of this Agreement.

In witness whereof, the undersigned, duly authorized by the Governments of their countries, have signed this Agreement.

Done at Astana on 12 June 2010 in two copies in the Kazakh, Chinese, Russian and English languages, all texts being equally authentic. In the event of any difference in interpretation of the provisions of this Agreement, the Parties shall refer to the text in the English language.

For the Government of the Republic of Kazakhstan

For the Government of the Republic of China