



**On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the French Republic on Cooperation in the Peaceful Use of Atomic Energy**

*Unofficial translation*

Decree of the Government of the Republic of Kazakhstan No. 118 of January 19, 2012

*Unofficial translation*

The Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

1. That the Agreement between the Government of the Republic of Kazakhstan and the Government of the French Republic on Cooperation in the Peaceful Use of Atomic Energy, executed in the city of Paris on June 27, 2011 shall be approved.

2. This resolution shall become effective from the date of signing.

*Prime Minister of the Republic of Kazakhstan*

*K. Massimov*

Approved by  
Decree of the Government of the  
Republic of Kazakhstan  
No. 118 of January 19, 2012

**AGREEMENT**

**between the Government of the Republic of Kazakhstan and the Government of the French Republic on Cooperation in the Peaceful Use of Atomic Energy**

The Government of the Republic of Kazakhstan and the Government of the French Republic, hereinafter referred to as the Parties,

reaffirming its determination to strengthen the traditional bonds of friendship between the two countries,

recognizing that certain areas in which cooperation under this Agreement may be carried out are subject to agreements concluded between the Republic of Kazakhstan and the European Atomic Energy Community,

considering, in particular, the relations established between the Government of the Republic of Kazakhstan and the European Atomic Energy Community under the Cooperation Agreement between the Government of the Republic of Kazakhstan and the European Atomic Energy Community (Euratom) in the field of peaceful uses of nuclear energy dated December 5, 2006 (hereinafter referred to as “Kazakhstan-Euratom Agreement”),

providing the cooperation in the field of safety carried out under the auspices of the Agreement on Cooperation between the Republic of Kazakhstan and the European Atomic Energy Community in the field of nuclear safety of July 19, 1999,

providing the Agreement on Cooperation between the Government of the Republic of Kazakhstan and the European Atomic Energy Community in the field of controlled nuclear fusion of November 29, 2002,

desiring, in the interests of both states, to expand and strengthen cooperation in the peaceful use of atomic energy,

considering the rights and obligations of the Parties, in particular those arising from the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 (hereinafter referred to as the “NPT”), as well as United Nations Security Council resolutions 1540 and 1810 ,

reaffirming its commitment to the goals and provisions of the NPT and the desire to strengthen the implementation of the provisions of the NPT at the international level and the nuclear non-proliferation regime,

considering the participation of both states in the Nuclear Suppliers Group (hereinafter referred to as the “NSG”),

emphasizing the importance for each Party of a guarantee of a reliable supply of energy resources,

considering the Agreement between France, the European Atomic Energy Community ( hereinafter referred to as “Euratom”) and the International Atomic Energy Agency ( hereinafter referred to as “IAEA”) of July 20 and 27, 1978 on the application of safeguards in France and its Additional Protocol between France, Euratom and the IAEA of September 22, 1998,

considering the Agreement between the Republic of Kazakhstan and the IAEA on the application of safeguards in connection with the NPT of July 26, 1994 and its Additional Protocol of February 6, 2004,

reaffirming its support for the IAEA safeguards system, the desire to work together to continuously improve the safeguards system and maintain its effectiveness,

considering also the determination of the Parties to take all necessary measures depending on them for the reliable development of the peaceful use of atomic energy, subject to the principles stipulated by the Convention on Nuclear Safety of June 17, 1994, the Convention on the Physical Protection of Nuclear Material and its amendments of March 3, 1980, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management of September 29, 1997, the Convention on the Operational Alert for a Nuclear Accident of September 26 1986, the Convention on Assistance in the Case of a Nuclear Accident or Radiation Emergency of September 26, 1986, the Paris Convention on Civil Liability in the Field of Atomic Energy and its amendments of July 29, 1960, or the Vienna Convention on Civil Liability for Nuclear Damage of May 21, 1963, as amended on September 12, 1997,

have agreed as follows:

## **Article I**

1. The Parties shall develop cooperation in the field of the peaceful uses of atomic energy, excluding the creation of any nuclear explosive device, subject to the principles underlying their nuclear policy and in accordance with the provisions of this Agreement, the relevant provisions of the Kazakhstan-Euratom Agreement, as well as relevant international treaties, agreements and obligations in the field of non-proliferation of nuclear weapons to which their states are parties.

2. With regard to France, for those areas falling within the competence of the European Atomic Energy Community, this cooperation shall be developed in accordance with the provisions of the Treaty establishing the European Atomic Energy Community (hereinafter referred to as the “Euratom Treaty”), as well as the legal rules arising from this Agreement.

3. Without prejudice to the provisions of Article 3 of the Kazakhstan-Euratom Agreement, the cooperation referred to in paragraph 1 of this article may extend to the following areas:

- survey, exploration and exploitation of uranium deposits;
- nuclear fuel production for nuclear power plants;
- the use of atomic energy to generate electrical energy;
- fundamental and applied scientific research in the field of the peaceful use of atomic energy, which does not require, in terms of work in research reactors, the use of uranium enriched with 20% or more from the 235 uranium isotope where it is technically feasible;
- work on the development of fuel based on low enriched uranium, which allows the conversion of those reactors that currently use highly enriched uranium;
- training specialists in the peaceful uses of atomic energy;
- the use of atomic energy in agronomy, biology, medicine, industry, scientific research about the Earth;
- safe management of spent nuclear fuel and radioactive waste;
- nuclear and physical nuclear safety;
- radiation protection, environmental protection, protection of public health;
- prevention of emergency situations associated with radiation or nuclear accidents, and quick response to them;
- development of legislative and regulatory framework in the field of atomic energy use;
- work with public opinion;
- other areas of cooperation in the peaceful use of nuclear energy by mutual agreement of the Parties.

4. In accordance with the provisions of paragraphs 1 , 2 and 3 of this article, cooperation may take the following forms:

- internships and exchange of scientific and technical specialists;
- exchange of scientific and technical information in accordance with the conditions specified in Article V of this Agreement;
- organization of scientific and technical conferences and symposia;

supply of special non-nuclear materials, nuclear materials, equipment, facilities, technologies and the provision of services;  
creation of joint ventures;  
any other forms of cooperation by mutual agreement of the Parties.

## **Article II**

In this Agreement, all terms and expressions shall have the meaning defined in the Appendix, which is an integral part of this Agreement.

## **Article III**

Subject to the provisions referred to in Article I of this Agreement, the conditions for the implementation of cooperation shall be specified in each specific case:

- in separate agreements between the Parties or the relevant organizations indicated by them, which specify, in particular, the programs and conditions of scientific, technical and industrial exchange;

- in contracts concluded between relevant organizations, enterprises and institutions for the implementation of industrial projects, as well as the provision of services, the supply of special non-nuclear materials, nuclear materials, equipment, facilities or technologies.

## **Article IV**

The Parties shall take all administrative, tax and customs measures related to their competence necessary for the proper implementation of this Agreement, as well as for individual contracts and contracts referred to in Article III of this Agreement, in accordance with the national laws of the states of the Parties.

## **Article V**

The Parties shall guarantee safety and shall observe the secret nature of technical data and information, which are considered secret by the Party transmitting them under this Agreement . The technical data and information exchanged between the Parties with each other cannot be transferred to public or private third parties other than upon the prior written consent of the Party transmitting the specified technical data or information.

The exchange of secret information shall be carried out on the basis of the provisions of the Agreement between the Government of the Republic of Kazakhstan and the Government of the French Republic on the mutual provision of security of secret information dated February 8, 2008.

## **Article VI**

The Parties, subject to the relevant provisions of the Euratom Treaty and the Kazakhstan-Euratom Agreement, shall, as far as possible, facilitate the uninterrupted supply of fuel and the provision of services in the field of the fuel cycle, which is necessary for the ionization function of installations that can be developed and supplied under this Agreement.

## **Article VII**

The Parties in the course of cooperation under this Agreement shall ensure the necessary and sufficient level of nuclear and physical nuclear safety, at a level not lower than

recommended by the IAEA, and shall take into account, in particular, the provisions of the Convention on Nuclear Safety of June 17, 1994.

### **Article VIII**

Intellectual property rights acquired within the framework of cooperation under this Agreement shall be determined on a case-by-case basis by virtue of separate agreements and contracts referred to in Article III of this Agreement, as well as subject to the relevant provisions of the Kazakhstan-Euratom Agreement, in so far as to the specified Agreement.

### **Article IX**

1. The Parties shall take, at the necessary time, with a view to effectively cooperating within the framework of this Agreement, with appropriate measures to establish a civil liability regime in the field of atomic energy use applicable to the facilities related to cooperation carried out under this Agreement in accordance with and with generally recognized international principles (in particular, in accordance with the principle of objective and exclusive responsibility of the operating organization (covered by insurance or other financial guarantees, which, if necessary, are supplemented by the state of the operating organization)).

2. If necessary, the Parties shall consider, through a separate agreement, issues related to civil liability in the field of the use of atomic energy, including for damage caused to items that belong to facilities or are located at facilities where cooperation under this Agreement is ongoing.

### **Article X**

The Parties shall ensure exclusively peaceful use of special non-nuclear materials, nuclear materials, equipment, facilities and technologies transferred under individual treaties or contracts referred to in Article III of this Agreement and concluded under this Agreement, as well as nuclear materials produced or extracted in the form of by-products, and that they will not be used in connection with any nuclear explosive device or for research and development related to such a device.

### **Article XI**

The transfer of nuclear materials between the Parties shall be subject to the relevant provisions of the Kazakhstan-Euratom Agreement.

If the transfer is from the French Republic to the Republic of Kazakhstan, these materials shall be subject to the provisions of the Agreement between the Republic of Kazakhstan and the IAEA on the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons of July 26, 1994 and its Additional Protocol of February 6, 2004.

If such a transfer is from the Republic of Kazakhstan to the French Republic, the materials shall be subject to the provisions of the Agreement between the French Republic, the European Atomic Energy Community and the IAEA on the application of safeguards in France of July 20 and 27, 1978 and its Additional Protocol of September 22, 1998.

In the case of the French Republic, pursuant to Chapter VII of the Euratom Treaty, these materials shall be also subject to safety control by the European Commission.

#### **Article XII**

If the IAEA warranties referred to in Article XI of this Agreement cannot be applied in the territory of the state of a Party, the Parties shall apply the provisions of subparagraph c) of paragraph 6 of Article 7 of the Kazakhstan-Euratom Agreement. The Parties shall undertake to immediately contact each other so that nuclear materials transferred or received under this Agreement, as well as all subsequent generations of nuclear materials produced or extracted as by-products, shall be subject to a mutually agreed safeguards system as soon as possible and the effectiveness of such a system and its coverage should be equivalent to the system that has been previously applied to such nuclear materials by the IAEA.

#### **Article XIII**

Special non-nuclear materials, nuclear materials, equipment, facilities and technologies referred to in Article X of this Agreement above shall be subject to the provisions of this Agreement as long as :

a) they are not be transferred, for the first time or repeatedly, outside the jurisdiction of the State of the recipient Party in accordance with the provisions of Article XV of this Agreement; either up to this point

b) the Parties do not agree that the provisions of this Agreement no longer apply to these special non-nuclear materials, nuclear materials, equipment, facilities or technologies; either up to this point

c) with respect to nuclear materials, in accordance with the IAEA safeguards system, it will not be established that they can no longer be extracted for the purpose of processing into any form that allows them to be used for any nuclear activity covered by safeguards referred to in article XI of this Agreement.

#### **Article XIV**

1. Each Party shall undertake that the special non-nuclear materials, nuclear materials, equipment, facilities and technologies referred to in Article X of this Agreement shall be only at the disposal of duly authorized persons falling under the jurisdiction of their states.

2. Each Party shall ensure the application of adequate measures for the physical protection of the special non-nuclear materials, nuclear materials, equipment and facilities referred to in this Agreement in accordance with the national legislation of its state and international obligations to which it is a party, and in particular with the provisions of the Convention on physical protection of nuclear materials and amendments thereto, on the territory of their state or outside its territory to the place from which the responsibility is taken by the other party or by the third state.

3. The levels of physical protection should, at a minimum, be at the levels defined in Appendix 1 to the Convention on the Physical Protection of Nuclear Material and its amendments. Each Party, if necessary, shall reserve the right, in accordance with the current

requirements of the national legislation of its state and the standards in the field of atomic energy use, to apply stricter physical protection criteria in its territory.

4. Responsibility for the practical application of physical protection measures shall lie with each of the Parties within the jurisdiction of its state.

In implementing these measures, the Parties shall be guided by the recommendations of the IAEA document INFCIRC 225 / Rev.4 (June 1999).

Subsequent changes to the IAEA recommendations regarding physical protection or other recommendations in this area shall be used within the framework of this Agreement only if both Parties have mutually informed each other in writing that they accept certain changes or recommendations.

#### **Article XV**

1. If one of the Parties intends to re-export special non-nuclear materials, nuclear materials, equipment, installations or technologies referred to in Article X of this Agreement outside the jurisdiction of its state, or to transfer to the third party special non-nuclear materials, nuclear materials, equipment, installations or technologies developed on the basis of equipment originally transferred or installations or obtained using equipment transferred under this Agreement equipment, technology, then this Party shall first obtain the guarantees of such a third party regarding their peaceful use, excluding the creation of any nuclear explosive device, similar to the guarantees provided for by this Agreement.

2. A Party intending to re-export or transfer installations, equipment or technologies in accordance with the provisions of paragraph 1 of this article shall first obtain the written consent of the Party that transferred them to such re-export or transfer:

a) for each case of re-export of equipment, installations or technologies supplied under this Agreement in the form in which they are defined in the Appendix;

b) for each case of exporting a copy of the equipment or installations, as well as any modifications thereof developed using the equipment, installations or technologies referred to in subparagraph a) of paragraph 2 of this article.

The transfer and re-export of nuclear materials shall be governed by the relevant provisions of the Kazakhstan – Euratom Agreement.

3. Within the European Union, the transfer and re-export of goods and products shall be subject to the provisions of Chapter IX of the Treaty on the Establishment of the European Atomic Energy Community of March 25, 1957, relating to the single nuclear market, without prejudice to the provisions of Council Regulation CE 428/2009 of 5 May 2009, establishing a single regime for the entire European Union to control export, transfer, trade mediation and transit in the field of dual-use items.

#### **Article XVI**

None of the provisions of this Agreement can be interpreted as conflicting with the rights and obligations that, as of the date of its signing, arise from the participation of the state of one or the other Party in other international treaties concerning the use of atomic energy for

peaceful purposes, and, in particular, in relation to the French Party, its affiliation to the European Union and the European Atomic Energy Community .

In the event of a conflict between the application of the provisions of this Agreement and the provisions of the Kazakhstan-Euratom Agreement , the relevant provisions of the latter shall prevail over the provisions of this Agreement.

#### **Article XVII**

After the entry into force of this Agreement, the Parties shall, within one month create a joint committee authorized to monitor all forms of cooperation, which is carried out under this Agreement. The powers, rights, obligations , structure, composition and working procedure of the Committee shall be determined jointly by organizations appointed by the Parties, subject to the observance of the national legislations of the states of the Parties.

#### **Article XVIII**

Upon the request of any of the Parties, the Parties shall conduct negotiations and consultations to consider the implementation of this Agreement or related matters.

Any disputes arising from the interpretation or application of this Agreement shall be resolved through negotiations or consultations of the Parties.

#### **Article XIX**

By mutual written consent of the Parties, this Agreement may be amended and supplemented, where such amendments and additions are an integral part of this Agreement and which shall come into force in the manner provided for in Article XX of this Agreement.

#### **Article XX**

1. This Agreement shall enter into force on the day it receives through diplomatic channels the last of the written notifications of the Parties on the implementation of domestic procedures necessary for its entry into force.

2. This Agreement shall be concluded for a period of twenty years. Each Party may at any time terminate this Agreement by sending written notification through diplomatic channels to the other Party of such an intention. In this case, this Agreement shall cease to be in force after six months from the date of receipt of the corresponding notification.

After twenty years from the date of entry into force of this Agreement, it will remain in force until one of the Parties terminates it in accordance with the procedure set forth in the previous paragraph.

3. In the event of termination of this Agreement in accordance with the procedure set forth in paragraph 2 of this article:

- the relevant provisions of this Agreement shall continue to apply to the remaining individual contracts and contracts that will be signed on the basis of Article III of this Agreement;

- the provisions of Articles V , VIII , IX , X , XI , XII , XIII , XIV and XV shall continue to apply to the special non-nuclear materials, nuclear materials, equipment, installations and



technologies referred to in Article X transferred under this Agreement, as well as to nuclear materials produced or recovered as by-products.

This Agreement is executed at \_\_\_\_\_ “ \_\_\_\_\_ ” \_\_\_\_\_  
\_\_\_\_\_ in two copies, each in the Kazakh, Russian and French languages, all texts being authentic and having equal force.

On behalf of the Government  
of the Republic of Kazakhstan

On behalf of the Government  
of the French Republic

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