

SPAIN



Treaty Series No. 20 (1986)

# Exchange of Notes ✓

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of Spain concerning  
the Safeguards and Assurances relating to  
Transfers of certain Nuclear Material  
from the United Kingdom to Spain

Madrid, 18 October 1984

[The Agreement entered into force on 24 September 1985]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
April 1986*

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**EXCHANGE OF NOTES  
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE  
GOVERNMENT OF SPAIN CONCERNING THE SAFEGUARDS AND  
ASSURANCES RELATING TO TRANSFERS OF CERTAIN NUCLEAR  
MATERIAL FROM THE UNITED KINGDOM TO SPAIN**

No. 1

*Her Majesty's Ambassador at Madrid to the Minister of Foreign Affairs of Spain*

*British Embassy  
Madrid*

*18 October 1984*

Your Excellency,

I have the honour to refer to International Atomic Energy Agency (IAEA) document INFCIRC/254 dated February 1978, a copy of which is attached<sup>(1)</sup>, and to state that the Government of the United Kingdom of Great Britain and Northern Ireland have decided to base their nuclear export policies on this document.

So that the United Kingdom Government may give effect to the Guidelines set out in the Appendix to that document (and hereinafter referred to as "the Guidelines"), I have the honour to propose that the Government of Spain shall, in respect of the proposed transfer of 26 tonnes of enriched uranium in the form of uranium dioxide powder by British Nuclear Fuels Plc (BNF Plc) from the United Kingdom to Spain for use by Empresa Nacional del Uranio SA (ENUSA) at its Fuel Fabrication plant at Juzbado in Salamanca, comply with the following conditions:—

- (a) that, in compliance with paragraphs 1 and 2 of the Guidelines, the material shall be used only for peaceful purposes, and shall not be used in any way which would result in any nuclear explosive device;
- (b) that, in compliance with paragraph 3 of the Guidelines, this shipment of nuclear material shall be placed under effective physical protection in accordance with the protection characteristics set out in Annex B to the Guidelines, the implementation of those measures of physical protection being the responsibility of the Government of Spain when the aforementioned shipment is under its jurisdiction;
- (c) that, in compliance with paragraph 4 of the Guidelines, IAEA safeguards shall apply to this shipment of nuclear material and to any nuclear material derived from it;
- (d) that, in compliance with paragraph 10 of the Guidelines, the Government of Spain shall not retransfer this shipment of nuclear material, nor transfer any items identified in the agreed Trigger List in Part A of the Annex to IAEA document INFCIRC/254, that may be derived from the material, unless the recipient of the retransfer or

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<sup>(1)</sup> Not reproduced.

transfer shall first have provided the Government of Spain with the same assurances as those required by the United Kingdom for the transfer of this shipment.

The principle of the implementation of safeguards for the material which it is proposed to transfer from the United Kingdom to Spain having been accepted, and in order that this implementation may be effective, the Government of the United Kingdom shall notify officially to the Government of Spain the execution of the transfer, providing the relevant information as to the quantity and form of the material, date of despatch and consignee.

It is understood that further deliveries of enriched uranium in the form of uranium dioxide powder by BNF Plc to ENUSA may be made in future years for use at the plant mentioned above. The United Kingdom Government have the honour to propose that any such deliveries shall be covered by the provisions of this Note.

If the foregoing proposals are acceptable to the Government of Spain I have the honour to propose that this Note, together with your reply in that sense, shall constitute an Agreement between our two Governments which shall enter into force upon formal notification by the International Atomic Energy Agency that the necessary arrangements have been made with it for the application of safeguards<sup>(2)</sup>.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

NICHOLAS GORDON LENNOX

No. 2

*The Minister of Foreign Affairs of Spain to Her Majesty's Ambassador at Madrid*

*Madrid*

*18 de octubre de 1984*

Excelencia:

Tengo el honor de referirme a su Nota de fecha 18 de octubre de 1984, sobre el documento INF/CIRC/254, de febrero de 1978, del Organismo Internacional de Energía Atómica (OIEA), y la decisión del Gobierno del Reino Unido de Gran Bretaña e Irlanda del Norte de basar su política de exportación nuclear en dicho documento.

A fin de que el Gobierno del Reino Unido pueda poner en efecto los principios expuestos en el apéndice de dicho documento (y que en el presente texto se describen en adelante como "los Principios"), tengo el honor de comunicar a Vuestra Excelencia que el Gobierno de España acepta, en lo que respecta a la proyectada transferencia de 26 toneladas de uranio enriquecido bajo

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(2) The Agreement entered into force on 24 September 1985.

la forma de polvo de dióxido de uranio por parte de British Nuclear Fuels Plc (BNF Plc) desde el Reino Unido a España, para ser utilizadas por la Empresa Nacional del Uranio, S.A. (ENUSA) en su planta de Fabricación de Combustible en Juzbado, provincia de Salamanca, cumplir con las siguientes condiciones:

- (a) Que, de conformidad con los párrafos 1 y 2 de los Principios, el material será utilizado solamente para fines pacíficos y no será utilizado de forma alguna que dé por resultado ningún dispositivo nuclear explosivo.
- (b) Que, de conformidad con el párrafo 3 de los Principios, este envío de material nuclear será colocado bajo protección física efectiva, de acuerdo con las características de protección expuestas en el anexo B de los Principios, siendo responsabilidad del Gobierno de España la aplicación de dichas medidas de protección física cuando el citado envío esté bajo su jurisdicción.
- (c) Que, de conformidad con el párrafo 4 de los Principios, las salvaguardias de la OIEA serán de aplicación a este envío de material nuclear y a cualquier material nuclear derivado del mismo.
- (d) Que, de conformidad con el párrafo 10 de los Principios, el Gobierno de España no retransferirá este envío de material nuclear, o transferirá cualquier elemento identificado en la Lista de Referencia acordada en la parte A del anexo al documento INF/CIRC/254, que pueda derivarse del material, salvo que el receptor de la retransferencia o transferencia haya proporcionado en primer lugar al Gobierno de España las mismas garantías que las requeridas por el Reino Unido para la transferencia de este envío.

Aceptado el principio de aplicación de salvaguardias a dicho material que se proyecta transferir del Reino Unido a España, y para que sea efectiva dicha aplicación, el Gobierno del Reino Unido notificará oficialmente al Gobierno de España la realización de dicha transferencia con los datos pertinentes sobre cantidad y forma del material, fecha de envío y destinatario.

El Gobierno de España acepta que si en años futuros tienen lugar entregas adicionales de uranio enriquecido bajo la forma de polvo de dióxido de uranio por parte de BNF Plc a ENUSA para su utilización en la planta mencionada anteriormente, dichas entregas quedarán amparadas por lo dispuesto en su Nota.

Tengo el honor de confirmar que la Nota de Vuestra Excelencia de fecha 18 de octubre de 1984 y esta respuesta, constituyen un Acuerdo entre nuestros dos Gobiernos el cual entrará en vigor una vez el Organismo Internacional de Energía Atómica (OIEA) notifique formalmente la realización de los necesarios arreglos con dicho Organismo para la aplicación de las salvaguardias.

Aprovecho esta oportunidad para reiterar a Vuestra Excelencia el testimonio de mi más alta consideración.

FERNANDO MORAN

[Translation of No. 2]

*Madrid*

*18 October 1984*

Your Excellency

I have the honour to refer to Your Excellency's Note of 18 October 1984 concerning International Atomic Energy Agency (IAEA) document INFCIRC/254 dated February 1978, and to the decision of the Government of the United Kingdom of Great Britain and Northern Ireland to base their nuclear export policies on this document.

[As in No. 1]

The Government of Spain accepts that if further deliveries of enriched uranium in the form of uranium dioxide powder by BNF Plc to ENUSA are made in future years for use at the plant mentioned above they shall be covered by the provisions of your Note.

I have the honour to confirm that Your Excellency's Note of 18 October 1984 and this reply constitute an Agreement between our two Governments which shall enter into force upon formal notification by the International Atomic Energy Agency that the necessary arrangements have been made with it for the application of safeguards.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

FERNANDO MORAN

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