

The Agreement was  
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ATOMIC ENERGY



Treaty Series No. 133 (2000)

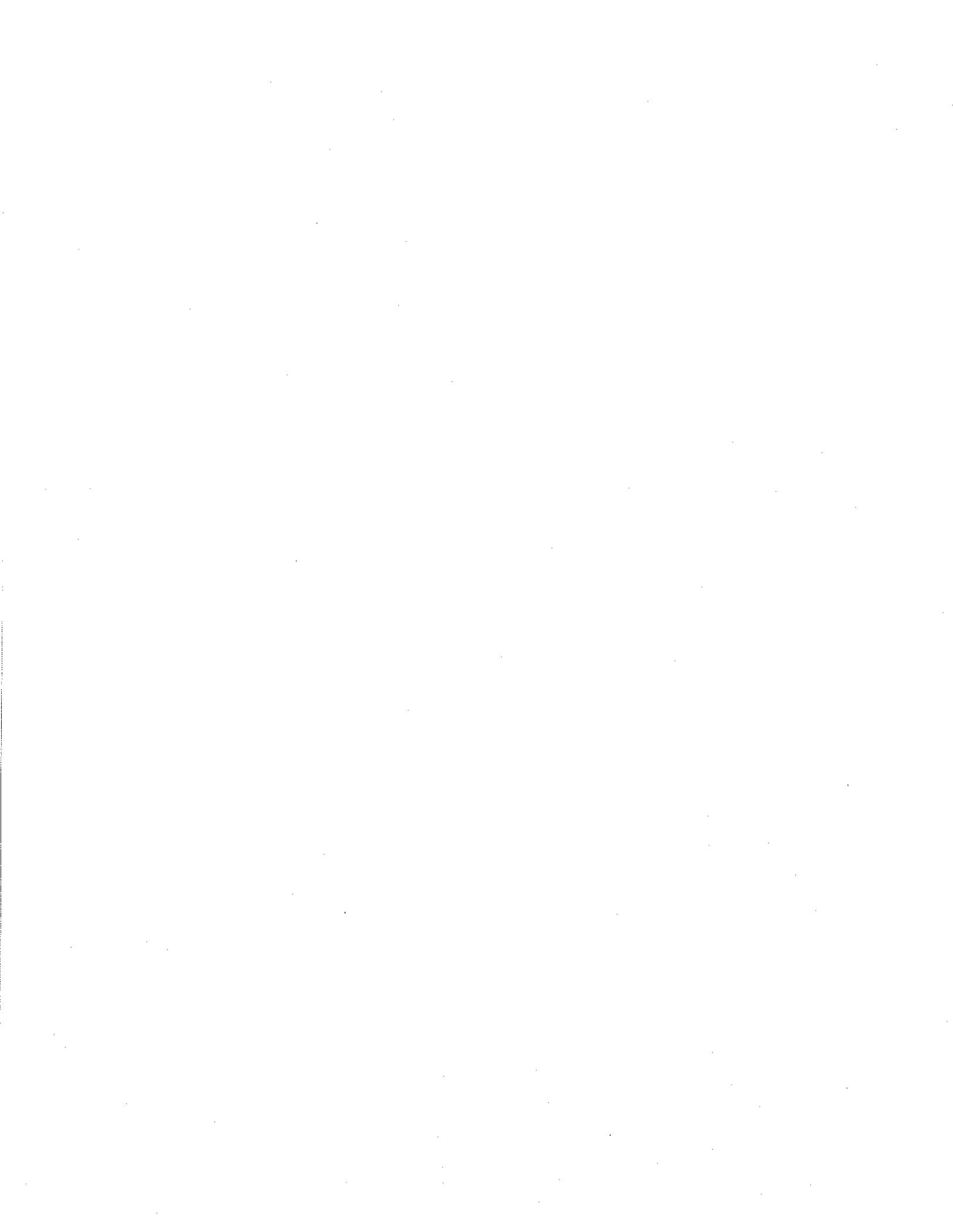
## Agreement

between the Three Governments of the  
United Kingdom of Great Britain and Northern Ireland,  
the Federal Republic of Germany and the  
Kingdom of the Netherlands  
and the Government of the United States of America  
regarding the Establishment, Construction and  
Operation of a  
Uranium Enrichment Installation in the  
United States

Washington, 24 July 1992

[The Agreement entered into force on 1 February 1995]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
December 2000*



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**AGREEMENT BETWEEN THE THREE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING THE ESTABLISHMENT, CONSTRUCTION AND OPERATION OF A URANIUM ENRICHMENT INSTALLATION IN THE UNITED STATES**

The Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the Federal Republic of Germany and the Government of the Kingdom of the Netherlands (hereinafter referred to as the Three Governments) and the Government of the United States of America (hereinafter referred to as the United States Government);

Having regard to the Agreement between the United Kingdom of Great Britain and Northern Ireland, the Federal Republic of Germany and the Kingdom of the Netherlands on Collaboration in the Development and Exploitation of the Gas Centrifuge Process for Producing Enriched Uranium, signed at Almelo on 4 March 1970 (the Treaty of Almelo)<sup>1</sup>;

Desiring to establish an intergovernmental framework for a Joint Venture in the United States utilizing the process developed within the three European countries for producing enriched uranium for peaceful non-explosive purposes only;

Having regard to the Agreement between the Three Governments of the United Kingdom of Great Britain and Northern Ireland, the Federal Republic of Germany and the Kingdom of the Netherlands and the Government of the United States of America regarding the protection of information transferred into the United States of America in connection with the initial phase of a project for the establishment of a uranium enrichment installation in the United States based upon the gas centrifuge process developed within the three European countries, signed at Washington on 11 April 1990<sup>2</sup>, as extended in April 1991;<sup>3</sup>

Considering that the Three Governments, as parties to the Treaty of Almelo, have undertaken international obligations concerning the use and handling of information, equipment and source or special fissionable material related to the centrifuge technology;

Considering that the Three Governments and the United States Government have established policies for protection of information on centrifuge technology;

Considering the adherence of the Three Governments and the United States Government to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968<sup>4</sup>, and to the Statute of the International Atomic Energy Agency<sup>5</sup> (IAEA) and the fact that all four Governments have entered into safeguards agreements with the IAEA;

Considering that the Three Governments are party to the Treaty Establishing the European Atomic Energy Community, signed at Rome on 25 March 1957<sup>6</sup>;

Intending to ensure that all future activities of the Joint Venture shall be consistent with their policies in relation to the non-proliferation of nuclear weapons and their international obligations in this field;

Have agreed as follows:

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<sup>1</sup>Treaty Series No. 69 (1971), Cmnd. 4793.

<sup>2</sup>Treaty Series No. 52 (1990), Cm 1169.

<sup>3</sup>Treaty Series No. 1 (1993), Cm 2123.

<sup>4</sup>Treaty Series No. 88 (1970), Cmnd. 4474.

<sup>5</sup>Treaty Series No. 19 (1958), Cmnd. 450.

<sup>6</sup>Treaty Series No. 17 (1979), Cmnd. 7462.

## ARTICLE I

### Definitions

For the purpose of this Agreement, except as otherwise specified therein,

- (a) "centrifuge technology" means the technology developed under the Treaty of Almelo, including information and know-how, and such information incorporated in the design of (and produced by) gas centrifuge equipment or components;
- (b) "Urenco" means the joint industrial enterprise established under the Treaty of Almelo, including its affiliates and their possible future legal successors;
- (c) "Joint Venture" means the joint venture established under United States law by Urenco and industrial entities within the United States;
- (d) "Installation" means the uranium enrichment facility to be built in the United States by the Joint Venture;
- (e) "nuclear material" means (i) "source material", namely, uranium containing the mixture of isotopes occurring in nature and uranium depleted in the isotope U-235, and (ii) "special nuclear material", namely plutonium, uranium-233, and uranium enriched in the isotopes U-233 or U-235;
- (f) "classified information" means any information required to be protected against unauthorized disclosure in accordance with domestic laws and regulations pertaining to classified information. It includes documents, information or material containing classified information and such information incorporated in centrifuge equipment and components, however communicated;
- (g) "Tripartite Agency" means the agency acting in turn on behalf of the national agencies of the Three Governments responsible for security and classification under the Treaty of Almelo;
- (h) "United States Agency" means the United States Nuclear Regulatory Commission;
- (i) "Restricted Data" means Restricted Data as defined in the United States Atomic Energy Act of 1954, as amended.

## ARTICLE II

### Scope

- (1) This Agreement sets forth the conditions under which:
  - (a) the Three Governments shall, to the extent permitted by applicable treaties and their respective laws and regulations, permit the transfer into the United States of centrifuge technology to the Joint Venture to establish, construct and operate the Installation;
  - (b) the United States Government shall, to the extent permitted by applicable treaties and United States laws and regulations, provide for the transfer into and use in the United States by the Joint Venture of such centrifuge technology to establish, construct and operate the Installation;
  - (c) the Three Governments and Urenco shall be permitted to have access, in accordance with the procedure set out in the Annex, to data generated at the Installation which is designated Restricted Data. The Annex forms an integral part of this Agreement.
  - (d) the Three Governments and Urenco shall be permitted to have access, as appropriate, and subject to applicable international agreements and United States laws, regulations and practices, to United States National Security Information applicable to the Installation which is related to its safeguards and security systems.
- (2) There shall be no communication of Restricted Data from the United States pursuant to section 144a. of the United States Atomic Energy Act of 1954, as amended, under this Agreement. It is understood that the access provided for in paragraph (1)c of this article will not constitute the communication of Restricted Data from the United States pursuant to section 144a. of the Act.

## ARTICLE III

### Peaceful Use

Any centrifuge technology, equipment and components transferred into the United States subject to this Agreement, the Installation, any nuclear material and the Installation, any special nuclear material produced through the use of such technology, any special nuclear material produced through the use of such special nuclear material, and any data generated at the Installation which is designated Restricted Data while such data is under the jurisdiction of the United States Government or of the Three Governments shall only be used for peaceful, non-explosive purposes.

## ARTICLE IV

### Application of International Safeguards

(1) Nuclear material to which the peaceful use undertaking in Article III applies and which is within the territory of the United States shall be subject to the application of international safeguards. In this respect, implementation of the Agreement between the United States of America and the International Atomic Energy Agency for the application of safeguards in the United States (IAEA Document INFCIRC/288) shall be considered as fulfilling this requirement.

(2) The United States Government shall, pursuant to the Agreement contained in IAEA Document INFCIRC/288, add the Installation to the list of facilities eligible for the application of safeguards of the International Atomic Energy Agency.

(3) The Three Governments and the United States Government consider that the Installation should be placed and remain under safeguards of the International Atomic Energy Agency equivalent to those applied at the commercial gas centrifuge uranium enrichment facilities under the jurisdiction of the Three Governments. They shall use their best endeavours to that end.

## ARTICLE V

### Physical Protection

The Installation and the nuclear material covered by Article III shall be subject to all times to physical protection measures providing at least the level of protection recommended by the International Atomic Energy Agency (IAEA Document INFCIRC/225 rev. 2 or subsequent revisions thereto).

## ARTICLE VI

### Transfers

(1) The nuclear material covered by Article III shall not be exported from the United States unless the United States Government has obtained governmental assurances from the recipient at least equivalent to the provisions of Articles III, IV (1), V and this Article. In any case of exports to non-nuclear weapon states, the United States Government shall apply the principles laid down in the appendix to IAEA document INFCIRC/254 or subsequent revisions thereto.

(2) Centrifuge technology transferred into the United States under this Agreement shall only be retransferred from the United States to parties to this Agreement. Additionally, data generated at the Installation which is designated Restricted Data shall not be transferred to a country not party to this Agreement.

## ARTICLE VII

### Responsible Agencies

- (1) The Three Governments and the United States Government shall be represented for the purposes of implementing Articles VIII through X of this Agreement by the Tripartite Agency and the United States Agency, respectively.
- (2) Consultations shall take place as necessary between the Tripartite Agency and the United States Agency on any matters regarding the implementation of Articles VIII through X of this Agreement.

## ARTICLE VIII

### Security Classifications and Transfer of Classified Information

- (1) The national agencies of the Three Governments responsible for security and classification under the Treaty of Almelo and the United States Agency shall use, within the framework of their respective laws and regulations, agreed common principles and procedures regarding security classifications and transfer of classified information pursuant to this Agreement.
- (2) Classified information transferred into the United States pursuant to this Agreement shall bear security classifications in accordance with the Treaty of Almelo. Such classified information shall be initially transferred to the United States Agency which shall give it a security classification and shall afford it a degree of protection at least equivalent to that afforded it by the releasing Governments within the framework of United States laws and regulations and in accordance with the common principles and procedures referred to in paragraph (1) of this Article for use in implementation of such protection. The United States classification levels shall not be lowered or removed without the consent of the Tripartite Agency. Such information may also be accorded additional protection in the United States as required by United States laws and regulations.
- (3) All classified information transferred into the United States pursuant to this Agreement shall be transferred by diplomatic bag or such other secure means as may be agreed between the Three Governments and the United States Government.

## ARTICLE IX

### Protection of Classified Information

- (1) The United States Government shall take appropriate measures for the protection of any classified information transferred under this Agreement and classified information arising from the application of such transferred information. Such security measures shall include ensuring that access to such information is provided only to individuals authorised by the United States Agency or by one of the national agencies of the Three Governments responsible for security and classification under the Treaty of Almelo and that the information is properly protected.
- (2) The Three Governments shall provide such information and assistance as is necessary to enable United States Government authorities to meet United States legal and regulatory requirements so that the classified information referred to in paragraph (1) can be protected under United States laws and regulations.

## ARTICLE X

### Loss of Classified Information

- (1) If classified information is lost after its transfer or is disclosed without authorization or if there is reasonable suspicion of such unauthorized disclosure, the United States Agency shall inform the Tripartite Agency without delay.
- (2) Investigation of any case falling within the terms of paragraph (1) as to whether such an occurrence constitutes a violation of United States laws or regulations, and the prosecution of such a violation lies entirely within the competence of the United States Government in accordance with United States laws and regulations. Nevertheless, the United States Government shall use its best efforts to provide an opportunity to the Three Governments to lay before the appropriate United States prosecutorial or regulatory authorities any information relevant to the institution of proceedings in respect of such facts. The Three Governments shall be informed in due course of whether such proceedings have been instituted or not, and of their outcome.

## ARTICLE XI

### Protection of Proprietary Information

- (1) When the United States Government obtains any information transferred under this Agreement, the United States Government shall not use it for any purpose, including but not limited to commercial purposes, other than as provided for in this Agreement, without the prior written consent of the Three Governments.
- (2) Transferred information which constitutes proprietary information under United States laws and regulations, including trade secrets and commercial information, shall be handled and protected under United States laws and regulations. The United States Government shall accordingly respect such proprietary information's privileged nature.
- (3) Specifically, for information transferred under this Agreement for the United States Agency's licensing and regulatory purposes, such information shall, as appropriate, be treated and protected as proprietary pursuant to the United States Agency's regulations applicable generally to United States domestic source proprietary information.
- (4) If the United States Government expects to become unable to protect transferred information as proprietary under United States laws and regulations, it shall immediately provide the appropriate notification. The United States Government and the Three Governments shall thereafter consult on an appropriate course of action for achieving the purposes of this Article.

## ARTICLE XII

### Treaty Establishing the European Atomic Energy Community

The obligations herein set out are without prejudice to obligations of the Three Governments under the Treaty establishing the European Atomic Energy Community.

## ARTICLE XIII

### Consultations

The Three Governments and the United States Government shall consult as necessary on issues regarding interpretation or implementation of this Agreement.

## ARTICLE XIV

### Entry into Force and Duration

(1) This Agreement shall enter into force on the first day of the second month following an exchange of diplomatic notes by the parties to this Agreement confirming that all legal requirements for entry into force have been fulfilled, and shall remain in force for a period of thirty years. This term shall be extended automatically for an additional period of fifteen years unless either the Three Governments or the United States Government notifies the other of its desire to cease the activities hereinunder not less than one year in advance of the date on which the Agreement would otherwise be automatically extended.

(2) Notwithstanding the termination or expiration of this Agreement, Articles III through VI and VIII through XI shall continue in effect so long as any technology, material, equipment or components subject to these Articles remains in the United States or under its jurisdiction or control anywhere, or until such time as the United States Government and the Three Governments agree that such material, equipment, or components are no longer useable for any nuclear activity relevant to international safeguards.

## ANNEX

### Procedure for the Monitoring and Review of Data Generated at the Installation which is Designated Restricted Data

1. The procedure shall be employed to monitor and review the data generated at the Installation which is designated Restricted Data to confirm that it conveys only information that is not new to Urenco, i.e. information the technological content of which is of type that is already familiar and available to Urenco from its European operations. The procedure will operate to identify and guard against transfer, considered to be a remote possibility, to Urenco of data generated at the Installation which is designated Restricted Data and that would be new to Urenco. The procedure will be implemented in two parts; first, a derivative classifier approved by the United States Agency and employed by, or under contract to, the Joint Venture would review to the extent practicable data generated at the Installation which is designated Restricted Data to which Urenco will have access<sup>1</sup>; and, second, United States Agency personnel<sup>2</sup> would conduct annual or other periodically scheduled audits of the data generated at the Installation and transmitted during the preceding period to Urenco. The procedure would allow for:

- (a) the identification of any data generated that were new to Urenco, and;
- (b) if data new to Urenco were identified, immediate consultation between the United States Government and the Three Governments and Urenco, including an assessment of the likelihood of recurrence of aberrational data and the future possibility and practicability of either screening out such data or concluding an agreement under section 123 of the United States Atomic Energy Act of 1954, as amended, to authorize its return.

2. Specifically, the procedure involves the following elements:

- (a) Urenco will develop a guide (hereinafter referred to as the Urenco Technology Guide), subject to United States Government review and acceptance, for Joint Venture and United States Agency use, which describes the classified data Urenco expects, on the basis of its other facilities' experience, to be generated at the Installation. It should describe:
  - (i) the types of classified data (e.g., descriptions of numerical operating conditions and performance, and descriptive performance information); a comprehensive range of possible performance parameters within each

<sup>1</sup>Data generated at the Installation which is designated Restricted Data transmitted outside the United States will be sent to Urenco through the United States Agency as provided in the Quadripartite Security and Classification Handbook regarding the Installation.

<sup>2</sup>This function could also be performed by other appropriately cleared individuals acting on behalf of the United States Government (e.g., security-cleared Government or contractor personnel).

category (e.g., the maximum and minimum numerical data and descriptions of categories of equipment malfunctions and defects);

- (ii) an indication within the comprehensive range of a range of average operational performance with as inclusive a description as possible of the nature of divergences from the average range to the outer limits of the comprehensive range;
- (iii) any other possible performance parameters of the essential plant equipment incorporating information designated Restricted Data (e.g., centrifuges) so as to demonstrate Urenco's familiarity with all data likely to be generated at the Installation, including information contained in failed centrifuges, and;
- (iv) any other data which could be designated Restricted Data under the Joint NRC/DOE Classification Guide for the Louisiana Energy Services Gas Centrifuge Plant.

This Urenco Technology Guide will be supported by documentation of data generated at other Urenco facilities, including that relating to the most extreme and infrequent incidents experienced at such facilities. Performance parameters may also be supported by data from prototypes and computer models appropriate to a proven technology. The Urenco Technology Guide may be updated at any time by Urenco, subject to United States Government review and acceptance, to reflect additional experience in Urenco's European operations, with the updated topics applying only to data generated thereafter.

- (b) Before data are transmitted to Urenco, a derivative classifier approved by the United States Agency and employed by, or under contract to, the Joint Venture will assess the data in a good faith effort to confirm that it falls within the parameters of the Urenco Technology Guide. (It is expressly recognized that this requirement is subject to limitations based on the presence of Urenco personnel providing technical support at the Installation).
- (c) If the assessment by the derivative classifier reveals a dissimilarity between specific data generated at the Installation which is designated Restricted Data and the Urenco Technology Guide's parameters of anticipated data, the specific data will not be transmitted and will instead be submitted, through the United States Agency, for United States Government assessment. If the United States Government concludes that the data may be new, it will consult with Urenco and the Three Governments, without disclosing the data itself, to allow Urenco to demonstrate, if possible, that such divergence from the parameters would communicate nothing that would be new to Urenco.
- (d) The United States Agency will have access to all data generated at the Installation which is designated Restricted Data and which is transferred to Urenco and will perform an audit, either annually or at some other interval. At that audit, the United States Agency will compare a broad random sampling of the data generated at the Installation which is designated Restricted Data with the Urenco Technology Guide. If the United States Agency finds a dissimilarity between specific data generated at the Installation which is designated Restricted Data and the parameters of data anticipated in the Urenco Technology Guide, the United States Government will make an assessment as to whether it may be new to Urenco. If it concludes that specific data may be new to Urenco, immediate consultations shall be commenced between the United States Government and the Three Governments to allow Urenco to demonstrate, if possible, that the data in question communicates nothing that is new to Urenco.
- (e) If, after consultations in either of the two cases above, the data is determined to be new Urenco, it shall be withheld from Urenco, if Urenco has not already had access to it. Consultations shall be conducted between the United States Government and the Three Governments to assess also whether the occurrence of aberrant data suggests a likelihood of unanticipated incidents that would generate further data which would be designated Restricted Data and which would be new to Urenco within the meaning of paragraph 1. above.

- (f) If this assessment concludes that there is such a likelihood, then the United States Government shall either (i) determine, in consultation with Urenco and the Three Governments, whether there are practicable means of preventing the transfer of the specific new data and any other new data generated at the Installation which is designated Restricted Data, or (ii) seek to conclude an agreement under section 123 of the United States Atomic Energy Act of 1954, as amended.

Done at Washington on July 24, 1992 in four originals in the English, German and Netherlands languages, the three texts being equally authentic.

[Here follow the Signatures.]

#### AGREED MINUTE

Concerning the implementation of the Agreement between the Three Governments of the United Kingdom of Great Britain and Northern Ireland, the Federal Republic of Germany and the Kingdom of the Netherlands and the Government of the United States of America regarding the Establishment, Construction and Operation of a Uranium Enrichment Installation in the United States (hereinafter referred to as the Agreement) which was signed today, the Signatories of the Agreement hereby confirm the following understandings:

1. With reference to Article I(a):

Centrifuge technology is monitored and controlled in the United States under United States law to the extent that it is proprietary or classified. No additional obligation arises by virtue of this Agreement to track centrifuge technology in the United States in order to implement the provisions of this Agreement.

2. With reference to Articles II and VI:

Nothing in the Agreement prejudices access of Urenco to its centrifuge technology transferred into the United States and to unclassified or non-proprietary data generated at the Installation.

3. With reference to Article II(1)(d):

Any exchange of United States National Security Information will be in accordance with the relevant provisions of the existing, applicable bilateral general security agreements. Specifically, these are the General Security Agreements between the United States and: the United Kingdom, signed on 14 April 1961, as amended on 5 July 1983 and 19 December 1983; the Federal Republic of Germany, signed on 23 December 1960, as amended on 22 June and 23 July 1982 and 29 March 1988 and 16 February 1989; the Netherlands, signed on 18 August 1960, as amended on 4 March and 6 April 1981.

4. With reference to Article III:

(a) In accordance with Article VI of the Treaty of Almelo, information, equipment and components transferred into the United States and transferred back to the Three Governments will not be used by, or to assist, encourage or induce, any non-nuclear-weapon state to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such nuclear weapons or explosive devices.

(b) Nothing in the Agreement imposes restrictions on the Three Governments or on Urenco in respect of the use outside the United States of data related to centrifuge technology (as defined in Article I) and generated outside the United States. The use of such data continues to be governed by the Treaty of Almelo.

5. With reference to Article IV:

- (a) The four Governments confirm their support for the agreement reached at the conclusion of the Hexapartite Safeguards Project. Recognizing their common interest in the effective safeguarding of gas centrifuge enrichment facilities, the United States Government and the Three Governments will have the most comprehensive exchange of information possible on the implementation of Article IV and on the application of safeguards at the commercial gas centrifuge enrichment facilities under the jurisdiction of the Three Governments.
- (b) In any of the following cases, the United States Government will notify the Three Governments in advance whether any nuclear material covered by Article III of the Agreement is likely to be affected:
- If INFCIRC/288 were to expire, to be terminated, to be replaced or to be substantively amended;
  - If the United States Government were to take measures to permit reprocessing in the United States of spent fuel from civil nuclear power reactors; or,
  - If the United States Government intends to exercise its rights to transfer, in accordance with Article 12 of INFCIRC/288, nuclear material to which the peaceful use undertaking in Article III of the Agreement applies, to a destination in the United States other than a facility included in the list established and maintained pursuant to Articles 1(b) and 34 of INFCIRC/288.

On the basis of such information, the Three Governments may wish to consult with the United States Government in conformity with Article XIII.

6. With reference to Article VI:

The following countries, in addition to the EURATOM member States, are eligible to receive nuclear material from the United States under the terms of their agreements for peaceful nuclear cooperation with the United States and in accordance with other applicable requirements of United States law. (The termination date of the relevant agreement is given in parentheses.)<sup>1</sup>

Australia (2011)  
Austria (2014)  
Bangladesh (1992)  
Canada (2000)  
Colombia (2013)  
Czech and Slovak Federal Republic (2022)  
Egypt (2021)  
Finland (2022)  
Hungary (2022)  
Japan (initial term ends 2018; agreement continues in force thereafter unless either party terminates it)  
Korea (2014)  
Morocco (2001)  
Norway (2014)  
Peru (2002)  
Philippines (1998)  
Sweden (2014)  
Switzerland (1996)  
Thailand (2014)

(All the above are parties to the Non-Proliferation Treaty or the Tlatelolc Treaty, and have full-scope safeguards in force with the IAEA which satisfy the condition of United States law requiring safeguards for significant nuclear exports from the United States. In addition, the agreement for cooperation of all the above provide other assurances required for United States exports including: (1) non-explosive use assurances; (2)

<sup>1</sup>Countries eligible under trilateral supply agreements pursuant to the U.S.-IAEA agreement are not included.

physical protection assurances; (3) a United States retransfer consent right; (4) a United States reprocessing consent right; (5) full-scope safeguards in recipient country.)

In addition to the above, Taiwan is also eligible.

The United States Government may add other countries that become eligible in the future by notifying the Three Governments by diplomatic note.

7. With reference to Article XI:

“Appropriate notification” means that the United States Agency shall immediately notify Urenco, which will, as appropriate, inform the Three Governments.

**VEREINBARUNG ZWISCHEN DEN DREI REGIERUNGEN DES VEREINIGTEN  
KÖNIGREICHS GROßBRITANNIEN UND NORDIRLAND, DER  
BUNDESREPUBLIK DEUTSCHLAND, DES KÖNIGREICHS DER NIEDERLANDE  
UND DER REGIERUNG DER VEREINIGTEN STAATEN VON AMERIKA ÜBER  
DIE ERRICHTUNG, DEN BAU UND DEN BETRIEB EINER  
URANANREICHERUNGSANLAGE IN DEN VEREINIGTEN STAATEN VON  
AMERIKA**

Die Regierung des Vereinigten Königreichs Großbritannien und Nordirland, die Regierung der Bundesrepublik Deutschland, und die Regierung des Königreichs der Niederlande (im folgenden als die drei Regierungen bezeichnet) und die Regierung der Vereinigten Staaten von Amerika (im folgenden als Regierung der Vereinigten Staaten bezeichnet)–

im Hinblick auf das Übereinkommen vom 4. März 1970 zwischen dem Vereinigten Königreich Großbritannien und Nordirland, der Bundesrepublik Deutschland und dem Königreich der Niederlande über die Zusammenarbeit bei der Entwicklung und Nutzung des Gaszentrifugenverfahrens zur Herstellung angereicherten Urans (Übereinkommen von Almelo),

in dem Wunsch, einen zwischenstaatlichen Rahmen für ein Gemeinschaftsunternehmen in den Vereinigten Staaten unter Verwendung des in den drei europäischen Ländern entwickelten Verfahrens zur Herstellung angereicherten Urans für ausschließlich friedliche nichtexplosive Zwecke zu schaffen,

im Hinblick auf die am 11. April 1990 in Washington unterzeichnete und im April 1991 verlängerte Vereinbarung zwischen den drei Regierungen des Vereinigten Königreichs Großbritannien und Nordirland, der Bundesrepublik Deutschland und des Königreichs der Niederlande und der Regierung der Vereinigten Staaten von Amerika über den Schutz der in die Vereinigten Staaten von Amerika weitergegebenen Informationen im Zusammenhang mit der Anfangsphase eines Vorhabens zur Errichtung einer Urananreicherungsanlage in den Vereinigten Staaten auf der Grundlage des in den drei europäischen Ländern entwickelten Gaszentrifugenverfahrens,

im Hinblick darauf, daß die drei Regierungen, als Vertragsparteien des Übereinkommens von Almelo, internationale Verpflichtungen in bezug auf die Verwendung und Behandlung von Informationen, Ausrüstungen und Ausgangs- oder besonderem spaltbaren Material im Zusammenhang mit der Zentrifugentechnologie übernommen haben,

im Hinblick darauf, daß die drei Regierungen und die Regierung der Vereinigten Staaten Grundsätze für den Schutz von Informationen über Zentrifugentechnologie festgelegt haben,

im Hinblick auf den Beitritt der drei Regierungen und der Regierung der Vereinigten Staaten zum Vertrag vom 1. Juli 1968 über die Nichtverbreitung von Kernwaffen und zur Satzung der Internationalen Atomenergie-Organisation (IAEO) sowie auf die Tatsache, daß alle vier Regierungen mit der IAEO Vereinbarungen über Sicherungsmaßnahmen geschlossen haben,

im Hinblick darauf, daß die drei Regierungen Vertragsparteien des am 25. März 1957 in Rom unterzeichneten Vertrags zur Gründung der Europäischen Atomgemeinschaft sind,

in der Absicht sicherzustellen, daß alle künftigen Tätigkeiten des Gemeinschaftsunternehmens mit ihren Grundsätzen in bezug auf die Nichtverbreitung von Kernwaffen und mit ihren internationalen Verpflichtungen auf diesem Gebiet in Einklang stehen -

sind wie folgt übereingekommen:

## ARTIKEL 1

### Definitionen

Im Sinne dieser Vereinbarung, soweit darin nicht etwas anderes festgelegt ist,

- (a) bezeichnet der Ausdruck "Zentrifugentechnologie" die im Rahmen des Übereinkommens von Almelo entwickelte Technologie einschließlich der Informationen und des Know-how sowie der in der Konstruktion der Gaszentrifugenausrüstung oder ihrer Bauteile enthaltenen (und durch sie hervorgebrachten) Informationen;
- (b) bezeichnet der Name "Urenco" das gemeinsame Industrieunternehmen, das in Rahmen des Übereinkommens von Almelo errichtet wurde, einschließlich seiner Tochtergesellschaften und deren möglicher zukünftiger Rechtsnachfolger;
- (c) bezeichnet der Ausdruck "Gemeinschaftsunternehmen" das von Urenco und Industrieunternehmen in den Vereinigten Staaten nach dem Recht der Vereinigten Staaten gegründete Gemeinschaftsunternehmen;
- (d) bezeichnet der Ausdruck "Anlage" die Urananreicherungsanlage, die von dem Gemeinschaftsunternehmen in den Vereinigten Staaten gebaut werden soll;
- (e) bezeichnet der Ausdruck "Kernmaterial" i) "Ausgangsmaterial", und zwar Uran, das die in der Natur vorkommende Isotopenmischung enthält, und Uran, dessen Isotopenanteil an U-235 angereichert wurde, sowie ii) "besonderes Kernmaterial", und zwar Plutonium, Uran 233 und mit den Isotopen U-233 oder U-235 angereichertes Uran;
- (f) bezeichnet der Ausdruck "geheimhaltungsbedürftige Informationen" alle Informationen, die nach innerstaatlichen Gesetzen und sonstigen Vorschriften über geheimhaltungsbedürftige Informationen vor unbefugter Preisgabe geschützt werden müssen. Dazu gehören Dokumente, Informationen oder Material, die geheimhaltungsbedürftige Informationen enthalten, sowie Informationen, die in Zentrifugenausrüstungen und -bauteilen enthalten sind, unabhängig davon, wie sie übermittelt werden;
- (g) bezeichnet der Ausdruck "Dreierstelle" die zuständige Stelle, die abwechselnd im Namen der nationalen Stellen der drei Regierungen handelt, welche aufgrund des Übereinkommens von Almelo für Sicherheit und Geheimschutz zuständig sind;
- (h) bezeichnet der Ausdruck "Stelle der Vereinigten Staaten" die Atomaufsichtskommission der Vereinigten Staaten (United States Nuclear Regulatory Commission);
- (i) hat der Ausdruck "geschützte Daten" (restricted data) die im Atomenergiewgesetz der Vereinigten Staaten von 1954 in der jeweils gültigen Fassung angegebene Bedeutung.

## ARTIKEL 2

### Geltungsbereich

- (1) Diese Vereinbarung legt die Bedingungen fest, unter denen
  - (a) die drei Regierungen im Rahmen geltender Verträge und ihrer jeweiligen Gesetze und sonstigen Vorschriften die Weitergabe von Zentrifugentechnologie an das Gemeinschaftsunternehmen in den Vereinigten Staaten für die Errichtung, den Bau und den Betrieb der Anlage gestatten;
  - (b) die Regierung der Vereinigten Staaten in Rahmen geltender Verträge und der Gesetze und sonstigen Vorschriften der Vereinigten Staaten die Weitergabe von Zentrifugentechnologie in die Vereinigten Staaten und ihre dortige Nutzung durch das Gemeinschaftsunternehmen für die Errichtung, den Bau und den Betrieb der Anlage vorsieht;