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The Standard Text of Safeguards Agreements in connection with the Treaty on the Non-Proliferation of Nuclear Weapons

Revision of the Standardized Text of the "Small Quantities Protocol"

The standard text of safeguards agreements concluded on the basis of INFCIRC/153 (Corr.) was published as Annex A of document GOV/INF/276, 22 August 1974 (referred to as "comprehensive safeguards agreements"). Annex B to GOV/INF/276 set out the standard text of a protocol for such agreements, which could be concluded with a State that had little or no nuclear material and no nuclear material in a facility, as defined in INFCIRC/153 (Corr.). This protocol is commonly known as the "Small Quantities Protocol" (or "SQP"). The effect of an SQP was to hold in abeyance the implementation of most of the detailed procedures of comprehensive safeguards agreements for so long as the State concerned satisfied those criteria.

In his report to the Board of Governors in document GOV/2005/33 of 13 May 2005, the Director General drew attention to the limitations of SQPs, seen against the background of efforts to strengthen the safeguards system. Having recognized that the SQP, in its present form, constituted a weakness in the safeguards system, the Board of Governors decided on 20 September 2005 that, although SQPs should remain part of the Agency's safeguards system, they should be subject to the modifications in the standard text and the change in the SQP criteria referred to in paragraph 7 of GOV/2005/33. The Board also decided that, henceforth, it would approve only SQP texts which were based on the revised standard text.¹

The modifications referred to in paragraph 7 of GOV/2005/33 have the effect of (i) making an SQP unavailable to a State with a planned or existing facility; (ii) requiring States to provide initial reports on nuclear material, and to provide early design information in line with the Board's interpretation reflected in GOV/2554/Att.2/Rev. 2²; and (iii) allowing for inspections.

The revised standard text of the SQP is reproduced herein.³

¹ Following the Board's approval of the draft modified text, and in line with comments received from a number of Member States, the Secretariat reviewed the draft text and concluded that the references to paragraphs 58 and 69 in paragraph I(1) of the draft revised standard text attached to GOV/2005/33 should be deleted.

² *I.e.*, that design information should be provided as soon as the decision to construct or to authorize construction of a new facility has been taken.

³ It should be noted that the paragraph references in the revised standard text of the SQP assume the absence in the relevant safeguards agreement of an article corresponding to paragraph 24 of INFCIRC/153 (Corr.)

ANNEX B

STANDARD TEXT OF A PROTOCOL TO AN AGREEMENT CONCLUDED ON THE
BASIS OF GOV/INF/276, ANNEX A

The (hereinafter referred to as ".....") and the International Atomic Energy Agency (hereinafter referred to as "the Agency") have agreed as follows:

- I. (1) Until such time as
- (a) has, in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere, nuclear material in quantities exceeding the limits stated, for the type of material in question, in Article 36 of the Agreement between and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Agreement"), or
 - (b) has taken the decision to construct or authorize construction of a facility, as defined in the definitions,

the implementation of the provisions of Part II of the Agreement shall be held in abeyance, with the exception of Articles 32–38, 40, 48, 49, 59, 61, 67, 68, 70, 72–76, 82, 84–90, 94 and 95.

- (2) The information to be reported pursuant to paragraphs (a) and (b) of Article 33 of the Agreement may be consolidated and submitted in an annual report; similarly, an annual report shall be submitted, if applicable, with respect to the import and export of nuclear material described in paragraph (c) of Article 33.
- (3) In order to enable the timely conclusion of the Subsidiary Arrangements provided for in Article 38 of the Agreement, shall:
 - (a) notify the Agency sufficiently in advance of its having nuclear material in peaceful nuclear activities within its territory or under its jurisdiction or control anywhere in quantities that exceed the limits, as referred to in section (1) hereof, or
 - (b) notify the Agency as soon as decision to construct or to authorize construction of a facility has been taken,

whichever occurs first.

II. This Protocol shall be signed by the representatives of and the Agency and shall enter into force on the same date as the Agreement.