

Information Circular

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General Distribution

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Communication received from the Permanent Mission of Denmark to the Agency regarding Guidelines for the Export of Nuclear Material, Equipment and Technology

1. The Director General has received a Note Verbale from the Permanent Mission of Denmark, dated 1 December 2005, providing information on the export policies and practices of the Government of Denmark with respect to the export of nuclear material, equipment and technology.
2. In the light of the wish expressed at the end of the Note Verbale, the text of the Note Verbale is attached. The attachment referenced in the Note Verbale was issued previously as INFCIRC/254/Rev.7/Part.1.

PERMANENT MISSION OF DENMARK TO THE IAEA

VIENNA

NOTE VERBALE

The Permanent Mission of Denmark presents its compliments to the Director General of the International Atomic Energy Agency (IAEA) and has the honour to refer to its ~~relevant previous~~ communications concerning the decision of the Government of Denmark to act in accordance with the Guidelines for Nuclear Transfers currently published as document INFCIRC/254/Rev.7/Part1, including its Annexes.

The Government of Denmark has decided to amend several sections of the Part 1 Guidelines, in order to more clearly define the standard of implementation that NSG Participating Governments regard as essential for the fulfilment of the Guidelines, as follows:

In relation to safeguards on the transfer of trigger list items or related technology to a non-nuclear weapon State, new text was added to paragraph 4(a) in order to clarify under what circumstances a supplier should authorize such transfers.

Regarding controls on the retransfer of trigger list items and related technology, a new section (d) was added to paragraph 9 in order to stress the fact that suppliers should consider restraint if a recipient has failed to develop appropriate and effective national export and transshipment controls.

- A new paragraph 15 was introduced into the Part 1 Guidelines, in response to obligations under UNSC Resolution 1540. The current paragraph 15 was renumbered as 16, and all subsequent paragraphs accordingly.

- Finally, new text was introduced into the newly renumbered paragraph 16, in order to elaborate on the NSG's response to situations of non-compliance with safeguards agreements.

In the interest of clarity, the complete text of the modified Guidelines and its Annexes is reproduced in the attachment, as well as a "Comparison Table of Changes to the Guidelines for Nuclear Transfers (INFCIRC/254/Rev.7/Part 1)".

The Government of Denmark has decided to act in accordance with the Guidelines as so revised.

In reaching this decision, the Government of Denmark is fully aware of the need to contribute to economic development while avoiding contributing in any way to a proliferation of nuclear weapons or other nuclear explosive devices or the diversion to acts of nuclear terrorism, and of the need to separate the issue of non-proliferation or non-diversion assurances from that of commercial competition.

The Government of Denmark, so far as trade within the European Union is concerned, will implement this decision in the light of its commitments as a Member State of the Union.

The Government of Denmark would be grateful if the Director General of the IAEA would bring this Note and its attachment to the attention of all Member States.

The Permanent Mission of Denmark avails itself of this opportunity to renew to the Director General of the International Atomic Energy Agency the assurances of its highest consideration.

Vienna, 1 December 2005

