



Australian Government

Australian Safeguards and Non-Proliferation Office

04 Novemebr 2011

Mr Kevin Bodel
Secretary
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600

Dear Mr Bodel,

Please find attached answers to questions raised on notice during the Joint Standing Committee on Treaties (JSCOT) review of the *Agreement between the Government of Australia and the European Atomic Energy Community (Euratom) for Co-Operation in the Peaceful Uses of Nuclear Energy*. I would be happy to provide additional information, if required.

Yours sincerely

Dr Robert Floyd
Director General

Joint Standing Committee on Treaties (JSCOT) review of the Agreement between the Government of Australia and the European Atomic Energy Community (Euratom) for Co-Operation in the Peaceful Uses of Nuclear Energy.

1. Article 5 of the treaty requires the written consent of both parties before enriching uranium of Australian origin to anything higher than 20 per cent uranium-235. Has that ever been requested? Has that consent ever been sought in the past?

Euratom has never sought consent from Australia to enrich Australian uranium higher than 20 per cent uranium-235.

2. Could you confirm for the record that Australia's legislative implementation is all set in concrete and, secondly, what is the status of other countries?

Paragraph 25 of the National Interest Analysis concerning the *Agreement between the Government of Australia and the European Atomic Energy Community (Euratom) for Co-operation in the Peaceful Uses of Nuclear Energy* states that: "the legislative framework already in place in relation to nuclear transfers will be sufficient to provide for the terms of the proposed Agreement. However, it will be necessary to promulgate regulations pursuant to the *Nuclear Non-Proliferation (Safeguards) Act 1987* to add the proposed Agreement to the list of 'prescribed agreements' under that Act and to take similar action under the *Australian Radiation Protection and Nuclear Safety Act 1998*. No changes to the existing roles of the Commonwealth or the States and Territories will arise as a consequence of implementing the proposed Agreement."

Euratom has confirmed that the internal procedures provided for in the *Treaty Establishing the Euratom Atomic Community* have been already completed.