

Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

PART THREE

SEPARATION PROVISIONS

TITLE IX

EURATOM RELATED ISSUES

Article 79

Definitions

For the purposes of this Title, the following definitions shall apply:

- (a) "Community" means the European Atomic Energy Community;
- (b) "safeguards" means activities to verify that nuclear material and equipment are not diverted from their intended use as declared by the users and activities to verify that international legal obligations to use nuclear material and equipment for peaceful purposes are honoured;
- (c) "special fissile materials" means special fissile materials as defined in point (1) of Article 197 of the Euratom Treaty;
- (d) "ores" means ores as defined in point (4) of Article 197 of the Euratom Treaty;
- (e) "source materials" means source materials as defined in point (3) of Article 197 of the Euratom Treaty;
- (f) "nuclear material" means ores, source materials and special fissile materials;
- (g) "spent fuel" and "radioactive waste" mean spent fuel and radioactive waste as defined in points (7) and (11) of Article 3 of Council Directive 2011/70/Euratom⁽¹⁾.

Article 80

End of Community responsibility for matters related to the United Kingdom

1 The United Kingdom shall have sole responsibility for ensuring that all ores, source materials and special fissile materials covered by the Euratom Treaty and present on the territory of the United Kingdom at the end of the transition period are handled in accordance with relevant and applicable international treaties and conventions, including but not limited to international treaties and conventions on nuclear safety, safeguards, non-proliferation and physical protection of nuclear materials, and international treaties and conventions on safety of spent fuel management and the safety of radioactive waste management.

2 The United Kingdom shall have sole responsibility for ensuring its compliance with international obligations arising as a consequence of its membership of the International Atomic

Energy Agency or as a consequence of the Treaty on the Non-Proliferation of Nuclear Weapons or any other relevant international treaties or conventions to which the United Kingdom is a party.

Article 81

Safeguards

The United Kingdom shall implement a safeguards regime. This safeguards regime shall apply a system offering equivalent effectiveness and coverage as that provided by the Community in the territory of the United Kingdom in line with the Agreement between the United Kingdom of Great Britain and Northern Ireland, the European Atomic Energy Community and the International Atomic Energy Agency for the Application of Safeguards in the United Kingdom of Great Britain and Northern Ireland in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons [INFCIRC/263], as amended.

Article 82

Specific obligations under international agreements

The United Kingdom shall ensure that any specific obligations under agreements concluded by the Community with third countries or international organisations in relation to any nuclear equipment, nuclear material or other nuclear items present on the territory of the United Kingdom at the end of the transition period are fulfilled, or otherwise identify appropriate arrangements in agreement with the third country or international organisation concerned.

Article 83

Ownership and rights of use and consumption of special fissile materials in the United Kingdom

1 Special fissile materials present on the territory of the United Kingdom in respect of which Article 86 of the Euratom Treaty applied until the end of the transition period shall cease to be the property of the Community at the end of the transition period.

2 Special fissile materials referred to in paragraph 1 shall become the property of the persons or undertakings that had unlimited right of use and consumption of those materials at the end of the transition period in accordance with Article 87 of the Euratom Treaty.

3 Where the right of use and consumption of special fissile materials referred to in paragraph 2 ("materials concerned") is with a Member State, or with persons or undertakings established in the territory of a Member State, in order to protect the integrity of the common supply policy established under Chapter 6 of Title II of the Euratom Treaty and of the nuclear common market established under Chapter 9 of that Title, including with regard to the level of safeguards applicable to the materials concerned, the following shall apply:

- a having regard to Article 5 of this Agreement, the Community shall have the right to require that the materials concerned be deposited with the Agency established under point (b) of Article 52(2) of the Euratom Treaty or in other stores which are or can be supervised by the European Commission;

- b the Community shall have the right to conclude contracts relating to the supply of the materials concerned to any person or undertaking established in the territory of the United Kingdom or in a third country in accordance with Article 52(2) of the Euratom Treaty;
- c Article 20 of Commission Regulation (Euratom) No 302/2005⁽²⁾, with the exception of points (b) and (c) of paragraph 1, shall apply in respect of the materials concerned;
- d the export of the materials concerned to a third country shall be authorised by the competent authorities of the Member State in which the person or undertaking with the right to use and consume the materials concerned is established in accordance with Article 9(2) of Council Regulation (EC) No 428/2009⁽³⁾;
- e in respect of the materials concerned, the Community shall have the right to exert any other rights arising under the Euratom Treaty from ownership pursuant to Article 86 of that Treaty.

4 Member States, persons or undertakings that have the unlimited right of use and consumption of special fissile materials present on the territory of the United Kingdom at the end of the transition period shall retain that right.

Article 84

Equipment and other property related to the provision of safeguards

1 Community equipment and other property related to the provision of safeguards under the Euratom Treaty located in the United Kingdom at the end of the transition period, as set out at Annex V, shall become the property of the United Kingdom. The United Kingdom shall reimburse to the Union the value of that equipment and other property, the calculation of which shall be based on the value assigned to that equipment and other property in the consolidated accounts for the year 2020.

2 The United Kingdom shall assume all of the Community's rights, liabilities and obligations associated with the equipment and other property referred to in paragraph 1.

Article 85

Spent fuel and radioactive waste

Article 4(1) and (2) and the first subparagraph of Article 4(4) of Directive 2011/70/Euratom shall apply in respect of the United Kingdom's ultimate responsibility for spent fuel and radioactive waste that was generated in the United Kingdom and is present on the territory of a Member State at the end of the transition period.

- (1) Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste ([OJ L 199, 2.8.2011, p. 48](#)).
- (2) Commission Regulation (Euratom) No 302/2005 of 8 February 2005 on the application of Euratom safeguards ([OJ L 54, 28.2.2005, p. 1](#)).
- (3) Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items ([OJ L 134, 29.5.2009, p. 1](#)).