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STATUTORY INSTRUMENTS

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**2019 No. 196**

**The Nuclear Safeguards (EU Exit) Regulations 2019**

**PART 2**

Accountancy and control, records and the provision of information by an operator

**Additional reporting obligations arising from relevant international agreements and from obligations resulting from international trade**

**19.**—(1) When an operator provides the ONR with the information which is listed in paragraph (2), the operator must identify, separately for each obligation in each of the reports and notifications listed in the relevant international agreement, unless otherwise stipulated by that agreement, any qualifying nuclear material which is subject to a relevant safeguards obligation and must use the appropriate obligation code if one has been published by the ONR.

(2) The following information is listed in this paragraph—

- (a) an initial book inventory, provided for in regulation 13;
- (b) an inventory change report, including an ending book inventory, provided for in regulation 14;
- (c) a material balance report and a physical inventory listing provided for in regulation 15;
- (d) advance notification of intended imports and exports provided for in regulations 21 and 22.

(3) Where an operator—

- (a) holds qualifying nuclear material, which has been transferred into the United Kingdom, under obligations or requirements concerning international trade, which ensure that qualifying nuclear material is only available for peaceful purposes, and are respectively described in paragraph (4) (“obligations concerning international trade”) and in paragraph (5) (“requirements concerning international trade”); and
- (b) provides the ONR with the information which is listed in paragraph (2),

the operator must identify, separately for each obligation and requirement concerning international trade in each of the reports and notifications, unless otherwise stipulated by the relevant obligation or requirement, any qualifying nuclear material which is subject to an obligation or requirement concerning international trade and must use the appropriate obligation code if one has been published by the ONR.

(4) The obligations concerning international trade arise where an operator holds qualifying nuclear material which has been transferred into the United Kingdom before commencement day, either directly or through a third country, in accordance with any of the following—

- (i) the Agreement for co-operation in the peaceful uses of nuclear energy between the European Atomic Energy Community and the Government of the Republic of Kazakhstan, signed in Brussels on 5th December 2006;
- (ii) the Agreement for co-operation in the peaceful uses of nuclear energy between the European Atomic Energy Community and the Government of the Republic of Uzbekistan, signed in Brussels on 6th October 2003;

- (iii) the Agreement between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine for Co-operation in the Peaceful Uses of Nuclear Energy, signed in Kiev on 28th April 2005;
- (iv) the Agreement for co-operation in the peaceful uses of nuclear energy between the European Atomic Energy Community (Euratom) and the Government of the Argentine Republic, signed at Brussels, on 11th June 1996;
- (v) the Agreement between the European Atomic Energy Community (Euratom) and the Government of the United States of Brazil for cooperation concerning the peaceful uses of atomic energy, signed at Brasilia, on 9th June 1961; and
- (vi) a contract, to which the operator is a party, concluded, before commencement day, on the basis of Articles 52(2), 64, 75(c) or another relevant provision in Chapter 6 of the Treaty establishing the European Atomic Energy Community.

(5) The requirements concerning international trade arise where an operator holds qualifying nuclear material which has been transferred into the United Kingdom before, on or after commencement day, under the terms of a requirement, which is set out in a licence issued by the ONR under the Import of Goods (Control) Order 1954<sup>(1)</sup> or an order made by the Secretary of State under section 1 of the Import, Export and Customs Powers (Defence) Act 1939<sup>(2)</sup>.

(6) In respect of each relevant international agreement and each obligation and requirement concerning international trade, the ONR must publish on its website, and make available in writing on request, any obligation codes which must be used by an operator in respect of that relevant international agreement or obligation or requirement concerning international trade.

(7) Unless specifically prohibited in the relevant international agreement or obligation or requirement concerning international trade, the separate reporting requirements set out in paragraphs (1) and (3) do not preclude the physical mixing of qualifying nuclear materials.

(8) Paragraphs (1) to (7) do not apply to the Agreement with the Agency nor to the Additional Protocol, dated 7th June 2018, entered into between the United Kingdom and the Agency and which is additional to the Agreement with the Agency.

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(1) [S.I. 1954/23](#) as amended by [S.I. 2014/251](#).

(2) [1939 c.69](#) 2 and 3 [Geo 6 s](#) amended by [Customs and Excise Management Act 1979 \(c.2\)](#) and the [Export Control Act 2002 \(c.28\)](#) sections 15(2)(a), 16(2) and 16(7).