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# 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

### Report submitted by Austria

#### Article I

1. Austria regards the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. Thus, Austria continues to call upon nuclear-weapon States not to provide assistance or encouragement to States that may seek to acquire nuclear weapons or other nuclear devices.

#### Article II

2. Austria continues to abide by its commitment not to receive the transfer of, receive control over, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. This commitment is implemented by the 1999 constitutional law on a nuclear-free Austria and by corresponding laws and regulations.

#### Article III

### A. Safeguards

3. Before Austria's accession to the European Union, the requirement of article III, paragraph 1, of the Treaty was fulfilled by the safeguards agreement of 1972 between Austria and the International Atomic Energy Agency (IAEA). Upon accession to the European Union in 1995, the safeguards agreement between the European Atomic Energy Community (EURATOM), the European Union non-nuclear weapon States and IAEA entered into force for Austria and the 1972 safeguards agreement was suspended.

4. Austria has always been actively engaged in the process of strengthening the IAEA safeguards system, to which it attaches utmost importance.

5. With regard to the additional protocol between EURATOM, the European Union non-nuclear-weapon States and IAEA, which was signed in September 1998,

Austria concluded all necessary steps on the national level for its entry into force in 2001. The additional protocols for the European Union member States entered into force simultaneously on 30 April 2003.

6. Austria is a member of the informal group “Friends of the Additional Protocol” convened by Japan, which is working actively towards the universalization of comprehensive safeguards agreements and additional protocols.

7. Austria considers the additional protocol to be an integral part of the IAEA’s Treaty safeguards system and holds the legal position that the conclusion of an additional protocol is mandatory under article III of the Treaty.

8. Austria submitted its initial declaration under the additional protocol in October 2004 and a first yearly update in March 2005. A first complementary access visit took place in March 2005.

## **B. Export controls**

9. Austria implements its obligation under article III, paragraph 2, of the Treaty not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by the article, by controlling its exports in accordance with European Union Council regulation 1334/2000, as amended.

10. Austria is a member of both the Zangger Committee and the Nuclear Suppliers Group. The Zangger Committee was chaired by Dr. Fritz W. Schmidt of Austria from 1993 until his unexpected death in February 2005. Under his chairmanship the Committee launched an outreach programme and set up a website ([www.zanggercommittee.org](http://www.zanggercommittee.org)) to enhance transparency and foster dialogue with non-members.

11. In Austria’s view, an effective export control system facilitates cooperation for peaceful purposes in the nuclear field.

## **C. Physical protection**

12. Austria attaches great importance to a high level of physical protection of nuclear material and nuclear facilities. It has actively participated in the open-ended group of legal and technical experts convened by the Director General of IAEA to prepare a well-defined amendment to the Convention on the Physical Protection of Nuclear Material. In September 2003, the Austrian Foreign Minister took the initiative of submitting an amendment proposal based on the outcome of the expert group to the Director General of the International Atomic Energy Agency with the request to convene a diplomatic conference for its adoption. This amendment proposal was submitted to the Director General of IAEA by Austria on behalf of 24 States parties in May 2004. Austria subsequently played a leading role in the consultations to convince the required half of all States parties to the Convention to support the convening of a diplomatic conference, which has now been scheduled for July 2005.

13. In Austria's view, physical protection is an integral part of the national nuclear security system and must be required as a condition for nuclear supplies.

#### **Article IV**

14. Following a referendum in 1978, Austria renounced the use of nuclear energy for power generation and does not operate nuclear power plants. In view of the high risks emanating from nuclear installations, Austria attaches utmost importance to international efforts to harmonize and steadily increase all aspects of nuclear safety. Austria is party to both the Convention on Nuclear Safety as well as the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and has actively participated in the review conferences of these conventions.

#### **Article V**

15. The Final Document of the 2000 Review Conference affirms that the provisions of article V are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty. Austria signed the Test-Ban Treaty on 24 September 1996, when it was opened for signature, and deposited its instrument of ratification on 13 March 1998. In advance of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, held from 3 to 5 September 2003 in Vienna, the Foreign Ministers of Austria, Finland and Japan wrote to all their counterparts in all non-ratified States and urged them to sign and/or ratify the Treaty. Furthermore, Austria fully supports the work of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty organization and its provisional technical secretariat and attaches particular importance to the swift establishment of the Treaty's international verification system. Austria hosts one radionuclide laboratory at the Austrian Research Centres in Seibersdorf, which was certified in November 2001 as the first of 16 radionuclide laboratories worldwide.

#### **Article VI**

16. Austria's objective has been and remains the complete elimination of nuclear weapons. Consequently, Austria continues to call upon all nuclear-weapon States to comply fully with their obligations under article VI of the Treaty. Austria accords high priority to the 13 practical steps towards nuclear disarmament that were agreed to at the 2000 NPT Review Conference. While acknowledging and welcoming progress in the reduction of nuclear weapons, Austria urges nuclear-weapon States to fully implement all 13 practical steps, which serve as an important yardstick against which progress in the fulfilment of article VI can be measured.

17. In view of the obligations of all NPT parties to strive for general and complete disarmament, Austria is also a State party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Chemical Weapons Convention, the Antipersonnel Mine Ban Treaty, the Convention on Conventional Weapons and the Outer Space Treaty and spares no efforts to fully implement them.

**Article VII**

18. Austria welcomes and encourages progress to develop and implement nuclear-weapon-free zone agreements consistent with international law and internationally agreed criteria.

**Article VIII**

19. The indefinite extension of the Treaty and accompanying decisions in 1995 included a commitment to a strengthened review process. In this regard, Austria attaches particular importance to enhancing the performance of and accountability under the Treaty, in particular by submitting reports on the implementation of the Treaty to the meetings of the preparatory committee as well as to the review conferences.

**Article IX**

20. Austria attaches high importance to the universalization of the Treaty and continues to urge India, Israel and Pakistan to accede unconditionally to NPT as non-nuclear-weapon States in accordance with article IX.

**Article X**

21. Austria deplores the announcement of the Democratic People's Republic of Korea on 10 January 2003 of its intention to withdraw from NPT. Austria continues to urge the Democratic People's Republic of Korea to reverse its decision and to comply fully with all nuclear non-proliferation norms, in particular with its obligations contained in the NPT safeguards agreement with the IAEA, and to dismantle its nuclear weapons programme in a complete, verifiable and irreversible manner.

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