

MUTUAL DECLARATION OF PRINCIPLES BY
THE DEPARTMENT OF ENERGY OF
THE UNITED STATES OF AMERICA

AND

THE MINISTRY OF FINANCE OF
THE NETHERLANDS

CONCERNING THE PREVENTION OF THE ILLICIT
TRAFFICKING IN NUCLEAR AND OTHER
RADIOACTIVE MATERIAL

The Department of Energy of the United States of America and the Ministry of Finance of the Netherlands, hereinafter referred to collectively as the "Participants";

Being convinced of a need to deter, detect and interdict any terrorist attempt to disrupt global trade or to attempt to make use of commercial shipping to further terrorist schemes;

Considering that terrorists may use containers as a way of illegal transportation of nuclear and other radioactive material;

Recognizing Rotterdam's role as an intermodal transport hub for containers originating from and destined for many countries;

Recognizing the role of the Tax and Customs Administration (TCA) of the Ministry of Finance for the enforcement of the Dutch Nuclear Energy Act where it concerns the import and export of goods;

Recognizing that modern technical equipment makes it possible to monitor large numbers of containers for nuclear and other radioactive material;

Recognizing that it is essential that the logistic process in the Port of Rotterdam should not be disrupted; and

Being convinced that it is desirable to implement additional technical means to monitor containers for nuclear and other radioactive material at the Port of Rotterdam as soon as possible;

HAVE REACHED THE FOLLOWING UNDERSTANDING:

I. SCOPE

1. The Ministry of Finance of the Netherlands, through the TCA, intends to issue a public tender according to applicable regulations to purchase and install the required technical means to monitor containers for nuclear and other radioactive material in the Port of Rotterdam.

2. The Department of Energy of the United States of America (DOE), through its National Nuclear Security Administration, intends to make available on an interim basis, subject to Section I, paragraph 5, to the TCA equipment and materials for use at one container terminal in the Port of Rotterdam to monitor containers for the purpose of detecting and interdicting illicit trafficking in nuclear and other radioactive material.

3. The technical support mentioned in paragraph 2 may include:

a. delivery, installation, and technical maintenance at the Port of Rotterdam of four gamma and neutron monitors and related equipment adapted for customs control conditions (including testing, setup, and demonstration of the equipment);

b. delivery of spare parts kits, test equipment and other maintenance equipment;

c. training of TCA personnel in the use and maintenance of equipment provided by DOE.

4. At the request of TCA, the DOE may provide consultative and other technical services to support TCA's rapid implementation of additional technical means to monitor containers for nuclear and other radioactive material.

5. Following the installation of the equipment purchased by TCA pursuant to Section I, paragraph 1, the DOE will determine the disposition of any equipment it made available under this Declaration.

6. The Participants understand that any taxes or duties on equipment made available by the DOE under this Declaration are to be

paid by the Ministry of Finance of the Netherlands.

II. PROVISION OF INFORMATION

The Participants acknowledge that the Ministry of Finance, through the TCA, is to furnish the Bureau of Customs and Border Protection of the United States of America with data on any detections or seizures of special nuclear material and other radioactive material, in accordance with the Agreement between the United States of America and the European Community on Customs Cooperation and Mutual Assistance in Customs Matters of 28 May 1997, and the Agreement on Mutual Administrative Assistance for the Proper Application of Customs Law and for the Prevention, Investigation and Combating of Customs Offenses between the United States of America and the Kingdom of the Netherlands of 28 October 1996. For purposes of this Declaration, "special nuclear material" means plutonium, and uranium enriched to 20 percent or more in the isotope U-235. "Other radioactive material" includes, but is not limited to, radioactive sources suitable for use in radiological dispersal devices.

III. NON-DISCLOSURE

Unless the written consent of the DOE has first been obtained, the Ministry of Finance of the Netherlands and TCA should not transfer possession of, nor disclose technology concerning, any equipment made available by the DOE pursuant to this Declaration, other than within the Government of the Netherlands.

IV. CONSISTENCY WITH DOMESTIC AND INTERNATIONAL LAW

The Declaration represents a political commitment by both sides and does not create any rights or obligations under international law. It is to be implemented by each Participant consistent with the domestic laws of that Participant's State and with international agreements to which that Participant's State is a party and other international law to the extent applicable.

V. EFFECTIVE DATE AND DURATION

This Declaration is to come into operation upon signature by both Participants. This Declaration is to be terminated upon the installation of the equipment to be purchased in accordance with Section I, paragraph 1, or may be terminated 90 days after a Participant gives the other Participant written notice of its intent to end its cooperation under this Declaration, whichever event occurs first.

Signed at Rotterdam on 13 August 2003, in duplicate.

FOR THE DEPARTMENT OF
ENERGY OF THE UNITED
STATES OF AMERICA:



FOR THE MINISTRY OF
FINANCE OF THE
NETHERLANDS:

