

AGREEMENT
BETWEEN
THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF INTERIOR AND ADMINISTRATIVE REFORM OF
ROMANIA
FOR COOPERATION IN THE PREVENTION OF ILLICIT TRAFFICKING
IN NUCLEAR AND OTHER RADIOACTIVE MATERIAL

The Department of Energy of the United States of America (DOE) and the Ministry of Interior and Administrative Reform of Romania, hereinafter referred to as the "Contracting Parties";

Desiring to implement the Agreement between the Government of the United States of America and the Government of Romania Concerning Cooperation in the Area of Counterproliferation of Weapons of Mass Destruction, and the Promotion of Defense and Military Relations of March 30, 1998, as amended, hereinafter referred to as the "Counterproliferation Agreement";

Desiring to cooperate to prevent the illicit trafficking in nuclear and other radioactive material through technical and methodological cooperation, including the improvement of systems for the detection and identification of these materials at Romania's border crossing points of entry/exit;

Having regard to the obligations of Romania deriving from its membership in the European Union, beginning January 1, 2007, and as a party to the Treaty establishing the European Atomic Energy Community;

Have agreed as follows:

Article 1

1. This Agreement and all activities undertaken in accordance with this Agreement shall be subject to and governed by the provisions of the Counterproliferation Agreement. In the event of any inconsistency between this Agreement and the Counterproliferation Agreement, the provisions of the Counterproliferation Agreement shall prevail.
2. This Agreement shall be implemented by each Contracting Party consistent with the domestic laws of that Contracting Party's State and with the international agreements to which the State of the Contracting Party is a party.

Article 2

1. In order to assist Romania in preventing the proliferation of nuclear weapons and materials and exercising effective control over the illicit trafficking in nuclear and other radioactive material through improved detection and identification systems at Romania's border crossing points of entry/exit, the DOE, through its National Nuclear Security Administration, may provide assistance to the Ministry of Interior and Administrative Reform, through the General Inspectorate of Border Police (GIBP), in the form of equipment, materials, training and services, in accordance with the terms of this Agreement.
2. GIBP shall use the equipment and materials received, and the training and services provided in accordance with this Agreement, exclusively to implement effective measures to detect and identify special nuclear material and other radioactive material for the purposes specified in paragraph 1 of this Article.
3. For purposes of this Agreement:
 - "special nuclear material" means plutonium, and uranium enriched to levels of 20% or higher in the isotope U-235;
 - "other radioactive material" includes, but is not limited to, radioactive sources suitable for use in radiological dispersal devices.

Article 3

1. Each Contracting Party may, following written notification to the other Contracting Party, delegate responsibilities for the implementation of this Agreement to other ministries or agencies of its respective government.

2. Each Contracting Party may, following written notification to the other Contracting Party, designate technical liaison representatives for equipment, materials, training and services provided pursuant to this Agreement.

Article 4

1. Assistance rendered to the GIBP in the provision of equipment and materials, and in the conduct of training or rendering of services pursuant to this Agreement, may include consultations and technical aid in the following areas:
 - a. Creation and implementation of regulatory and other programs in the area of the prevention of illicit trafficking in special nuclear material and other radioactive material;
 - b. Development of technical means and methods of detection and identification of special nuclear material and other radioactive material, and response procedures and capabilities;
 - c. Delivery and installation, at border crossing points of entry/exit in Romania, of equipment and devices adapted for conditions at border crossing points of entry/exit in Romania (including testing, setup, and demonstration of the equipment and devices);
 - d. Delivery of spare parts kits, test equipment and other maintenance equipment to maintain DOE-supplied equipment and devices;
 - e. Training of Romania border guards and other personnel in the detection of special nuclear material and other radioactive material, and in the proper operation of DOE-supplied equipment;
 - f. Support for maintenance of the equipment provided by DOE, as set forth in a maintenance and sustainability plan mutually determined by the Contracting Parties;
 - g. Additional areas of cooperation as agreed by the Contracting Parties in writing.
2. The Contracting Parties may conduct technical workshops, consultations, site surveys, verification of equipment operability, and acceptance testing of DOE-supplied materials and installed equipment. By agreement of the Contracting Parties, joint working groups of technical experts may be formed to exchange technical information and to make proposals on

technical and training matters related to the effective implementation of this Agreement.

3. The GIBP shall furnish the DOE, in a format and according to a schedule mutually agreed by the Contracting Parties, data on detection or seizures of illicit special nuclear material and of other radioactive material resulting from the use of the DOE-supplied equipment, supplies and materials.
4. The terms and conditions under which assistance may be provided under this Agreement will be defined by separate contracts or other written arrangements between the Contracting Parties or their designated implementing agents. In case of any inconsistency between these contracts or arrangements and this Agreement, the provisions of this Agreement shall prevail.

Article 5

1. The GIBP or its designated implementing agents shall coordinate with other appropriate Romanian government agencies and organizations to ensure that equipment, materials, services and training provided to the GIBP under this Agreement are afforded priority processing to allow prompt engineering approvals, and equipment and materials deliveries to their ultimate destination within Romania.
2. The GIBP or its designated implementing agents shall coordinate with the appropriate Romanian government agencies and organizations to ensure that appropriate security measures are provided to protect United States Government personnel and contractors, and to protect against theft or destruction of equipment and materials at those facilities associated with work under this Agreement.

Article 6

1. The GIBP shall facilitate the inspection, by appropriate Romanian ministries and other government agencies, of all equipment and materials received under this Agreement, and submit to the DOE, within 10 days from receipt, written confirmation of the acceptability of such equipment and materials, and that they conform to the specifications made available in advance to the GIBP. The GIBP shall also confirm the arrival of such equipment and materials at their agreed destinations. The terms and conditions for repair or replacement of non-complying equipment or materials will be set forth in the contract(s) or other written arrangements under which equipment and materials are provided under this Agreement.

2. Costs for maintenance of equipment provided under this Agreement shall be borne by the GIBP or its designated implementing agents.

Article 7

In addition to the audit and examination rights set forth in Article XII of the Counterproliferation Agreement, DOE representatives shall have the right to monitor the implementation of terms of contracts and other written arrangements, and the progress of work under this Agreement, at facilities within the territory of Romania.

Article 8

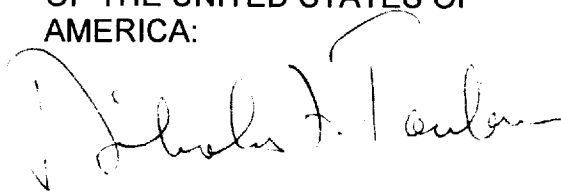
All questions regarding the interpretation or application of this Agreement shall be resolved exclusively by means of consultations between the Contracting Parties.

Article 9

1. This Agreement shall enter into force upon signature and shall remain in force for the duration of the Counterproliferation Agreement. This Agreement may be amended by written agreement of the Contracting Parties and may be terminated by either Contracting Party upon at least 90 days' prior written notification to the other Contracting Party.
2. Ongoing activities not completed at the expiration or termination of this Agreement may continue to completion under the terms of this Agreement.

DONE at Bucharest this 15th day of Sept. , 2008, in duplicate, in the English and Romanian languages, each text being equally authentic.

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



FOR THE MINISTRY OF INTERIOR
AND ADMINISTRATIVE REFORM OF
ROMANIA:

