

PRESIDÊNCIA DA REPÚBLICA

Decreto do Presidente da República n.º 14/90

de 15 de Março

O Presidente da República decreta, nos termos do artigo 138.º, alínea b), da Constituição, o seguinte:

É ratificada a Convenção sobre Protecção Física dos Materiais Nucleares, aprovada, para ratificação, pela Resolução da Assembleia da República n.º 7/90, em 4 de Janeiro de 1990.

Assinado em 23 de Fevereiro de 1990.

Publique-se.

O Presidente da República, MÁRIO SOARES.

Referendado em 5 de Março de 1990.

O Primeiro-Ministro, *Aníbal António Cavaco Silva*.

ASSEMBLEIA DA REPÚBLICA

Resolução da Assembleia da República n.º 7/90

Convenção sobre Protecção Física dos Materiais Nucleares

A Assembleia da República resolve, nos termos dos artigos 164.º, alínea j), e 169.º, n.º 5, da Constituição, aprovar, para ratificação, a Convenção sobre Protecção Física dos Materiais Nucleares, concluída em Viena a 26 de Outubro de 1979, cujo original em inglês e a respectiva tradução em português seguem em anexo.

Aprovada em 4 de Janeiro de 1990.

O Presidente da Assembleia da República, *Vitor Pereira Crespo*.

CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL

The States Parties to this Convention:

Recognizing the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy;

Convinced of the need for facilitating international co-operation in the peaceful application of nuclear energy;

Desiring to avert the potential dangers posed by the unlawful taking and use of nuclear material;

Convinced that offences relating to nuclear material are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offences;

Aware of the need for international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material;

Convinced that this Convention should facilitate the safe transfer of nuclear material;

Stressing also the importance of the physical protection of nuclear material in domestic use, storage and transport;

Recognizing the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection,

have agreed as follows:

Article 1

For the purposes of this Convention:

- a) «Nuclear material» means: plutonium, except that with isotopic concentration exceeding 80% in plutonium 238; uranium 233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;
- b) «Uranium enriched in the isotope 235 or 233» means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;
- c) «International nuclear transport» means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

Article 2

1 — This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.

2 — With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.

3 — Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

Article 3

Each State Party shall take appropriate steps, within the framework of its national law and consistent with international law, to ensure, as far as practicable, that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from that State, is protected at the levels described in annex 1.