with respect to all nuclear material in all nuclear activities within the Republic of Korea, when the recipient is the Government of the Republic of Korea or its authorized persons. Implementation of the Agreement between the Government of the Republic of Korea and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done on October 31, 1975 as supplemented by the Protocol Additional to the said Agreement, done on June 21, 1999 (hereinafter referred to as "the Safeguards Agreement for the Republic of Korea") shall be considered as fulfilling this requirement.

2. To ensure the fulfillment of the obligations arising under Article 4 of this Agreement, nuclear material transferred pursuant to this Agreement and nuclear material recovered or produced as a by-product:

while within Japan, shall be subject to the Safeguards Agreement for Japan; and

while within the Republic of Korea, shall be subject to the Safeguards Agreement for the Republic of Korea.

3. In the event that for any reason or at any time the Agency does not apply safeguards as required by paragraph 2 of this Article, the Parties shall, in view of the vital importance for nuclear material transferred pursuant to this Agreement and nuclear material recovered or produced as a by-product to remain permanently subject to safeguards, immediately enter into arrangements, which conform to safeguards principles and procedures of the Agency and provide effectiveness and coverage equivalent to that intended to be provided by the safeguards of the Agency specified in paragraph 2 of this Article.

ARTICLE 6

In implementing the provisions of this Agreement, the Parties shall ensure that the provisions of the Convention on Early Notification of a Nuclear Accident, adopted on September 26, 1986, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, adopted on September 26, 1986, the Convention on Nuclear Safety, adopted on June 17, 1994 and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done on September 5, 1997 are observed in conformity with the existing obligations of the State of each Party under the provisions of the said Conventions.

ARTICLE 7

1. In respect of nuclear material transferred pursuant to this Agreement and nuclear material recovered or produced as a by-product, the Parties shall apply measures of physical protection according to their respective criteria which bring about, as a minimum, protection at levels set out in Annex B to this Agreement.

2. In respect of international transport of nuclear material transferred pursuant to this Agreement and nuclear material recovered or produced as a by-product, the Parties shall ensure that the provisions of the Convention on the Physical Protection of Nuclear Material, opened for signature on March 3, 1980 are observed in conformity with the existing obligations of the State of each Party under the provisions of the said Convention.

ARTICLE 8

1. Nuclear material, material, equipment and technology transferred pursuant to this Agreement, equipment which the Parties agree as derived with the help of technology transferred pursuant to this Agreement and nuclear material recovered or produced as a by-product shall not be transferred or retransferred beyond the jurisdiction of the State of the receiving Party, except into the jurisdiction of the State of the supplying Party, unless the prior written consent of the supplying Party is obtained.

2. Notwithstanding paragraph 1 of this Article, after a receiving Party or its authorized person enters into such arrangements as may be necessary for activities in the field of peaceful uses of nuclear energy, including examination, alteration, reprocessing, treatment, storage and disposal of spent fuel, in a third State as may be agreed by the Parties in writing, nuclear material recovered or produced as a by-product may be transferred from the jurisdiction of the State of the receiving Party to the jurisdiction of the said third State without the prior consent of the supplying Party, in the case that notification of such transfer has been given by the receiving Party to the supplying Party and that such transferred nuclear material will be subject to an appropriate agreement for cooperation in the peaceful uses of nuclear energy applicable between the supplying Party and the Government of the said third State. Any nuclear material recovered or produced as a by-product so transferred and any nuclear material recovered or produced as a by-product derived in the said third State from such transferred nuclear material shall be subject to this Agreement upon its entry into the jurisdiction of the State of the receiving Party.