(b) with respect to all nuclear material in all nuclear activities within the Socialist Republic of Viet Nam, when the recipient is the Government of the Socialist Republic of Viet Nam or its authorized persons. Implementation of the Agreement between the Socialist Republic of Viet Nam 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 February 23, 1990 as supplemented by the Protocol additional to the said Agreement, done on August 10, 2007 upon its entry into force (hereinafter referred to as "the Safeguards Agreement for the Socialist Republic of Viet Nam") shall be considered as fulfilling this requirement.

ARTICLE 4

1. Cooperation under this Agreement shall be carried out only for peaceful and non-explosive purposes.

2. Nuclear material, material, equipment and technology transferred pursuant to this Agreement, equipment based on technology and nuclear material recovered or produced as a by-product shall not be used other than for peaceful purposes; nor shall they be used for any nuclear explosive device, for research on or for development of any such device.

ARTICLE 5

1. 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:

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

(b) while within the Socialist Republic of Viet Nam, shall be subject to the Safeguards Agreement for the Socialist Republic of Viet Nam.

2. In the event that for any reason the Agency does not apply safeguards as required by paragraph 1 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, forthwith consult to take rectifying measures and, in the absence of such rectifying measures, shall forthwith 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 1 of this Article.

ARTICLE 6

1. In implementing the provisions of this Agreement, Japan and the Socialist Republic of Viet Nam shall act in conformity with 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 and the Convention on Nuclear Safety, adopted on June 17, 1994.

2. In respect of facilities in which nuclear material, material, equipment or technology subject to this Agreement is located or used, the Parties may make mutually satisfactory arrangements for the implementation of measures to ensure the safety of such facilities.

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 of nuclear material recovered or produced as a by-product, Japan and the Socialist Republic of Viet Nam shall act in conformity with the provisions of the Convention on the Physical Protection of Nuclear Material, opened for signature on March 3, 1980.