ARTICLE 10

Nuclear material, non-nuclear 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 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.

ARTICLE 11

1. Enrichment may be carried out up to less than twenty percent in the isotope 235 of uranium transferred pursuant to this Agreement, as well as uranium used in or produced through the use of equipment transferred pursuant to this Agreement. Enrichment of twenty percent and above in the isotope 235 of uranium transferred pursuant to this Agreement, as well as uranium used in or produced through the use of equipment transferred pursuant to this Agreement may be carried out only when the written consent of the supplying Party has been obtained.

2. Nuclear material transferred pursuant to this Agreement and nuclear material recovered or produced as a by-product may be reprocessed within the jurisdiction of the Republic of India in accordance with the provisions of Annex B to this Agreement.

3. The provisions of paragraph 2 of this Article shall only apply:

(a) as long as the Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities, done on February 2, 2009 as supplemented by the Protocol Additional to the said Agreement, done on May 15, 2009, where applicable, is in force for the Republic of India;

(b) where any special fissionable material that may be separated thereby is stored or used only for the purpose of producing nuclear fuel for facilities in the Republic of India under safeguards by the Agency to implement the Republic of India's planned nuclear energy programme for peaceful purposes; and

(c) as long as the modalities described in Annex B to this Agreement continue to apply.

ARTICLE 12

1. Cooperation with regard to transfer of nuclear material, non-nuclear material, equipment and technology between the Parties or their authorised persons referred to in Article 2 of this Agreement shall be implemented in accordance with the provisions of this Agreement and may be implemented through specific written arrangements, in any form,. between the Parties or their authorised persons. These written arrangements may take the form of scientific and technical exchanges, memoranda or contracts signed by the authorised persons of the Parties.

2. Transfer of nuclear material, non-nuclear material, equipment, and technology pursuant to this Agreement may be undertaken directly between the Parties or through their authorised persons. Nuclear material, non-nuclear material, equipment and technology so transferred, whether directly or through a third State, shall become subject to this Agreement upon their entry into the jurisdiction of the State of the receiving Party, only if the supplying Party has notified the receiving Party in writing and in advance of the intended transfer. Prior to the notified transfer of such nuclear material, non-nuclear material, equipment or technology, the supplying Party shall obtain from the receiving Party a written confirmation that the transferred nuclear material, non-nuclear material, equipment or technology will be held subject to this Agreement and that the proposed recipient, if other than the receiving Party, will be an authorised person of the receiving Party.

3. Nuclear material, non-nuclear material, equipment and technology transferred pursuant to this Agreement, equipment based on technology and nuclear material recovered or produced as a by-product shall no longer be subject to this Agreement if:

(a) in the case of nuclear material, it has been determined by the Agency, in accordance with the provisions for the termination of safeguards in the relevant agreement referred to in paragraph 1 of Article 4 of this Agreement, that the nuclear material has been consumed or diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of Agency safeguards, or has become practicably irrecoverable;