

## **“Frequently Asked Questions (FAQ) about the NSG” - NSG FAQ**

### **What is the NSG?**

The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries (“NSG Participating Governments”) that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of guidelines for their nuclear exports and nuclear-related exports.

### **What is an NSG participant?**

This term is interchangeable with “NSG Participating Government” (PG), i.e. a government that participates in the NSG. Since the NSG is not a treaty-based organisation, the use of “member” or “Member State” is not used in the NSG.

### **Who participates in the NSG?**

There are currently 48 PGs of the NSG. The year of participation is in brackets.

<b>Argentina</b> (1994)	<b>Cyprus</b> (2000)	<b>Ireland</b> (1984)	<b>New Zealand</b> (1994)	<b>South Africa</b> (1995)
<b>Australia</b> (1978)	<b>Czech Republic</b> (1978*)	<b>Italy</b> (1978)	<b>Norway</b> (1989)	<b>Spain</b> (1988)
<b>Austria</b> (1991)	<b>Denmark</b> (1984)	<b>Japan</b> (1974)	<b>Poland</b> (1978)	<b>Sweden</b> (1978)
<b>Belarus</b> (2000)	<b>Estonia</b> (2004)	<b>Kazakhstan</b> (2002)	<b>Portugal</b> (1986)	<b>Switzerland</b> (1978)
<b>Belgium</b> (1978)	<b>Finland</b> (1980)	<b>Latvia</b> (1997)	<b>Romania</b> (1990)	<b>Turkey</b> (2000)
<b>Brazil</b> (1996)	<b>France</b> (1974)	<b>Lithuania</b> (2004)	<b>Rep. of Korea</b> (1995)	<b>Ukraine</b> (1996)
<b>Bulgaria</b> (1984)	<b>Germany</b> (1974)	<b>Luxembourg</b> (1984)	<b>Russia</b> (1974)	<b>U.K.</b> (1974)
<b>Canada</b> (1974)	<b>Greece</b> (1984)	<b>Malta</b> (2004)	<b>Serbia</b> (2013)	<b>U.S.</b> (1974)
<b>China</b> (2004)	<b>Hungary</b> (1985)	<b>Mexico</b> (2012)	<b>Slovakia</b> (1978*)	
<b>Croatia</b> (2005)	<b>Iceland</b> (2009)	<b>Netherlands</b> (1978)	<b>Slovenia</b> (2000)	

(\* Czechoslovakia separated into the Czech Republic and Slovakia – participation date 5 Mar 1993)

The European Commission and the Chair of the Zangger Committee participate as observers.

### **Why was the NSG created? What are its origins?**

Shortly after entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1970, multilateral consultations on nuclear export controls to reach common understandings on how to implement Article III.2 of the NPT led to the establishment of two separate mechanisms for dealing with nuclear exports: the Zangger Committee in 1971 and what has become known as the Nuclear Suppliers Group in 1975. The Zangger Committee established the original Trigger List and three conditions of supply: (1) a non-explosive use assurance, (2) an International Atomic Energy Agency (IAEA) safeguards requirement, and (3) a re-transfer provision that requires the receiving state to apply the same conditions when re-exporting these items.

The NSG, known originally as the “London Club,” convened a series of meetings to facilitate a consistent interpretation of the obligations arising from that Article among major suppliers in and outside of the NPT, following the explosion in 1974 of a nuclear device by a non-nuclear-weapon State, an event which demonstrated that nuclear technology transferred for peaceful purposes could be misused. The NSG elaborated on the three original conditions of supply with the Part 1 Guidelines and adopted the original Zangger Committee’s Trigger List as an annex to the

Guidelines. As a part of NSG outreach, the group maintains a public document entitled “The Nuclear Suppliers Group: Its Origins, Role, and Activities”, which it updates periodically for publication by the IAEA as INFCIRC 539.

### **What are the NSG Guidelines?**

The first NSG Guidelines were published in 1978 by the IAEA as an Information Circular INFCIRC/254 (subsequently amended) to apply to nuclear transfers to non-nuclear weapons states for peaceful purposes to help ensure that such transfers would not be diverted to unsafeguarded nuclear fuel cycle or nuclear explosive activities. Between 1978 and 1991, the NSG Guidelines and Technical Annexes remained in place, but the Group did not meet regularly. Since 1991, the NSG has met regularly. In 1992, the NSG adopted the Part 2 Guidelines, published the same year by the IAEA as an Information Circular INFCIRC/254 Part 2, to apply to nuclear-related transfers for peaceful purposes

The NSG Guidelines are sets of conditions of supply that are applied to nuclear transfers for peaceful purposes to help ensure that such transfers will not be diverted to unsafeguarded nuclear fuel cycle or nuclear explosive activities. Although NSG Guidelines are not legally-binding, NSG PGs commit to apply those Guidelines via their national legislation.

The aim of the NSG Guidelines is to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices, and that international trade and cooperation in the nuclear field is not hindered unjustly in the process.

### **Does the NSG ever review or update its Guidelines?**

Yes, the NSG meets regularly to review the NSG Part 1 and Part 2 Guidelines, and their technical annexes. The Guidelines are published by the IAEA as Information Circulars (INFCIRC/254 Part 1 and Part 2).

### **What is the difference between the Part 1 and Part 2 Guidelines?**

The NSG Part 1 Guidelines govern the export of items that are especially designed or prepared for nuclear use. These include: (i) nuclear material; (ii) nuclear reactors and equipment therefor; (iii) non-nuclear material for reactors; (iv) plants and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production; and (v) technology (including software) associated with each of the above items. These items are known as Trigger List Items as the transfer of an item triggers safeguards.

The NSG Part 2 Guidelines govern the export of nuclear-related dual-use items and technologies, that is, items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity; but that have non-nuclear uses as well, for example in industry. These items are known as Dual-Use Items.

### **Why were the NSG Part 2 Guidelines created?**

The NSG Part 2 Guidelines for transfers of nuclear-related dual-use equipment, material and technology (also known as the ‘Dual-Use Guidelines’) were created by NSG participants between 1991 and 1992 after it became apparent that export control provisions then in force had not prevented one state party to the NPT from pursuing a clandestine nuclear weapons programme, which later prompted United Nations (UN) Security Council action. A large part of this clandestine nuclear weapons programme effort had been to acquire dual-use items not covered by the NSG Guidelines and then use these items to build Trigger List items.

By developing the NSG Part 2 Guidelines, the NSG further demonstrated its commitment to nuclear non-proliferation by ensuring that dual-use items were controlled to ensure their non-explosive use. These items would, however, continue to be available for peaceful nuclear activities that are subject to IAEA safeguards, as well as for other industrial activities where they would not contribute to nuclear proliferation. The Dual-Use Guidelines were published as

Part 2 of the IAEA's Information Circular INFCIRC/254 in 1992, and the original Guidelines published in 1978 became Part 1 of INFCIRC/254.

### **How does the NSG achieve its aims through the Guidelines?**

In the NSG Part 1 Guidelines, formal government assurances are required between the exporting and importing governments to assure that the nuclear transfer is for peaceful purposes and will not contribute to the proliferation of nuclear weapons or other nuclear explosive devices. The importing government also has to provide assurance that it will not re-transfer items, material or technology that it has received to a third government without the exporting government's prior consent. There is also a requirement for physical protection measures, and an agreement to exercise particular caution in the transfer of sensitive facilities (i.e. enrichment and reprocessing facilities and equipment and technology therefor), technology and material usable for nuclear weapons or other nuclear explosive devices.

### **Are there provisions to control items that are not listed on the control lists?**

Yes. The 2004 NSG Plenary (Göteborg) adopted a mechanism in the NSG Part 2 Guidelines that NSG participants should ensure that their national legislation requires an authorisation for the transfer of items not listed in the Dual-Use Annex if the items in question are or may be intended, in their entirety or in part, for use in connection with a "nuclear explosive activity". NSG Participants implement such an authorisation requirement in accordance with their domestic licensing practices and are encouraged to share information on "catch-all" denials.

### **What have the NSG Guidelines achieved?**

The NSG Guidelines have significantly strengthened international solidarity in the field of transfers of nuclear material, equipment, and technology, by creating a high watermark for the transfer of such sensitive goods. The NSG's activities reflect the non-proliferation and peaceful nuclear cooperation objectives that NSG participants share with all State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and parties to other international legally binding non-proliferation instruments. Controls on the transfer of items and technologies listed on the NSG Control Lists provide essential support for the implementation of these treaties and for the continuation and development of peaceful nuclear cooperation, thus also facilitating the safe expansion of access to the peaceful uses of nuclear energy consistent with the highest non-proliferation standards.

### **What is a "control list"?**

A "control list" or an "export control list" is a list of sensitive items that are subject to export controls by national authorities. If listed items are misused, they could contribute to a nuclear weapons programme. The NSG Guidelines are supplemented by two control lists also called "Technical Annexes": The Trigger List (annexed to the Part 1 Guidelines) and the Dual-Use List (annexed to the Part 2 Guidelines).

### **What is the Trigger List?**

The Trigger List is a control list and technical annex to the NSG Part 1 Guidelines, listing the specific types of material and equipment to which the conditions of supply described in the NSG Part 1 Guidelines apply. 'Trigger List' items "trigger" a requirement for IAEA safeguards in the country of destination. The Trigger List covers fuel cycle items, technology and software.

### **What is the NSG's rationale for adding items to the Trigger List?**

The guiding question for listing items is "do the items meet the 'especially designed or prepared' (EDP) criteria for the processing, use, or production of special fissionable material?". The EDP term originates from Article III.2 of the NPT. The Trigger List covers EDP equipment, components, materials, subsystems and facilities for processing, use and production of special fissionable material.

### **What is the Dual-Use List?**

The Dual-Use List covers both nuclear fuel cycle activities and weaponization. Items listed on the list have both nuclear and non-nuclear applications and could make a significant contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity. The Dual-Use List is a definitive list in which entries for the controls are described with a degree of technical detail and narrowly worded to cover only those items that are “significant” and “controllable.”

### **What is the NSG’s rationale for adding items to the Dual-Use List?**

When the NSG meets to deliberate the addition of specific dual-use items and technologies and set their parameters, the guiding questions which inform discussions are “have proliferators actually sought these items?”, “can the items be controlled?” and “is it feasible/useful to control them?”. Discussions, in order to set parameters, will touch upon issues such as the proliferation risks associated to an item, its technical characteristics, other applications it may have, availability, number of possible suppliers, magnitude of non-nuclear usage and quantities needed. The results of these discussion lead the NSG to decide whether it is feasible to set controls, whether controls will have a significant effect, and whether alternative technical paths should also be controlled.

### **How do the NSG participants pursue the NSG’s aims?**

NSG participants pursue the aims of the NSG through the implementation of the NSG Guidelines, including their conditions of supply in their respective national laws and the implementation of the technical annexes or control lists in their domestic regulations. NSG Participants also pursue the aims of the NSG through exchanges of information on relevant national export licensing decisions and other national measures as well as on developments of nuclear proliferation concern.

### **Is the NSG a Group that denies or approves exports?**

No. The NSG Guidelines are implemented by each NSG participant in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements. This is the prerogative and right of all States that are party to the NPT for all export decisions in any field of commercial activity and is also in line with the text of Article III.2 of the NPT, which refers to “each State Party,” and thus emphasises the sovereign obligation of any party to the Treaty to exercise proper export controls.

The NSG does not have a mechanism for limiting supply and does not take collective decisions on licence applications as a group. NSG participants meet regularly to exchange information on issues of nuclear proliferation concern and how they may impact national export control policy and practice.

### **How does the NSG fit in the non-proliferation regime?**

The NSG establishes rigorous conditions of supply for nuclear and nuclear-related dual-use exports, in the context of the further development of the applications of nuclear energy for peaceful purposes. The NSG comprises major suppliers of nuclear and nuclear-related dual use goods, all of whom commit to uphold these high non-proliferation standards for transfers. The NSG seeks to strengthen the non-proliferation regime, with the NPT as its legal foundation, through implementing calls on States Parties by successive NPT Review Conferences, to “ensure that their exports of nuclear-related dual-use items to States not party to the Treaty do not assist any nuclear weapons programme,” and “to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls.”

The NSG Guidelines also contain the so-called “Non-Proliferation Principle,” adopted in 1994, whereby a transfer, notwithstanding other provisions in the NSG Guidelines, is only authorised when the exporting country has been satisfied that the transfer would not contribute to the proliferation of nuclear weapons. The Non-Proliferation Principle seeks to cover the rare but important cases where adherence to the NPT or to a Nuclear Weapon Free Zone Treaty may

not by itself be a guarantee that a State Party will consistently share the objectives of the Treaty or that it will remain in compliance with its Treaty obligations.

The NSG Guidelines are consistent with, and complement, the various international, legally binding instruments in the field of nuclear non-proliferation. There is also close interdependence between the controls in the NSG Part 1 Guidelines and the effective implementation of comprehensive IAEA safeguards.

### **What is the link between the NSG and the United Nations?**

There is no formal link, but the NSG's activities contribute to the efforts of the United Nations in the field of non-proliferation and export controls. For example, the implementation of the NSG Guidelines and Annexes at the national level contribute to the fulfilment of national obligations under United Nations Security Council Resolution 1540.

### **What is the link between the NSG and the IAEA?**

There is no formal link but there is close interdependence between the controls in Part 1 of the Guidelines and the effective implementation of comprehensive IAEA safeguards. The NSG supports fully international efforts to strengthen safeguards to detect undeclared activities as well as to monitor declared nuclear activities to ensure that they continue to meet vital nuclear non-proliferation requirements and to provide the assurances needed for the continuation of international nuclear trade. A full-scope safeguards agreement with the IAEA is an NSG condition for the future supply of Trigger List items to any non-nuclear-weapon State.

### **How does the NSG facilitate nuclear trade for peaceful purposes?**

The NSG Guidelines facilitate the development of trade in this area by providing the means whereby obligations to facilitate peaceful nuclear cooperation can be implemented in a manner consistent with international nuclear non-proliferation norms. The NSG urges all governments to adhere to the Guidelines.

The NSG Guidelines introduce a degree of order and predictability among countries who are suppliers of listed items and harmonise standards and interpretations of suppliers' undertakings with the aim of ensuring that the normal process of commercial competition does not lead to outcomes that further the proliferation of nuclear weapons. Consultations among NSG participants are also designed to ensure that any possible impediments to international nuclear trade and cooperation are kept to a minimum.

### **Do the NSG Guidelines impede legitimate nuclear trade?**

No. Contrary to fears that the NSG Guidelines act as an impediment to the transfer of nuclear materials and equipment, they have in fact facilitated the development of such trade. For some time now, nuclear supply arrangements, or nuclear cooperation agreements, that serve as the legal foundation for nuclear transfers have incorporated NSG conditions of supply. The NSG commitments, when woven into the supply arrangements with a basis in respective national laws, provide governments with legitimate and defensible arguments that such arrangements diminish proliferation risk. In this manner, non-proliferation and trade purposes are mutually reinforcing.

### **Are the NSG Guidelines discriminatory?**

No. The NSG Guidelines are applied both to NSG participants and non-NSG participants. Most NSG participants are major importers of nuclear items. Accordingly, they are required to provide the same assurances for nuclear transfers as non-NSG participants in accordance with the Guidelines. As practiced by NSG participants, export controls operate on the basis that cooperation is the principle and restrictions are the exception. Almost all refusals by NSG participants of applications for export licenses have concerned countries with unsafeguarded nuclear programmes.

### **What obligations do NSG participants have?**

The NSG is a voluntary, non-legally binding export control regime. NSG participants implement the Guidelines in accordance with their national laws and practices and commit to rigorous conditions of supply. In harmonizing their national law and domestic regulations with the NSG, participants are expected to act responsibly and practice restraint with regard to exports of items that could contribute to the proliferation of nuclear weapons. NSG participants also are expected to control all exports of equipment and technology listed in the NSG Trigger List and Dual-Use List Annexes. As decisions are made on a consensus basis, participants are expected to abide by all consensus decisions of the NSG.

### **What is the structure of the NSG?**

The NSG has two standing bodies that report to the Plenary. These are the Consultative Group (CG) and the Information Exchange Meeting (IEM) with Chairs that have a one-year renewable term of office.

The CG is tasked to hold consultations on issues associated with the Guidelines on nuclear supply and the technical annexes. The IEM precedes the NSG Plenary and provides another opportunity for NSG participants to share information and developments of relevance to the objectives and content of the NSG Guidelines. Under the mandate of information exchange, the Licensing and Enforcement Experts Meeting (LEEM) discusses issues relating to effective licensing and enforcement practices. The LEEM reports the results of its discussions through the IEM Chair at the Plenary meeting.

At the conclusion of a 3-year fundamental review, launched at the 2010 NSG Plenary meeting, of the Part 1 and Part 2 Control Lists, the 2013 NSG Plenary agreed to establish a Technical Experts Group (TEG), which, at the request of the CG, is tasked with ensuring that the NSG control lists are complete and up-to-date with technical advancements. The TEG meets to discuss and make recommendations to the CG on all technical questions referred to it by the CG, and on an as needed basis by the CG.

### **How often does the NSG meet?**

The plenary meeting, the IEM and LEEM are convened once a year. The TEG meets twice a year, the CG meets three times a year. There can also be exceptional meetings, both formal or informal.

### **How do NSG participants agree on decisions?**

The NSG takes decisions by consensus.

### **How do participants decide who Chairs the NSG?**

The NSG Chair rotates on an *ad hoc* basis, usually annually, and has overall responsibility for coordination of work and outreach activities. Any participant is free to indicate its interest to chair the NSG and a decision is then reached by consensus. The 'Troika', an informal arrangement, composed of the past, current and future NSG Chairs, contributes to outreach activities and to continuity.

### **How do NSG participants exchange information?**

NSG participants exchange information in writing on an intersessional basis, and report regularly in the Consultative Group, the Information Exchange Meeting, and to the Plenary. Information exchange includes notifications of export denials that have been issued as a result of national decisions not to authorise transfers of dual-use equipment or technology. This information exchange ensures that NSG participants do not approve transfers of such items without first consulting with the government that issued the notification.

### **Is the NSG a Treaty Based Organisation?**

No. The NSG is a voluntary, non-legally binding association of major supplier governments. It was not created by a treaty. The NSG Guidelines set forth conditions of supply to establish

a baseline of responsible and safe supply behaviour among suppliers in nuclear and nuclear-related transfers. NSG participants commit to implement the guidelines on a national basis. Taking a supply side approach, the NSG supports international nuclear non-proliferation efforts and in particular Article III.2 of the NPT.

### **Is the NSG a Formal Intergovernmental Organisation?**

No. The NSG does not have a formal secretariat or a general budget. The organisational functions are carried out on a voluntary basis by a number of NSG participants. Japan, through its Permanent Mission to the International Organisations based in Vienna, acts as the Point of Contact (POC), carrying out a practical support function. The POC receives and distributes NSG documents, maintains the official record, notifies meeting schedules and provides logistical and practical assistance to the NSG Plenary, the CG and IEM Chairs and the Chairs of the TEG, LEEM and any working groups that may have been established by the Plenary.

The United States is responsible for the NSG Information Sharing System (NISS), while Germany, through its Federal Office for Economic Affairs and Export Control, is responsible for hosting the NSG public website, supported technically by the European Commission's Joint Research Centre in Ispra, Italy.

### **What is NSG Outreach?**

Outreach is conducted by the NSG Chair on behalf of the NSG, in response to the interest shown by individual non-participating governments, transit and trans-shipment countries, multilateral and regional fora, other export control regimes, and industry. A series of contacts have taken place to inform these "outreach partners" about the NSG's activities, as well as to encourage non-participating governments to adhere to the Guidelines.

Visits, meetings and/or regular briefings are organised with outreach partners to this end. These outreach activities also provide an opportunity for outreach partners to brief the NSG on nuclear non-proliferation and nuclear export controls issues, national export control systems and seek any advice or assistance from NSG participants. The NSG Plenary can also mandate the Chair to conduct outreach activities with specific governments.

### **What is the aim of NSG Outreach?**

The aims of the outreach activities are to promote both adherence to the NSG Guidelines and a greater understanding the role, mission and work of the NSG. The NSG is prepared to support efforts by non-participating governments to adhere to and implement the Guidelines through its outreach activities. Outreach facilitates an open dialogue on issues of common interest and concern related to nuclear non-proliferation and nuclear export controls.

### **Can a government adhere to the NSG Guidelines without becoming an NSG Participant?**

Yes. Governments may choose unilaterally to adhere to the Guidelines without taking the step of applying to become an NSG Participating Government.

### **How can a government adhere to the NSG Guidelines?**

In the interest of international peace and security, the adherence of all states to the Guidelines would be welcome. Adherence is a unilateral action whereby a government makes a commitment to implement the NSG Guidelines on a national basis. Adherence to the NSG Guidelines is accomplished by sending an official communication to the Director General of the IAEA stating that the government will act in accordance with the Guidelines for the Export of Nuclear Material, Equipment and Technology, and the Guidelines for Transfers of Nuclear Related Dual-Use Equipment, Materials, Software and Related Technology (respectively comprising IAEA publications INFCIRC/254/Part 1 as amended and INFCIRC/254/Part 2 as amended, including their Annexes). This communication is to be intended for publication in

the INFCIRC series. The NSG Chair has a formal mandate to regularly communicate with governments that have adhered to the Guidelines on updates to the Guidelines and Lists to support their continued adherence.

### **How does a government express its interest in becoming an NSG Participant?**

If a government is interested in participating in the NSG, it should contact the NSG Chair, either directly or via the POC. For information on the application procedure (see the 'Participants' section in the main menu).

### **Why adhere to the NSG Guidelines?**

Adherence to the NSG Guidelines is a visible commitment by a government to a common international effort to implementing the international standard for responsible non-proliferation and supplier behaviour.

Applying the NSG Guidelines and Annexes on a national basis helps governments to meet their export control obligations under United Nations Security Council Resolution 1540.

### **Where does the NSG logo come from?**

The NSG was presented by the City of Florence on the occasion of its hosting of the 1999 NSG Plenary with the rights to use one of Michelangelo's Campidoglio pattern. Michelangelo's design was used to bring harmony and order to the irregularly-shaped Capitoline hilltop. For the NSG it symbolizes NSG Participating Governments' continuing effort to bring order to a sometimes uneven export control system and non-proliferation landscape. More details can be found [here](#).