

No. 20356

**SPAIN
and
PORTUGAL**

Agreement on co-operation in respect of the safety of nuclear installations located in areas near the border between Spain and Portugal. Signed at Lisbon on 31 March 1980

Authentic texts: Spanish and Portuguese.

Registered by Spain on 19 August 1981.

**ESPAGNE
et
PORTUGAL**

Accord de coopération en ce qui concerne la sécurité des installations nucléaires situées dans les zones frontalières hispano-portugaises. Signé à Lisbonne le 31 mars 1980

Textes authentiques : espagnol et portugais.

Enregistré par l'Espagne le 19 août 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON CO-OPERATION IN RESPECT OF THE SAFETY OF NUCLEAR INSTALLATIONS LOCATED IN AREAS NEAR THE BORDER BETWEEN SPAIN AND PORTUGAL

The Governments of Spain and Portugal, desiring to extend the co-operation already existing between the two countries in the field of nuclear energy to other matters of mutual interest, such as questions relating to the nuclear safety installations in the border area and to the exchange of information on the nuclear safety and radiological protection of installations in one territory which may produce effects in the other, have agreed as follows:

Article 1. For the purposes of this Agreement, the following definitions have been established:

(a) "Nuclear installations" shall mean:

Reactors, except those which are part of a means of transport; factories that prepare or manufacture nuclear substances; factories that separate isotopes of nuclear fuel; factories that process irradiated nuclear fuel; installations for the storage of nuclear substances, other than those being stored while in transit, unless such installations are likely to have a negligible effect in terms of nuclear safety and radiological protection in the neighbouring country, or at least are so considered by the constructing country;

(b) "Nuclear installations in the border area" shall mean:

Those installations that are situated at a distance of less than 30 kilometres from the border line between the two countries, or any other distance which is determined internationally and accepted by both parties;

(c) "Competent authorities" shall mean:

Those specifically empowered, in each of the two countries, to grant authorizations for the siting, construction and operation of nuclear installations.

Article 2. The competent authorities of the constructing country shall notify those of the neighbouring country of any requests submitted to them for authorization for the siting, construction or operation of nuclear installations in the border area, without such notification affecting the existing relationship between the applicant for the authorization and the competent authorities of the constructing country.

Article 3. The competent authorities of the constructing country shall accompany the notification with documentation concerning the nuclear safety and radiological protection of the installation for which authorization is requested, in sufficient time to permit any comments and observations of the neighbouring country to be taken into account by the competent authorities of the constructing country before the relevant decision is taken. The competent authorities of the neighbouring country shall for their part examine without delay the documentation received.

¹ Came into force on 13 July 1981 by the exchange of the instruments of ratification, which took place at Lisbon, in accordance with article 12.

Article 4. The competent authorities of the neighbouring country shall provide in due time any information requested of them by the constructing country which is necessary for the evaluation of the siting, construction or operation of the installation, both while the authorization is pending and during the operation of the installation. The expenditure incurred by the neighbouring country for the submission of such information shall be reimbursed by the constructing country in accordance with the same criteria that are applied in its territory.

Article 5. The competent authorities of the two countries shall undertake to establish in their territories the systems necessary for detecting signs of a radiation emergency and to notify each other in cases where an emergency might have repercussions in the other country.

Article 6. If the competent authorities of either country have valid grounds for a complaint regarding questions of nuclear safety and radiological protection, negotiations shall immediately be initiated between such authorities and the competent authorities of the neighbouring country.

The competent authorities of the two countries shall endeavour to conclude the said negotiations as quickly as possible.

Article 7. The competent authorities of the two countries shall undertake to observe the restrictions imposed by either Party with respect to the confidentiality of reports and documents submitted concerning devices, technical processes, conditions of operation and commercial relations.

Article 8. The Governments of the two countries shall take the necessary measures to establish contingency procedures for the crossing of the border by duly accredited agents in an emergency.

Article 9. Independently of the aforementioned obligations, the competent authorities of the constructing country shall keep the competent authorities of the neighbouring country informed of serious incidents in other nuclear installations which might affect its territory.

Article 10. Civil liability for nuclear damage shall be governed by the provisions of the conventions on civil liability in the field of nuclear energy which are in force and have been ratified by both countries.

Article 11. For the purpose of implementing this Agreement, a Standing Technical Commission of not more than eight members shall be established, composed of an equal number of specialists designated by the competent authorities of the countries.

The Standing Technical Commission shall meet alternately in Lisbon and Madrid at least once a year, and in extraordinary session, when justified, on the initiative of either country at a place to be decided by mutual agreement.

Article 12. This Agreement shall enter into force on the date of the exchange of instruments of ratification.

Article 13. This Agreement shall be valid for a period of ten years, and shall be renewed by tacit agreement for periods of five years, unless one of the countries gives the other one year's notice of its intention to terminate it.

Article 14. This Agreement may be denounced by either country, but the denunciation shall not take effect until one year after its date.

IN WITNESS WHEREOF, the representatives of the Spanish Government and the Portuguese Government, being duly authorized thereto, have signed this Agreement.

DONE at Lisbon on 31 March 1980, in duplicate in the Spanish and Portuguese languages, both texts being equally authentic.

For the Government of Spain:

[Signed]

MARCELINO OREJA AGUIRRE

For the Government of Portugal:

[Signed]

DIEGO FREITAS DO AMARAL