

**FRANCE**  
**and**  
**REPUBLIC OF KOREA**

**Agreement concerning the peaceful uses of nuclear energy (with annex, exchange of letters and related letters). Signed at Seoul on 4 April 1981**

*Authentic texts: French and Korean.*

*Registered by France on 12 April 1983.*

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**FRANCE**  
**et**  
**RÉPUBLIQUE DE CORÉE**

**Accord relatif aux usages pacifiques de l'énergie nucléaire (avec annexe, échange de lettres et lettres connexes). Signé à Séoul le 4 avril 1981**

*Textes authentiques : français et coréen.*

*Enregistré par la France le 12 avril 1983.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF KOREA CONCERNING THE PEACEFUL USES OF NUCLEAR ENERGY

The Government of the French Republic and the Government of the Republic of Korea, hereinafter referred to as the Contracting Parties,

Confirming their desire to develop and enhance co-operation between them in the peaceful utilization of nuclear energy in the areas of research, development and industrial application,

Considering the importance that they attach to the utilization of nuclear energy solely for peaceful purposes,

Referring to the Agreement for the application of safeguards signed jointly by them with IAEA on 22 September 1975,<sup>2</sup>

Confirming their willingness to implement any new international convention concerning the peaceful uses of nuclear energy formulated in the future to which the two Contracting Parties accede,

Have agreed on the following provisions:

*Article I.* The Contracting Parties undertake, under their respective programmes, to develop and enhance co-operation between them in the peaceful uses of nuclear energy in the areas of research, development and industrial applications.

*Article II.* 1. In implementation of the provisions of article I above, the Contracting Parties undertake to facilitate:

- The conclusion of special agreements between the competent authorities of the two Contracting Parties or any agency designated by the said authorities; and
- The conclusion of contracts relating to industrial projects and the supply of materials, nuclear materials, equipment, facilities and technical information.

2. The Contracting Parties may establish joint co-ordinating committees of the competent authorities for the effective implementation of this Agreement.

*Article III.* The purpose of the agreements provided for in article II shall be, in particular:

- To identify programmes of common interest;
- To make arrangements for the exchange of scientific and technical documentation between the two countries;
- To specify the terms and conditions for the exchange of personnel, the organization of visits by scientists and meetings of experts, and receiving trainees.

*Article IV.* The purpose of the contracts provided for in article II above shall be, in particular:

<sup>1</sup> Came into force on 4 April 1981 by signature, in accordance with article XV.

<sup>2</sup> United Nations, *Treaty Series*, vol. 996, p. 219.

- To establish the terms and conditions for the operations to be carried out by enterprises and agencies subject to the jurisdiction of one Contracting Party for the benefit of the other Party;
- To determine conditions for the provision of advice and assistance by one Contracting Party to the other;
- To specify conditions governing the supply by one Contracting Party to the other of materials, nuclear materials, equipment and facilities for, and technical information on, the peaceful uses of nuclear energy.

*Article V. The Contracting Parties:*

- (a) Undertake to guarantee the security and preserve the confidentiality of technical data and information exchanged directly between them; to that end they undertake not to communicate the documents and information in question to any third party, whether public or private, without obtaining the prior written authorization of the Party which furnished the documents or information;
- (b) May only transmit to each other or supply each other with the information, documents or equipment of which they are free to dispose;
- (c) Are not under any obligation to transmit to each other or supply each other with information, documents or equipment of a confidential nature the transmission or supply of which has not been provided for under the agreements or contracts referred to in articles II, III and IV above.

*Article VI.* The Contracting Parties shall endeavour to facilitate by all administrative measures which it is within their power to take, especially fiscal and/or customs measures, the satisfactory implementation of this Agreement, and of the conventions, protocols and contracts referred to in articles II, III and IV above.

*Article VII.* The Contracting Parties shall settle by means of special agreements, as appropriate, any matters pertaining to expenses and other expenditures which may result from the implementation of this Agreement.

*Article VIII.* 1. The Government of the Republic of Korea undertakes that the following items shall not be used for the manufacture of nuclear weapons or to further any other military purpose or for the manufacture of any other nuclear explosive device:

- (a) Nuclear material and facilities, specified equipment and material supplied by the French Republic;
- (b) Nuclear facilities and specified equipment designed, constructed or operated on the basis of or by the use of specified information supplied by the French Republic;
- (c) Special fissionable or other nuclear material, including subsequent generations of special fissionable material which has been produced, processed or used on the basis of or by the use of any item referred to in subparagraphs (a) and (b) above or any specified information supplied by the French Republic.

2. The Government of the French Republic undertakes that any special fissionable material produced, as referred to in paragraph 1, which is returned to the French Republic shall not be used for the manufacture of nuclear weapons or to further any other military purpose or for the manufacture of any other nuclear explosive device.

3. Each Contracting Party accordingly agrees that the items referred to in paragraphs 1 and 2 above shall be subject to IAEA safeguards.

*Article IX.* 1. Each of the two Contracting Parties shall ensure that the items referred to in article VIII above shall, while under its jurisdiction, be entrusted to the possession of only those persons authorized by the Contracting Party.

2. Each of the two Contracting Parties shall take, both within its territory and in the case of transport outside its metropolitan territory, the measures necessary to ensure the physical protection of the specified materials, nuclear materials, specified equipment and nuclear facilities which are covered by this Agreement.

3. With respect to the nuclear materials which are covered by this Agreement, the Contracting Parties undertake to maintain the levels of physical protection established by the document annexed thereto.

*Article X.* Each Contracting Party undertakes that:

1. Specified materials, nuclear materials, specified equipment, nuclear facilities and specified information transferred from one to the other,
2. Specified materials, nuclear materials, specified equipment, nuclear facilities and specified information obtained from or through the use of the items referred to in the preceding paragraph, including all subsequent generations of special fissionable material recovered or obtained as by-products,

shall not be transferred outside its jurisdiction unless it has previously obtained from the Party receiving such items the same safeguards as those provided for under the Agreement of 22 September 1975 between the Government of the French Republic, the Government of the Republic of Korea and the International Atomic Energy Agency under this Agreement.

*Article XI.* 1. Any transfer between the Contracting Parties of specified materials, nuclear materials, specified equipment, nuclear facilities and specified information which, in the opinion of the Contracting Parties, would appear to offer particular risks in terms of the proliferation of nuclear weapons, shall be subject to special conditions, to be determined in advance by mutual agreement between the Contracting Parties.

2. The separated plutonium obtained in the circumstances described in article X, paragraph 2, above shall not be transferred outside the jurisdiction of either Contracting Party without the prior written agreement of the other Contracting Party.

*Article XII.* Nothing in this Agreement shall be interpreted as contravening the obligations which, at the date of signature of this Agreement, arise from the participation of one or the other Contracting Party in other international agreements on the utilization of nuclear energy for peaceful purposes.

*Article XIII.* 1. The definitions contained in section 1 of the Agreement of 22 September 1975 between the Government of the French Republic, the Government of the Republic of Korea and the International Atomic Energy Agency for the application of safeguards shall apply to this Agreement.

2. Disputes relating to the interpretation or implementation of this Agreement shall be settled in accordance with the relevant provisions of section 24 of the Agreement of 22 September 1975 between the French Republic, the Republic of Korea and IAEA.

*Article XIV.* This Agreement may be amended with the mutual consent of the Contracting Parties at the request of either Party.

*Article XV.* This Agreement shall enter into force on the date of its signature. It shall remain in force as long as the items referred to in article VIII above remain fit for use for any nuclear activity.

IN WITNESS WHEREOF the representatives of the two Governments, being duly authorized thereto, have signed this Agreement and have affixed their seals thereto.

DONE at Seoul on 4 April 1981, in duplicate in the French and Korean languages, both texts being equally authentic.

For the Government  
of the French Republic:

[Signed]

H.E. Mr. JEAN FRANÇOIS-PONCET  
Minister for Foreign Affairs

For the Government  
of the Republic of Korea:

[Signed]

H.E. Mr. SHIN YONG LHO  
Minister for Foreign Affairs

## ANNEX

### AGREED LEVELS OF PHYSICAL PROTECTION

The agreed levels of physical protection to be ensured by the competent national authorities in the use, storage and transportation of the materials listed in the attached table shall as a minimum include protection characteristics as follows:

#### *Category III*

Use and storage within an area to which access is controlled.

Transportation under special precautions including prior arrangements among sender, recipient and carrier, and prior agreement between entities subject to the jurisdiction and regulation of supplier and recipient States, respectively, in case of international transport specifying time, place and procedures for transferring transport responsibility.

#### *Category II*

Use and storage within a protected area to which access is controlled, i.e., an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control, or any area with an equivalent level of physical protection.

Transportation under special precautions including prior arrangements among sender, recipient and carrier, and prior agreement between entities subject to the jurisdiction and regulation of supplier and recipient States, respectively, in case of international transport, specifying time, place and procedures for transferring transport responsibility.

#### *Category I*

Materials in this category shall be protected with highly reliable systems against unauthorized use as follows:

Use and storage within a highly protected area, i.e., a protected area as defined for category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Transportation under special precautions as identified above for transportation of category II and III materials and, in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces.

<i>Materials</i>	<i>Category I</i>	<i>Category II</i>	<i>Category III</i>
Plutonium <sup>a</sup> unirradiated <sup>b</sup>	2 kg or more	less than 2 kg but more than 500 g	500 g or less but more than 15 g
Uranium 235 unirradiated <sup>b</sup>			
Uranium enriched to 20 per cent 235 U or more	5 kg or more	less than 5 kg but more than 1 kg	1 kg or less but more than 15 g
Uranium enriched to 10 per cent 235 U but less than 20 per cent	—	10 kg or more	less than 10 kg but more than 1 kg
Uranium enriched to less than 10 per cent 235 U	—		10 kg or more
Uranium 233 unirradiated <sup>b</sup>	2 kg or more	less than 2 kg but more than 500 g	500 g or less but more than 15 g
Irradiated fuel		depleted or natural uranium; thorium or low-enriched fuel (less than 10 per cent fissile content) <sup>d, e</sup>	

<sup>a</sup> All plutonium except that with isotopic concentration exceeding 80% in plutonium 238.

<sup>b</sup> Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 100 rads/hour at one metre unshielded.

<sup>c</sup> Quantities not falling in category III and source materials should be protected in accordance with prudent management practice.

<sup>d</sup> Although this level of protection is recommended, it would be open to States, upon evaluation of the specific circumstances, to assign a different category of physical protection.

<sup>e</sup> Other fuel which by virtue of its original fissile material content is classified as category I and II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 100 rads/hour at one metre unshielded.

## EXCHANGE OF LETTERS

### I

Seoul, 4 April 1981

Sir,

With reference to article XI of the Agreement, signed today, concerning the peaceful uses of nuclear energy, I have the honour, on behalf of the Government of the French Republic, to propose to you the following interpretation and detailed rules for implementation.

1. In the view of the Contracting Parties, the following are deemed to present particular risks in terms of the proliferation of nuclear weapons:

- (a) With respect to specified materials: heavy water;
- (b) With respect to nuclear materials: plutonium, and uranium containing more than 20 per cent isotope 233 or 235;
- (c) With respect to specified equipment and nuclear facilities: equipment and facilities for the reprocessing, enrichment and production of heavy water;
- (d) With respect to specified information: information relating to the design, construction, operation or maintenance of the equipment and facilities referred to in

subparagraph (c) above, with the exception of data made available to the public by, for example, the publication of books and periodicals, or made internationally available without restriction on subsequent dissemination.

This list may be revised at the request of either of the Contracting Parties. Consultations shall be held for that purpose between the Contracting Parties two months following the date of receipt of such a request.

2. Article XI, paragraph 2, refers only to the transfer of separated plutonium to a third party.

It shall not be interpreted as restricting the right of either Contracting Party to have a third party reprocess irradiated fuel which is covered by this Agreement.

I should be grateful if you would inform me whether the terms of this letter meet with the approval of the Government of the Republic of Korea. If so, this letter and your letter in reply thereto shall constitute an agreement between our two Governments, to take effect on the date of the simultaneous signature of the Agreement and these two letters.

Accept, Sir, etc.

[Signed]

JEAN FRANÇOIS-PONCET  
Minister for Foreign Affairs

H. E. Mr. Shin Yong Lho  
Minister for Foreign Affairs  
Republic of Korea

## II

Seoul, 4 April 1981

Sir,

I have the honour to acknowledge receipt of your letter dated today's date, which reads as follows:

[See letter I]

I hereby inform you that my Government concurs in the proposals contained in your letter and that your letter and this reply constitute an agreement between our two countries effective as from the date of this reply.

Accept, Sir, etc.

[Signed]

SHIN YONG LHO

His Excellency Mr. Jean François-Poncet  
Minister for Foreign Affairs  
of the French Republic

## RELATED LETTERS

## I

Seoul, 4 April 1981

Sir,

With reference to article XII of the Agreement concerning the peaceful uses of nuclear energy signed today between our two Governments, I have the honour to inform you that, for the French Government, this article refers in particular to the Treaty establishing the European Atomic Energy Community (EURATOM), signed at Rome on 25 March 1957.<sup>1</sup>

Accept, Sir, etc.

[Signed]

JEAN FRANÇOIS-PONCET  
Minister for Foreign AffairsH. E. Mr. Shin Yong Lho  
Minister for Foreign Affairs  
Republic of Korea

## II

Seoul, 4 April 1981

Sir,

With reference to the Agreement signed today by our two Governments concerning the peaceful uses of nuclear energy, I have the honour to inform you that the Government of the Republic of Korea considers that the exchange of notes of 19 October 1974 between the Chief of the Office of Science and Technology of the Republic of Korea and the Chairman of the Atomic Energy Commission of the French Republic constitutes a Special Agreement within the meaning of article II, paragraph 1.

In addition, I hereby inform you that the Government of the Republic of Korea undertakes to apply the provisions of the aforementioned Agreement also to the nuclear fuel processing facilities sold and transferred to the Republic of Korea in 1978, namely, nuclear power plants 9 and 10, and to other fuels.

Accept, Sir, etc.

[Signed]

SHIN YONG LHO  
Minister for Foreign AffairsHis Excellency Mr. Jean François-Poncet  
Minister for Foreign Affairs  
of the French Republic

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<sup>1</sup> United Nations, *Treaty Series*, vol. 298, p. 167.