

No. 23044

**AUSTRIA
and
CZECHOSLOVAKIA**

**Agreement for the settlement of questions of common
interest in connection with nuclear power plants.
Signed at Vienna on 18 November 1982**

Authentic texts: German and Czech.

Registered by Austria on 21 August 1984.

**AUTRICHE
et
TCHÉCOSLOVAQUIE**

**Accord en vue de régler certaines questions d'intérêt
commun en matière de centrales nucléaires. Signé à
Vienne le 18 novembre 1982**

Textes authentiques : allemand et tchèque.

Enregistré par l'Autriche le 21 août 1984.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND
THE CZECHOSLOVAK SOCIALIST REPUBLIC FOR THE
SETTLEMENT OF QUESTIONS OF COMMON INTEREST IN
CONNECTION WITH NUCLEAR POWER PLANTS

The Republic of Austria and the Czechoslovak Socialist Republic (hereinafter referred to as the "Contracting Parties"),

Desiring to achieve full implementation of the Final Act of the Conference on Security and Co-operation in Europe² and thereby further to develop friendly relations between the Contracting Parties,

Resolved also to promote mutual relations and co-operation in the field of environmental protection,

And recognizing that timely exchange of information regarding nuclear power plants in the vicinity of the common frontier contributes to the enhancement of the safety of the population,

Have agreed as follows:

Article 1. For the purposes of this Agreement:

(a) "Nuclear power plant" means an installation which generates energy for public consumption from light water reactors;

(b) "Unforeseen event" means an accident in a nuclear power plant which may lead to the release into the environment of radioactive substance necessitating measures to protect the population;

(c) "Nuclear power plant in the vicinity of the common frontier" means a nuclear power plant which, should an unforeseen event occur, may endanger the population of the other Contracting Party.

Article 2. A nuclear power plant under the terms of article 1 (c) shall be designated as such by means of an exchange of notes between the Government of the Republic of Austria and the Government of the Czechoslovak Socialist Republic, on the basis of a proposal from the Contracting Party on whose territory the nuclear power plant is to be installed, taking into account the relevant recommendations arrived at in the course of the expert discussions referred to in article 3 in connection with the objectives of the Agreement. This designation shall be made sufficiently in advance to permit action to be taken in accordance with article 4.

Article 3. (1) The Contracting Parties shall inform each other, in the course of expert discussions which shall take place not less than once every two years, of:

(a) The progress of their nuclear programmes;

(b) The statutory provisions on the nuclear safety of nuclear power plants and radiation protection, and of amendments to those provisions.

¹ Came into force on 1 June 1984, i.e., the first day of the third month following that in which the Contracting Parties informed each other (on 20 and 30 March 1984) of the completion of their legal requirements in accordance with article 12.

² *International Legal Materials*, vol. 14 (1975), p. 1292 (American Society of International Law).

(2) The time and place of the expert discussions shall be agreed upon through the diplomatic channel.

Article 4. (1) A Contracting Party on whose territory a nuclear power plant is to be brought into commission in the vicinity of the common frontier shall propose to the other Contracting Party through the diplomatic channel, not later than six months before the commissioning of the nuclear power plant, the holding of a meeting of experts of the two Contracting Parties, and shall prepare the necessary documentation for the meeting.

(2) The necessary documentation shall, in particular, include the data which, pursuant to the Agreement for the application of safeguards between the International Atomic Energy Agency and the Contracting Party concerned,¹ are to be transmitted by that Party to the International Atomic Energy Agency, with due regard to the aim and purpose of the present Agreement. The other Contracting Party shall be promptly notified of changes in data already communicated regarding the safety of nuclear power plants.

Article 5. (1) During the construction and operation of a nuclear power plant situated on its territory in the vicinity of the common frontier, each Contracting Party shall carry out a programme for measuring radioactivity in the environment.

(2) The measurement programme shall include measurement of the activity coefficient or radioactivity content of the following substances: air (and aerosols), drinking water, surface water, soil and field crops. The measurement results shall be presented in such a way that the external and internal radiation exposure of the population of the two Contracting Parties in the vicinity of the common national frontier can be calculated from them.

(3) These measurement results shall be transmitted to the other Contracting Party through the diplomatic channel not less than once a year, as average annual values; significant changes shall, however, be communicated without delay. Each Contracting Party shall endeavour to comply with additional requests from the other Contracting Party for the transmission of such data.

(4) The measurement programme shall be carried out particularly at measuring points situated between the nuclear power plant and the common national frontier. The other Contracting Party shall be informed of the distance between the measuring points and the common national frontier.

Article 6. (1) The competent authorities of the Contracting Party on whose territory a nuclear power plant is operated shall, should an unforeseen event occur as a result of which they cannot with certainty exclude the possibility of danger to the population of the other Contracting Party in the vicinity of the common national frontier, notify the liaison office of the other Contracting Party without delay.

(2) This notification shall take place not later than the time at which measures are initiated to protect the first Contracting Party's own population in the vicinity of the common national frontier.

Article 7. (1) The competent authorities of the Contracting Parties shall ensure that the information transmitted pursuant to article 6 is of sufficient scope

¹ United Nations, *Treaty Series*, vol. 850, p. 3, and vol. 873, p. 3.

to enable the other Contracting Party to take a decision on the planning or implementation of appropriate measures to protect its population.

Such information shall, in particular, include data concerning:

- The place, time and nature of the incident;
- The quantity as a function of time, nature and total quantities of the radioactive substances which are or might be released;
- The meteorological and hydrological situation at the site of the incident.

(2) The data transmitted shall be continuously updated as the situation develops. The Contracting Party transmitting the information shall also furnish the other Contracting Party, upon request, with explanatory and supplementary material regarding the data transmitted.

(3) These data and any supplementary material shall be transmitted until the situation specified in article 6, paragraph 1, no longer exists or until sufficient information is available to evaluate the position.

Article 8. Should the situation specified in article 6, paragraph 1, arise, the Contracting Parties shall reach agreement without delay on co-operation regarding measures to protect the health and property of their population and on any assistance that might be required. Regarding any necessary measures there shall be an exchange of views within the framework of the discussions provided for under article 4.

Article 9. 1. Should the situation specified in article 6, paragraph 1, arise, notification shall be effected directly through the liaison offices established by the Contracting Parties for that purpose.

2. Each Contracting Party shall notify the other Contracting Party, through the diplomatic channel, of its liaison office.

3. These liaison offices shall, directly after their establishment, reach agreement on the specific means by which information is to be communicated. A review of the operation of this system of communication shall be carried out at least once a year.

Article 10. A Contracting Party which receives information from the other Contracting Party pursuant to this Agreement shall make this information available solely to those offices which must be apprised thereof for the purpose of the planning, adoption or implementation of measures to protect its own population, and shall endeavour to ensure that the information is used exclusively for the protection of the population.

Article 11. On the occasion of the exchange of information envisaged in article 3 or at the request of one of the Contracting Parties, the Contracting Parties shall exchange experience regarding the operation of this Agreement and assess, in the light of new scientific knowledge or of any change in their governing statutory provisions or in their nuclear programmes, the appropriateness and expediency of supplementing or amending this Agreement or the data and information to be communicated under this Agreement.

Article 12. This Agreement is subject to ratification in accordance with the constitutional provisions of the two Contracting Parties and shall enter into force on the first day of the third month following the expiry of the month in which the

Contracting Parties have informed each other that the relevant domestic legal requirements for its entry into force have been met.

IN WITNESS WHEREOF the plenipotentiaries of the two Parties have signed the present Agreement and affixed thereto their seals.

DONE at Vienna on 18 November 1982, in duplicate in the German and Czech languages, both texts being equally authentic.

For the Republic of Austria:

WILLIBALD PAHR

For the Czechoslovak Socialist
Republic:

BOHUSLAV CHŇOUPEK