

No. 23205

**FEDERAL REPUBLIC OF GERMANY
and
SWITZERLAND**

Agreement for the reciprocal provision of information concerning the construction and operation of nuclear installations in frontier areas (with annex). Signed at Bonn on 10 August 1982

Authentic text: German.

Registered by the Federal Republic of Germany on 28 December 1984.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
SUISSE**

Accord sur l'échange mutuel de renseignements lors de la construction et de l'exploitation d'installations nucléaires proches de la frontière (avec annexe). Signé à Bonn le 10 août 1982

Texte authentique : allemand.

Enregistré par la République fédérale d'Allemagne le 28 décembre 1984.

[TRANSLATION — TRADUCTION]

**AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
SWISS CONFEDERATION FOR THE RECIPROCAL PROVISION
OF INFORMATION CONCERNING THE CONSTRUCTION AND
OPERATION OF NUCLEAR INSTALLATIONS IN FRONTIER
AREAS**

The Government of the Federal Republic of Germany and the Government of the Swiss Confederation,

In view of their common interest in co-operating for the security of nuclear installations,

Seeking to promote the security of nuclear installations and to forestall damage to the environment,

For the purpose of ensuring that, in decisions concerning the site construction and operation of nuclear installations, matters of importance to the neighbouring country are taken into account,

Have agreed as follows:

Article 1. The Contracting Parties shall keep one another informed about frontier nuclear installations and make the relevant documents accessible to each other. This shall apply to authorizations in respect of the site, construction and operation, to substantial changes in such authorizations and to the shutdown of nuclear installations. Nuclear installations within the meaning of this Agreement are installations for the generation of nuclear energy or for the extraction, preparation, storage or neutralization of radioactive nuclear fuels and residues.

Article 2. (1) The information referred to in article 1 and the relevant documents shall cover nuclear installations within a range of 20 kilometres on both sides of the common frontier.

(2) On the basis of well-grounded requests, information may also be provided on nuclear installations outside the 20-kilometre range.

Article 3. (1) The information under article 1 shall be provided sufficiently in advance to enable the other Contracting Party to express its views on the project in good time.

(2) In order to avoid delays in domestic approval procedures, necessary documents shall be made currently available by mutual agreement. At the well-grounded and timely request of one Contracting Party, talks for information purposes may also be held between the Contracting Parties.

Article 4. When called upon by one Contracting Party, the other Contracting Party shall help to procure the data necessary for evaluating a nuclear installation,

¹ Came into force on 19 September 1983, the date of receipt of the last of the notifications by which the Contracting Parties informed each other of the completion of the required internal formalities, in accordance with article 10.

especially with regard to population distribution and factors that are important for evaluating the technical aspects of security.

Article 5. No claims for reimbursement shall be filed in respect of costs arising from intercommunication. Where the procurement of documents involves substantial costs, the requesting Contracting Party shall defray such costs.

Article 6. (1) The Contracting Parties undertake to abide by the following restrictions relating to the transmittal and publication of the documents provided under this Agreement. In this connection the three categories of documents shall be classified respectively as follows:

- (a) Unrestricted documents,
- (b) Confidential documents,
- (c) Documents on constructional and operational precautions for preventing disruption and acts by unauthorized persons to interfere with nuclear installations.

(2) The documents referred to in paragraph (1), subparagraph (b), shall also be treated confidentially by the other Contracting Party. In principle, the documents referred to in paragraph (1), subparagraph (c), shall not be exchanged.

(3) Information on business matters shall not be exchanged.

Article 7. Where a Contracting Party can obtain information not from the other Contracting Party but from third parties, the other Contracting Party shall assist by passing on the inquiries.

Article 8. (1) For the purpose of implementing this Agreement and for dealing with other questions of common interest to the Contracting Parties, a "German-Swiss Commission for the Security of Nuclear Installations" shall be established.

(2) The Commission shall draw up its own rules of procedure.

(3) The heads of the two delegations shall communicate directly with each other.

Article 9. This Agreement shall also apply to *Land Berlin* provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the Swiss Confederation within three months of the date of entry into force of this Agreement.

Article 10. This Agreement shall enter into force on the day on which the Contracting Parties have notified each other that the requisite national formalities for its entry into force have been completed. It may be denounced by either Contracting Party at any time; denunciation shall take effect one year after notification has been received by the other Contracting Party.

DONE at Bonn on 10 August 1982, in two originals, in the German language.

For the Government of the Federal Republic of Germany:
LAUTENSCHLAGER

For the Government of the Swiss Confederation:
CH. MÜLLER

ANNEX (COMMENTARIES)

To article 1

1. Under current circumstances, “nuclear installations” shall mean in particular nuclear power stations, reprocessing plants, nuclear fuel processing facilities and facilities for the disposal (conditioning, intermediate storage, final storage) of radioactive wastes.

2. “Authorizations” shall mean authorizations under Swiss atomic law and permits and registration of plans under German atomic law.

To article 6, paragraphs 1 and 2

All documents and information exchanged that have not already been made publicly available shall be designated as “confidential” and hence not accessible to third persons.

To article 6, paragraph 3

“Business matters” shall mean economic and financial matters.

To article 7

The provisions of article 7 shall give rise to no obligation on the part of third parties to provide such information.

To article 8

1. “Questions of common interest” within the meaning of paragraph 1 shall mean in particular:

- The safety of nuclear installations;
- Radiation protection;
- Protection of the population in the vicinity including preservation of evidence and emergency protection.

2. The rules of procedure shall make provision in particular for the convening and frequency of meetings of the Commission, the composition of delegations to the Commission, recourse to the services of experts, the establishment of working groups and the establishment of a liaison office of each Party.
