

No. 24586

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
CHINA**

**Agreement for co-operation in the peaceful uses of nuclear
energy (with annex and exchange of letters). Signed at
London on 3 June 1985**

Authentic texts: English and Chinese.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
11 December 1986.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
CHINE**

**Accord de coopération en vue de l'utilisation de l'énergie
nucléaire à des fins pacifiques (avec annexe et échange de
lettres). Signé à Londres le 3 juin 1985**

Textes authentiques : anglais et chinois.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 11 décembre 1986.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA FOR CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China (hereinafter referred to as "the two Governments");

On the basis of the friendly relations existing between the two countries;

Recognising that both countries are nuclear weapon States;

Recognising that both countries are Member States of the International Atomic Energy Agency (IAEA);

Mindful of the fact that the United Kingdom is a member of the European Atomic Energy Community (EURATOM);

Mindful of the fact that the United Kingdom is a Party to the Treaty on the Non-Proliferation of Nuclear Weapons done on 1 July 1968;²

Bearing in mind the common desire of both countries to expand and strengthen co-operation in the peaceful uses of nuclear energy;

Have agreed as follows:

Article I

(1) The two Governments shall seek to promote co-operation between the two countries in the peaceful uses of nuclear energy and encourage co-operation between the organisations in their respective countries responsible for research in the peaceful uses of nuclear energy, as well as between industrial enterprises concerned with the development of the peaceful uses of nuclear energy in both countries. The co-operation shall be conducted on a basis of equality and mutual benefit, shall be subject to applicable laws, regulations and licence requirements in force respectively in the two countries and shall respect the rights of third parties. Such co-operation may include the following areas:

- (a) Underlying civil nuclear research including reactor safety, radioactive waste management, radiation protection, structural materials, etc.;
- (b) Consultancies related to the development of a power generation infrastructure, energy planning, impact of nuclear power on energy supplies and the environment, project management, safety, licensing and regulatory advice;
- (c) Hardware, including both nuclear and conventional island components and balance of plant;
- (d) Fuel cycle services, including uranium mining and fuel fabrication.

¹ Came into force on 3 June 1985 by signature, in accordance with article XII (1).

² United Nations, *Treaty Series*, vol. 729, p. 161.

(2) Other areas may be added by agreement between the two Governments. For co-operation in sensitive areas the two Governments shall make other arrangements by supplementary agreements.

Article II

(1) For the fulfilment of the co-operation envisaged the two Governments shall seek to promote:

- (a) Exchange of personnel and scientific and technical information;
- (b) Arrangements for study, research, training and consultation;
- (c) Provision of industrial knowledge and technology, including licensing arrangements;
- (d) Other activities to be agreed by the two Governments.

(2) The scope of the co-operation and the practical and financial measures required for implementation shall in each case be the subject of special arrangements to be concluded by the two Governments or, with their consent, by other agencies or organisations within their respective territories.

Article III

(1) The two Governments shall ensure that information exchanged or resulting from joint research or development, is not made public or transmitted to third parties who are not authorised to receive it in accordance with this Agreement or any special arrangements made under Article 2 of this Agreement, without the written consent of the two Governments.

(2) The two Governments shall urge the co-operating agencies or organisations to inform each other of the extent of reliability and applicability of the information exchanged. The fact that the two Governments are involved in the transmission of information in certain cases in the context of this Agreement does not constitute acceptance of any liability of the two Governments for the accuracy or applicability of such information.

Article IV

The co-operation agreed upon under this Agreement shall be exclusively for peaceful purposes. Nuclear material, equipment, material and facilities especially prepared for the production or use of nuclear material and technological information transferred in the context of co-operation under this Agreement or derived from such co-operation, shall not be used so as to result in any nuclear explosive device.

Article V

Nuclear material, equipment, material and facilities especially prepared for the production or use of nuclear materials and technological information, transferred between the two States in the context of co-operation under this Agreement or derived from such co-operation shall be transferred to a third State only after prior consultation and agreement between the two Governments.

Article VI

In the event of any transfer as foreseen in Article V, the two Governments shall ensure that the third State gives undertakings on peaceful and non-explosive use,

accepts IAEA safeguards and does not re-transfer without the consent of the two Governments. Arrangements shall also be made to ensure appropriate levels of physical protection on the basis of Article VII of this Agreement. Where the third State is a member of the European Community and one of the two Governments has been notified in advance by the other that the further transfer is to take place, mutual consent shall be deemed to have been given. Commercial arrangements and arrangements under patent law shall not be affected thereby.

Article VII

The two Governments shall ensure, within their own territories and jurisdictions, adequate physical protection, at the levels stipulated in the Annex to this Agreement, of nuclear materials transferred in the context of co-operation under this Agreement or derived from such co-operation, in order to prevent their unauthorised handling or use.

Article VIII

Save as may be provided for in guarantees contained in contracts made pursuant to the present Agreement neither Government accepts liability for the consequences of the use made in the recipient country of any material, equipment or facilities supplied pursuant to the present Agreement.

Article IX

The obligations of the two Governments under any international treaties to which either is a party shall remain unaffected, including the obligations arising for the United Kingdom from the treaties establishing the European Economic Community¹ and the European Atomic Energy Community.² The two Governments however, should seek to prevent such obligations from interfering with the normal implementation of this Agreement.

Article X

Representatives of the two Governments shall meet and consult with each other, when necessary, on matters arising from the implementation of this Agreement.

Article XI

For the purposes of the present Agreement:

“Equipment” means major items of machinery, instrumentation, plant, or major components thereof, specially suitable for use in a nuclear energy programme.

“Facilities” means reactors, critical facilities, conversion plants, fabrication plants, reprocessing plants, isotope separation plants or separate storage installations.

“Material” includes nuclear material (i.e., source material and special fissionable material), fuel, moderators and any other substances so designated by the agreement of the two Governments.

“Fuel” means any substance, or combination of substances, which is prepared for use in a reactor for the purpose of initiating and maintaining a self-supporting fission chain reaction.

¹ United Nations, *Treaty Series*, vol. 294, p. 3.

² *Ibid.*, p. 259.

Article XII

(1) This Agreement shall enter into force upon signature and remain in force for a period of fifteen years. Thereafter it shall remain in force unless either Government shall have given to the other Government one year's notice of termination in writing.

(2) The provisions of this Agreement concerning the treatment of items or information transferred during co-operation, that is to say Articles III, IV, V, VI, VII, VIII, XI, shall remain unaffected by the expiry or termination of this Agreement. The period of validity of special arrangements made under Article II(2) of this Agreement shall also remain unaffected in such circumstances.

(3) This Agreement may be amended at any time by agreement between the two Governments.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at London on this 3rd day of June 1985 in the English and Chinese languages, both texts being equally authoritative.

For the Government
of the United Kingdom of Great Britain
and Northern Ireland:

[Signed — Signé]¹

For the Government
of the People's Republic
of China:

[Signed]

ZHAO ZIYANG

¹ Signed by Margaret Thatcher — Signé par Margaret Thatcher.

ANNEX

The 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. Transport under special precautions including prior arrangements among sender, recipient and carrier, and in the case of international transport, prior agreement between States on the 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. Transport under special precautions including prior arrangements between sender, recipient and carrier, and in the case of international transport prior agreement between States on the time, place and procedures for transferring transport responsibility.

Category I

Materials in this Category shall be protected against unauthorised use with highly reliable systems, namely 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 emergency response forces. Specific measures taken in this context should have as their objective the detection and prevention of any assault, unauthorised access or unauthorised removal of material.

Transport under special precautions as identified above for Category II and [Category] III materials and, in addition, under constant surveillance by escorts and under conditions which assure close communication with emergency response forces. The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China shall designate those agencies or authorities having responsibility for co-ordinating at a national level response/recovery operations in the event of unauthorised use or handling of protected materials. The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China shall designate points of contact within their national authorities to co-operate on matters of out-of-country transport and other problems of common interest.

TABLE: CATEGORIES OF NUCLEAR MATERIAL

Material	Form	Category		
		I	II	III
1. Plutonium ^(a)	Unirradiated ^(b)	2 kg or more	Less than 2 kg but more than 500 g	500 g or less ^(c)
2. Uranium-235	Unirradiated ^(b)			
	— Uranium enriched to 20% 235U or more	5 kg or more	Less than 5 kg but more than 1 kg	1 kg or less ^(c)
	— Uranium enriched to 10% 235U but less than 20%	—	10 kg or more	Less than 10 kg
	— Uranium enriched above natural but less than 10% 235U ^(d)	—	—	10 kg or more
3. Uranium-233	Unirradiated ^(b)	2 kg or more	Less than 2 kg but more than 500 g	500 g or less ^(c)
4. Irradiated fuel			Depleted or natural uranium, thorium or low enriched fuel (less than 10% fissile content) ^{(e), (f)}	

^(a) Plutonium with an isotopic concentration of plutonium 238 exceeding 80% shall not be included.

^(b) Nuclear material not irradiated in a reactor or nuclear material irradiated in a reactor but with a radiation level equal to or less than 100 rads/hour at one metre unshielded.

^(c) Less than a radiologically significant quantity should be exempted.

^(d) Natural uranium, depleted uranium and thorium and quantities of uranium enriched to less than 10% not falling in Category III should be protected in accordance with prudent management practice.

^(e) Although this level of protection is recommended, it would be open to the Contracting Parties, upon evaluation of the specific circumstances, to assign a different category of physical protection.

^(f) Other fuel which by virtue of its original fissile material content is classified as Category I or II before irradiation may be reduced one category level when the radiation level from the fuel exceeds 100 rads/hour at one metre unshielded.

EXCHANGE OF LETTERS

I

*The Prime Minister to the Premier of the State Council
of the People's Republic of China*

10 Downing Street, 3 June 1985

Dear Premier,

I have the honour to refer to the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy signed between our two Governments today and to the discussions which led up to that Agreement. It is the understanding of the Government of the United Kingdom from those discussions that:

(a) With reference to respecting the rights of third parties, as contained in Article I of paragraph 1 of this Agreement, both Governments confirm that the special arrangements referred to in Article II paragraph 2 may include, where appropriate, provisions concerning the rights of third parties.

(b) If the co-operation should be extended to areas which the two Governments decide are sensitive, arrangements for the application of IAEA safeguards will be concluded.

I should be grateful if you would confirm that this equally represents the understanding of the Chinese Government.

Yours sincerely,

MARGARET THATCHER

II

[CHINESE TEXT — TEXTE CHINOIS]

*The Premier of the State Council of the People's Republic of China
to the Prime Minister*

大不列颠及北爱尔兰联合王国

玛格丽特·撒切尔首相

阁下：

我荣幸地提及您今天的来照，内容如下：

“我荣幸地提及我们两国政府今天签订的和平利用核能合作协定和导致产生该协定的讨论。在讨论中，英国政府的谅解如下：

(1) 关于本协定第一条第一款中提及的尊重第三方权力，双方政府确认，第二条第二款中提及的专门安排适当时可包括有关第三方权利的规定；

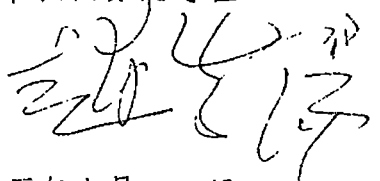
(2) 如果合作扩展到两国政府定为敏感领域，将作出实施国际原子能机构安全保障的安排。

如蒙阁下确认上述谅解同样地表述了中国政府的谅解，我将不胜感激。”

我谨确认上述谅解同样地表述了中国政府的谅解。

顺致最崇高的敬意

中华人民共和国国务院总理



一九八五年六月

日

[ZHAO ZIYANG]

[TRANSLATION¹ — TRADUCTION²]

3 June 1985

Your Excellency,

I have the honour to refer to your note of today's date whose contents are:

[*See letter I*]

I confirm that the above understanding equally expresses the understanding of the Chinese Government.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Premier of the State Council
of the People's Republic of China,³

ZHAO ZIYANG

¹ Translation supplied by the Government of the United Kingdom.

² Traduction fournie par le Gouvernement du Royaume-Uni.