

No. 25696

**AUSTRIA
and
HUNGARY**

Agreement for the settlement of questions of common interest in connection with nuclear installations. Signed at Vienna on 29 April 1987

Authentic texts: German and Hungarian.

Registered by Austria on 10 March 1988.

**AUTRICHE
et
HONGRIE**

Accord en vue de résoudre des questions d'intérêt commun en ce qui a trait aux centrales nucléaires. Signé à Vienne le 29 avril 1987

Textes authentiques : allemand et hongrois.

Enregistré par l'Autriche le 10 mars 1988.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA AND THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC FOR THE SETTLEMENT OF QUESTIONS OF COMMON INTEREST IN CONNECTION WITH NUCLEAR INSTALLATIONS

The Government of the Republic of Austria and the Government of the Hungarian People's Republic (hereinafter referred to as the "Contracting Parties"),

Convinced of the importance of cooperation in areas of common interest connected with nuclear installations, in particular as regards protecting the population and the environment from radioactive radiation, and

Proceeding from the Conventions elaborated under the auspices of the International Atomic Energy Agency on Early Notification of a Nuclear Accident² and on Assistance in the Case of a Nuclear Accident or Radiological Emergency,³

Have agreed as follows:

Article 1. For the purposes of this Agreement:

(a) "Nuclear installation" shall mean a nuclear reactor, an installation for the treatment, processing or storage of new or spent reactor fuel elements, and also an installation for the temporary or final storage of radioactive waste;

(b) "Emergency" shall mean an accident in a nuclear installation in the territory of one of the Contracting Parties, which leads, or which may in all probability lead, to the adverse release into the environment of radioactive material, or any other emergency connected with the release into the environment of radioactive material, irrespective of whether the event leading to such release occurred in the territory of a Contracting Party, and where applicable, with the proviso that the possibility of danger being caused by that event to the population of the other neighbouring State cannot altogether be excluded.

Article 2. The Contracting Parties shall notify each other, directly and without delay, of any emergency and shall apply to such emergency the provisions of the Convention on Early Notification of a Nuclear Accident elaborated under the auspices of the International Atomic Energy Agency. The following details shall, in particular, be conveyed, in so far as they are available to the notifying Contracting Party:

- (a) The time, exact location, where appropriate, and the nature of the emergency;
- (b) The installation or activity concerned;
- (c) The presumed or established cause and the foreseeable development of the emergency relevant to the transboundary release of radioactive materials;

¹ Came into force on 1 November 1987, i.e., the first day of the third month following the month in which the Contracting Parties had notified each other (on 20 July and 25 August 1987) of the completion of their domestic requirements, in accordance with article 16.

² United Nations, *Treaty Series*, vol. 1439, No. I-24404.

³ *Ibid.*, vol. 1457, No. I-24643.

- (d) The general characteristics of the radioactive release, including, so far as is practicable and appropriate, the nature, probable physical and chemical form and the quantity, composition and effective height of the radioactive release;
- (e) Information on current and forecast meteorological and hydrological conditions, necessary for forecasting the transboundary release of the radioactive materials;
- (f) The results of environmental monitoring relevant to the transboundary release of radioactive materials;
- (g) Off-site protective measures taken or planned;
- (h) The predicted behaviour over time of the radioactive release.

Article 3. The precise modalities for the notification and the transmission of information referred to in article 2 shall be established by the Contracting Parties in the Mixed Commission (article 12). The transmission system for such notification and information shall be tested at least once a year.

Article 4. Each Contracting Party shall make known to the other Contracting Party, through the diplomatic channel, the point of contact responsible for receiving the notification and information referred to in article 2. The point of contact shall be the office set up bilaterally by the Contracting Parties which shall be responsible for implementing article 2 of the Convention on Early Notification of Nuclear Accidents elaborated under the auspices of the International Atomic Energy Agency.

Article 5. In so far as the information required by one of the Contracting Parties in connection with an accident can be furnished only by third parties, the other Contracting Party shall assist the inquiring Contracting Party so far as it is able, by forwarding all the inquiries relating to that matter and the answers thereto.

Article 6. In the case of incidents which do not constitute an emergency in the meaning of article 1 (b), but are likely to cause concern in the population of one or both Contracting Parties, the Contracting Parties shall furnish the information referred to in article 2.

Article 7. Should one of the Contracting Parties consider that this is rendered necessary by an emergency, consultations shall be held without delay by the heads of the delegations in the Mixed Commission (article 12) to ensure coordination, to the extent required, of the measures taken by the two Contracting Parties.

Article 8. The Contracting Parties shall assist each other in emergencies in accordance with the provisions of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency elaborated under the auspices of the International Atomic Energy Agency. They shall inform each other, through the diplomatic channel, of the authorities and points of contact responsible for the liaison referred to in article 4, paragraph 1, of this Agreement. In addition, the Contracting Parties shall agree on joint measures for the protection of the life, health and material possessions of their population in emergencies, as well as on the specific forms of the mutual assistance planned, which shall be finalized by the Mixed Commission (article 12).

Article 9. The Contracting Parties shall regularly inform each other on the following:

- (a) The development of their nuclear programmes, particularly from the point of view of radiation protection;

- (b) Their legislation governing nuclear installations in respect of nuclear safety, radiation protection and environmental protection;
- (c) The existing network of measuring stations for determining exposure to the radiation of the environment (air and aerosols, ground and surface water, soils and important components in the food chain), situated at specific points in the country and, in particular, in the vicinity of the installations mentioned in article 10, paragraph 1;
- (d) The measurement data gathered by this network;
- (e) The status of other matters regulated in this Agreement.

The measurement data mentioned under (d) should be such as to enable the other Contracting Party to draw conclusions about the possible exposure to radiation of its territory. If any significant changes appear in the measurement data, the other Contracting Party shall be specially informed of those changes. Communication of such information shall not replace notification of an emergency as may be required under article 2.

Article 10. 1. In the case of nuclear power plants, installations for the storage, the reprocessing or the disposal of spent reactor fuel and nuclear installations situated on waterways which flow into the territory of the other Contracting Party, the other Contracting Party shall be informed of the essential technical properties of the installation in accordance with the fundamental decision concerning the erection of such installations and at least two years before the scheduled date of commissioning. Particular consideration is to be given to those properties which influence the assessment of the exposure to radiation of the environment which the installation is expected to cause; in addition, the other Contracting Party shall be informed about the environmental protection measurement system assigned to the plant. In the case of installations referred to in this article which are in operation at the time the present Agreement enters into force, this information shall be transmitted retrospectively.

2. The other Contracting Party may convey to the Contracting Party in whose territory such an installation is planned or is under construction any observations and comments concerning that installation which it may regard as essential from its own point of view. Such remarks and comments shall be forwarded by the latter Contracting Party for the consideration of its competent authorities.

Article 11. At the request of a Contracting Party in whose territory one of the installations referred to in article 10, paragraph 1, is planned, is under construction or is in operation, the other Contracting Party shall assist in assessing such installation, in particular from the point of view of the expected exposure to radiation of the population and the environment, by providing and making available any of its own information which may be required.

Article 12. 1. For the implementation of this Agreement, there shall be established a Mixed Commission, which shall meet by mutual agreement, but at least once every two years.

2. The Commission shall study and discuss issues of concern to the Contracting Parties which bear upon nuclear installations. The Commission shall be responsible, in particular, for communicating the information referred to in article 9, article 10, paragraph 1, and article 11, as well as the comments and observations referred to in article 10, paragraph 2.

3. The Commission shall establish its own rules of procedure. The heads of the two delegations in the Commission shall communicate directly with each other. The date and place of the Commission's meetings shall be established by them by mutual agreement. Significant changes in measurement data (article 9) shall be passed on to the heads of the two delegations directly during their discussions.

Article 13. The information transmitted on the basis of this Agreement shall be dealt with by the recipient in accordance with article 5, paragraph 3, of the Convention on Early Notification of a Nuclear Accident, elaborated under the auspices of the International Atomic Energy Agency.

Article 14. No request shall be made for reimbursement of the costs for information transmitted under this Agreement.

Article 15. Information transmitted under this Agreement shall normally be in the official language of the sending side. The Contracting Parties may agree, on an ad hoc basis, on the use of third languages. Where the notification and information referred to in article 2 are to be transmitted, the Contracting Parties shall be guided in their choice of language by considerations of the swiftest method of transmission, the usefulness of the information and the avoidance of misinterpretations.

Article 16. This Agreement shall enter into force on the first day of the third month following the month in which the Contracting Parties have informed each other in writing, through the diplomatic channel, that the relevant domestic legal requirements for its entry into force have been met. It may be denounced by either side in writing, through the diplomatic channel, and such denunciation shall take effect one year after its receipt by the other Contracting Party.

DONE in duplicate, in the German and Hungarian languages, both texts being equally authentic.

Vienna, 29 April 1987

For the Government of the Republic of Austria:

ALOIS MOCK m.p.

For the Government of the Hungarian People's Republic:

PÉTER VÁRKONYI m.p.