

No. 27820

**AUSTRIA
and
POLAND**

Agreement concerning the exchange of information and co-operation in the field of nuclear security and radiation protection (with annex). Signed at Vienna on 15 December 1989

Authentic texts: German and Polish.

Registered by Austria on 19 December 1990.

**AUTRICHE
et
POLOGNE**

Accord relatif à l'échange de renseignements et à la coopération en matière de sûreté nucléaire et de protection contre les rayonnements (avec annexe). Signé à Vienne le 15 décembre 1989

Textes authentiques : allemand et polonais.

Enregistré par l'Autriche le 19 décembre 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND CONCERNING THE EXCHANGE OF INFORMATION AND COOPERATION IN THE FIELD OF NUCLEAR SECURITY AND RADIATION PROTECTION

The Government of the Republic of Austria and the Government of the People's Republic of Poland, hereinafter referred to as the Contracting Parties,

Desiring to strengthen further, on the basis of the Final Act of the Conference on Security and Cooperation in Europe of 1 August 1975,² the relations between the Republic of Austria and the People's Republic of Poland,

Convinced of the importance of cooperation through the exchange of information and experience in the field of nuclear security and radiation protection for the protection of persons employed in radiation protection areas, the population and the environment against the dangers of radiation,

Taking into account the Convention on Early Notification of a Nuclear Accident,³ in particular article 9 thereof, and the established principles of cooperation within the International Atomic Energy Agency,

Endeavouring to strengthen international cooperation in the field of nuclear security and radiation protection,

Have agreed as follows:

Article 1

This Agreement shall apply to nuclear facilities and activities as listed in article 1 of the Convention on Early Notification of a Nuclear Accident.

Article 2

1. The two Contracting Parties shall consult each other at least once a year, in particular regarding the development of the peaceful use of nuclear energy, experience gained from the operation of nuclear installations, regulations concerning nuclear security and radiation protection, and methods and results of radiation monitoring of persons employed in radiation protection areas, the population and the environment. Such consultations shall be organized at the request of either of the Contracting Parties, which shall be transmitted to the other Contracting Party through the diplomatic channel.

2. The two Contracting Parties shall provide each other with information concerning their nuclear facilities, including facilities for spent fuel and for radioactive waste disposal. With respect to installations in operation, the two Contracting Par-

¹ Came into force on 1 December 1990, i.e., the first day of the third month following the month in which the Contracting Parties had informed each other (on 9 April and 18 September 1990) of the completion of their domestic procedures, in accordance with article 8 (1).

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

³ United Nations, *Treaty Series*, vol. 1439, p. 275.

ties shall inform each other immediately of any changes regarding such installations which may affect the contents of the information transmitted.

Article 3

1. In the event of an accident affecting the facilities or activities of one Contracting Party which might have repercussions on the territory of the other Contracting Party through the release of radioactive substances, the first-mentioned Contracting Party shall notify the other Contracting Party thereof immediately and directly. Such notification shall take place in accordance with paragraphs 1 and 2 of article 5 of the Convention on Early Notification of a Nuclear Accident.

2. If one of the Contracting Parties should detect on its territory unusually high levels of radioactivity which cannot be attributed to a nuclear accident in a facility or to an activity on that territory, it shall notify the other Contracting Party thereof directly.

3. The Contracting Party that has transmitted such information shall, in so far as is reasonably practicable, comply rapidly with the request of the other Contracting Party for additional information or for the holding of consultations on the accident within the meaning of this article.

Article 4

The Contracting Parties shall assist one another in emergencies in accordance with the provisions of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency¹ drawn up within the framework of the International Atomic Energy Agency. The Contracting Parties shall notify each other through the diplomatic channel of the competent authorities and points of contact provided for in paragraph 1 of article 4 of that Convention. Furthermore, in the consultations referred to in article 2 of this Agreement, the Contracting Parties shall agree on joint measures for the protection of the life, health and property of the population in emergencies, as well as on concrete forms of mutual assistance.

Article 5

In recognition of the particular importance of activities in the field of strengthening nuclear security and radiation protection, the Contracting Parties shall endeavour to promote the development of scientific and technical cooperation in that field between the relevant institutions of the Contracting Parties.

Article 6

The contents of the consultations held and the information exchanged in accordance with article 2 above may be used without restriction, unless designated as confidential by either side. Such confidential information may be disclosed to third parties only by mutual agreement.

Article 7

Any dispute concerning the interpretation or the implementation of the provisions of this Agreement shall be settled through negotiations between the Contracting Parties.

¹United Nations, *Treaty Series*, vol. 1457, p. 133.

Article 8

1. This Agreement shall enter into force on the first day of the third month following the month in which the two Contracting Parties have notified each other in writing through the diplomatic channel that their respective domestic requirements for its entry into force have been fulfilled.

2. Amendments and additions to this Agreement shall be agreed upon by the two Contracting Parties, and must be in written form. Changes concerning the contact points referred to in the annex shall be communicated to the other Contracting Party in writing through the diplomatic channel.

3. The attached annex shall form an integral part of this Agreement.

4. This Agreement is concluded for an indefinite period. It may be denounced by either Contracting Party in writing through the diplomatic channel. In such case, it shall cease to have effect six months after the date of receipt of the denunciation.

DONE at Vienna on 15 December 1989 in duplicate in the German and Polish languages, both texts being equally authentic.

For the Government of the Republic of Austria:

GLEISSNER

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

SOWINSKI

ANNEX TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF AUSTRIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF POLAND ON EXCHANGE OF INFORMATION AND COOPERATION IN THE FIELD OF NUCLEAR SECURITY AND RADIATION PROTECTION

1. *Ad* article 2, paragraph 2, of the Agreement:

1.1 Information concerning existing and planned nuclear reactors and facilities for spent fuel and radioactive waste disposal shall, in order to allow an assessment to be made of the consequences of a nuclear accident in such a facility for the territory of the other State, include the following general parameters:

- (a) Name of the facility;
- (b) Location and address;
- (c) Owner;
- (d) Operator;
- (e) Purpose;
- (f) Chief technical characteristics;
- (g) Current status;
- (h) Operating mode;
- (i) Description of site;
- (j) Treatment and disposal of radioactive waste and spent fuel.

1.2 For nuclear reactors, the following basic characteristics shall be indicated:

- Reactor type
- Capacity
- Core (e.g. geometry, fuel, charging, enrichment, burn-up, power density)
- Reactor vessel
- Coolant and coolant loops (primary and secondary)
- Boiler
- Permissible discharge of radioactive substances into the environment
- Type of containment
- Safety systems.

1.3 Information concerning planned nuclear reactors and facilities for spent fuel and radioactive waste disposal shall be provided following the granting of approval for their establishment by the relevant national authorities.

1.4 Notification of commissioning shall be given no later than six months prior to the date of commissioning.

2. *Ad* article 3, paragraph 2, of the Agreement:

Notification of unusually high levels of radioactivity shall include information, where available, on:

- (a) The activity and the dose rate;
- (b) The radionuclides;
- (c) The measuring position;
- (d) The time of measurement;
- (e) The meteorological conditions at the time of measurement.

3. Information under article 2 shall, when not communicated in the course of consultations, be transmitted:

— By the Republic of Austria:

To the State Agency for Nuclear Science;

— By the People's Republic of Poland:

To the Ministry of Foreign Affairs of the Republic of Austria.

4. Information under article 3 shall be transmitted:

— By the Republic of Austria:

To the Central Laboratory for Radiation Safety, Warsaw

Telephone: 11 15 15

Telex: 812381 clor pl;

— By the People's Republic of Poland:

To the Federal Alert Centre of the Federal Ministry of Internal Affairs of the Republic of Austria

Telephone: 535 63 63

Telex: 114095 bmi a

Fax: 5356364.
