

A g r e e m e n t
between
the Government of the Czech Republic
and
the Government of the Republic of Poland
on Early Notification of a Nuclear Accident and on Exchange of
Information
on Peaceful Uses of Nuclear Energy, Nuclear Safety and
Radiation Protection

The Government of the Czech Republic and the Government of the Republic of Poland, hereinafter referred to as "Contracting Parties"

- having regard to the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency adopted in Vienna on September 26, 1986,
- having regard to the Convention on Nuclear Safety adopted in Vienna on June 17, 1994,
- having regard to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management adopted in Vienna on September 5, 1997,
- being convinced that close co-operation between Contracting Parties in emergency situations enhances the protection of populations of both States against the ionizing radiation impacts

have agreed as follows:

Article 1

This Agreement shall regulate the mode of the early notification in the case of nuclear accidents and the exchange of information and experiences on peaceful uses of nuclear energy, radioactive waste management, and nuclear safety and radiation protection.

Article 2

1. For the purposes of this Agreement, the following definitions shall apply:
 - 1) "Nuclear installation" means:
 - a) nuclear reactor,
 - b) nuclear fuel cycle facility,
 - c) installation containing nuclear fuel or nuclear material,
 - d) installation for radioactive waste management,
 - 2) "Activity" means:
 - a) transport and storage of nuclear fuel, nuclear material or radioactive waste,
 - b) production, use, storage, disposal and transport of radioactive isotopes for agriculture, industry, health service and for science and research purposes in these areas.

2. Until the acceptance of uniform international levels for early notification, nuclear accident is deemed to be an event which leads or can lead to an inadmissible release of radioactive substances into environment, which requires urgent actions to protect population and environment as established in the national or regional emergency plan of the Contracting Party on which territory the event has occurred.

Article 3

1. In the case of any nuclear accident involving a nuclear installation or activity, resulting in actual or potential transboundary release of radioactive substances, which is relevant from the other Contracting Party radiation safety viewpoint, the Contracting Party on which territory the nuclear accident has occurred shall inform the other Contracting Party of this accident without delay, through the contact points referred to in Article 8.3 of this Agreement.

2. Information referred to in Paragraph 1 shall be transferred also at the time of implementation by the Contracting Party of the measures for population and

environment protection against the consequences of event referred to in Article 2 of this Agreement.

3. Contracting Parties shall ensure that the information referred to in Paragraph 1, as far as possible, contains all data enabling the other Contracting Party to decide on the preparation or implementation of appropriate protective measures for population and environment.

Article 4

1. Information transferred under Article 3.1 of this Agreement, includes in particular the following – if accessible to the informing Party at the time of notification:

- 1) nuclear accident time, precise location and nature,
- 2) relevant installation or type of activity,
- 3) presumed or established cause and anticipated development of the nuclear accident involving the release of radioactive substances beyond the state borders,
- 4) general characteristics of radioactive substance release and, if possible and suitable, data on the probable physical and chemical form, quantity, composition and effective height of the radioactive substance release, including its time development scenario,
- 5) actual and forecasted meteorological and hydrogeological conditions at the site of radioactive substance release, necessary for the forecast of radioactive substance release of beyond the state borders of the Contracting Party which passes the information,
- 6) results of environmental measurements involving the transboundary release of radioactive substances,
- 7) implemented or planned off-site protective measures for protection of the population,
- 8) anticipated radioactive substance release.

2. As the situation develops, transferred data shall be continuously supplemented with more detailed information. Contracting Party transmitting the information, on the request of the other Contracting Party shall provide explanations and supplementary data.

3. These data and their possible supplements shall be updated until the situation referred to in Article 3.1 of this Agreement persists or until the information that is required for the situation appraisal would be available.

Article 5

1. When the national radiation monitoring system of one of the Contracting Parties records the occurrence of ionizing radiation which has not been caused by the radioactive release from nuclear facilities or activities sited on this Contracting Party territory and which exceeds the intervention levels, established in the national standards, then this Contracting Party shall immediately notify the other Contracting Party of this fact and shall continue to provide the information on further developments.

2. Contracting Parties mutually inform each other on request also of other events related to the nuclear installations and activities, which do not consist the events referred to in Article 3.1 of this Agreement and of which they will have relevant information.

Article 6

Contracting Parties shall inform each other of the developments in the peaceful uses of nuclear energy in their states and of the national legislation involving the nuclear installation safety, radiation protection, radioactive materials transport and radioactive waste management.

Article 7

1. Information received by either Contracting Party under Article 6 of this Agreement may be used freely, without further permission from the other Contracting Party.

2. For the exchange and protection of information recognized as classified, both Contracting Parties shall apply their respective national laws and regulations as well as the bilateral agreements concerning classified information.

3. Information transferred under this Agreement shall be submitted in English.

Article 8

1. This Agreement shall be implemented by the following Contracting Parties' competent authorities:

in the Czech Republic:

State Office for Nuclear Safety

in the Republic of Poland:

President of the National Atomic Energy Agency

2. The competent authorities' representatives shall meet on either Party request, but at least once every two years, to consult any current issues concerning the implementation of this Agreement. The time, place and agenda for such meetings shall be agreed upon in advance.

3. All the information exchanged under this Agreement shall be transferred through the following contact points:

in the Czech Republic:

State Office for Nuclear Safety

in the Republic of Poland:

Radiation Emergency Center "CEZAR".

Detailed information regarding the contact points shall be exchanged by diplomatic channels.

4. Each Contracting Party using diplomatic channels shall immediately notify the other Contracting Party of any changes concerning the competent authorities and their contact points.

Article 9

Contracting Parties shall not claim any reimbursement for costs resulting from mutual information exchange under this Agreement. If the procurement of requested documents exceeds the usual expenses, the requested Contracting Party should inform the requesting Contracting Party of this fact and should ask for written confirmation that these additional expenses shall be covered by the requesting Contracting Party.

Article 10

1. This Agreement shall be approved by both states in accordance with their relevant national laws and shall enter into force after thirty days from the date of the receipt of the last diplomatic note of confirmation.

2. This Agreement shall remain in force for indefinite period of time.

3. This Agreement may be modified or amended at any time by written agreement of the Contracting Parties. Entry into force of the modification or the amendment to this Agreement is subject to the same procedure as provided for in Paragraph 1.

4. Each Contracting Party may withdraw from this Agreement through diplomatic notification. The Agreement shall be terminated one year after the delivery of the withdrawal notice to the other Contracting Party.

Done in Vienna on September 27, 2005 in two original copies each in Czech, Polish, and English languages, all three texts being equally authentic.

In case of differences in the interpretation of the Agreement, the English text shall prevail.

For
the Government
of the Czech Republic

For
the Government
of the Republic of Poland