

AGREEMENT

**BETWEEN THE GOVERNMENT OF THE CZECH REPUBLIC AND
THE GOVERNMENT OF THE REPUBLIC OF KOREA
FOR COOPERATION IN THE PEACEFUL USES OF NUCLEAR
ENERGY**

The Government of the Czech Republic and the Government of the Republic of Korea (hereinafter referred to as „the Parties”);

DESIRING to strengthen the friendly relations between both countries;

NOTING that the peaceful –uses of nuclear energy is an important factor in the promotion of social and economic development of both countries;

RECOGNIZING that both countries are non-nuclear-weapon states parties to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as „the Treaty”) and, as such, have undertaken not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices and that the Czech Republic and the Government of the Republic of Korea have concluded agreements, respectively, with the International Atomic Energy Agency (hereinafter referred to as „the Agency”) for the application of safeguards in connection with the Treaty;

UNDERLINING further that the parties to the Treaty have undertaken to facilitate, and have the right to participate in, the fullest possible exchange of nuclear material, material, equipment and scientific and technological information for the peaceful uses of nuclear energy and that the parties to the Treaty in a position to do so may also cooperate in contributing together to the further development of the applications of nuclear energy for peaceful purposes;

BEARING IN MIND the common desire of both countries to expand and strengthen cooperation in the peaceful uses of nuclear energy;

HAVE AGREED as follows:

ARTICLE I

For the purpose of this Agreement:

- (a) „Appropriate governmental authority” means for the Czech Republic, the State Office for Nuclear Safety and the Ministry of Industry and Trade and for the Republic of Korea, the Ministry of Science and Technology and the Ministry of Commerce, Industry and Energy, based on whichever is the competent authority in a given area;
- (b) „Guidelines” means the Guidelines for Nuclear Transfers published in the Agency document INFCIRC/254/Rev. 4/Part. 1 and subsequent revisions and modifications as agreed by the Parties;
- (c) „Equipment” means any facilities, equipment, or components listed in Annex A of the Guidelines;
- (d) „Material” means non-nuclear materials for reactors listed in Annex A of the Guidelines;
- (e) „Nuclear material” means any source material or any special fissionable material as these terms are defined in Annex A of the Guidelines. Any determination by the Board of Governors of the Agency on the amendment of the list of materials considered to be „source material” or „special fissionable material”, shall only have effect under this Agreement when the Parties to this Agreement have informed each other in writing that they accept such an amendment;
- (f) „Technology” means specific information required for the development, production, or use of any equipment or material as defined in the Guidelines;
- (g) „Persons” means individuals, firms, corporations, companies, partnerships, associations, and other entities established on the basis of laws and regulations in force in the respective state of the Party; and
- (h) „Recommendations of the Agency” in relation to physical protection means the recommendations contained in document INFCIRC/225/Rev.4 entitled „The Physical Protection of Nuclear Material and Nuclear Facilities“ as may be modified or any

subsequent document replacing it. Modifications or replacements of the recommendations for physical protection shall only have effect under this Agreement when both Parties have informed each other in writing that they accept such modifications or replacements.

ARTICLE II

The cooperation in the peaceful uses of nuclear energy under this Agreement may include the following areas:

- (a) basic and applied research and development with respect to the peaceful uses of nuclear energy;
- (b) research, design, construction, operation and maintenance of nuclear power plants and research reactors;
- (c) manufacture and supply of nuclear fuel elements to be used in nuclear power plants and research reactors;
- (d) production and application of radioactive isotopes in industry, agriculture and medicine;
- (e) nuclear safety and regulation, radiation protection, environment protection, radioactive waste management;
- (f) nuclear material control and physical protection;
- (g) industrial cooperation between persons authorised by appropriate governmental authorities of either Party;
- (h) exploration for and development of uranium resources; and
- (i) other areas as deemed appropriate by the Parties.

ARTICLE III

1. The cooperation referred to in Article II of this Agreement may take the following forms:

- (a) exchange of experts and specialists;
- (b) provision of technical training, assistance, consultancy or other services;
- (c) transfer of nuclear material, material, equipment and information including technology;
- (d) joint research or projects on subjects of mutual interest; and
- (e) other forms as deemed appropriate by the Parties.

2. The Parties shall take all appropriate measures in accordance with respective laws and regulations in both countries respectively to preserve the confidentiality of information including commercial and industrial secrets transferred pursuant to this Agreement.

3. The cooperation under this Agreement shall be in accordance with the respective laws and regulations in both countries respectively.

ARTICLE IV

1. The following items shall be subject to this Agreement:

- (a) nuclear material, material, equipment and technology transferred between the territories of both countries directly or through third parties; and

- (b) nuclear material used in or produced through the use of nuclear material, material or equipment identified in (a) of this paragraph.

2. Items other than those covered by paragraph 1 of this Article shall be subject to this Agreement when the Parties have so agreed in writing.

ARTICLE V

Nuclear material, material, equipment or technology subject to this Agreement shall not be transferred beyond the jurisdiction of the state of receiving Party to a third party unless the Parties agree in writing.

ARTICLE VI

1. Uranium subject to this Agreement shall not be enriched to twenty (20) percent or more in the isotope U-235 unless the Parties agree in writing.

2. Nuclear material subject to this Agreement shall not be reprocessed unless the Parties agree in writing.

3. Such agreements covered by paragraphs 1 and 2 of this Article shall describe the conditions under which the resultant plutonium or uranium enriched to twenty (20) percent or more may be stored and used.

4. An arrangement to facilitate the implementation of the provisions of this Article may be agreed upon by the appropriate governmental authorities of the Parties.

ARTICLE VII

1. Nuclear material, material, equipment and technology subject to this Agreement shall not be used to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.

2. With respect to nuclear material, the obligation contained in paragraph 1 of this Article shall be verified pursuant to the Safeguards Agreement concluded between the Agency and the Czech Republic and the Government of Republic of Korea, respectively in connection with the Treaty. However, if for any reason or at any time the Agency is not administering such safeguards within the jurisdiction of the state of a Party, that Party shall forthwith enter into an agreement with the other Party for the establishment of a safeguards system that conforms to the principles and procedures of the Agency's Safeguards System and provides for the application of safeguards to all items subject to this Agreement.

ARTICLE VIII

1. The provisions of this Agreement shall apply to the nuclear material until:
 - (a) a determination is made that it is no longer usable or practicably recoverable for processing into a form in which it is usable for any nuclear activity relevant from the point of view of safeguards referred to in Article VII of this Agreement. Both Parties shall accept a determination made by the Agency in accordance with the provisions for the termination of safeguards of the relevant safeguards agreement to which the Agency is a party;
 - (b) it has been transferred to a third party in accordance with Article V of this Agreement; or
 - (c) otherwise agreed between the Parties.

2. The provisions of this Agreement shall apply to the material and equipment until:
 - (a) it has been transferred to a third party in accordance with Article V of this Agreement; or
 - (b) otherwise agreed between the Parties.

3. Technology shall remain subject to this Agreement until otherwise agreed between the Parties.

ARTICLE IX

The Parties shall, within the respective laws and regulations, apply appropriate measures of physical protection to nuclear material subject to this Agreement at levels set out in the "recommendations of the Agency" specified in Article I (h) of this Agreement.

ARTICLE X

1. The Parties shall at the request of either Party, consult on matters concerning the effective fulfilment of the obligations of this Agreement, including matters relating to physical protection of nuclear material subject to this Agreement.

2. The appropriate governmental authorities of both Parties shall agree upon organizational measures necessary for facilitating the implementation of this Agreement and shall consult at the request of either of them as necessary and at any mutually agreeable time. Such consultations may take the form of an exchange of correspondence.

Article XI

Any dispute concerning the interpretation or application of this Agreement shall be settled by negotiation or other procedures agreed to by both Parties.

ARTICLE XII

1. This Agreement shall be approved in each of the two states in accordance with relevant internal legal procedures and shall enter into force thirty (30) days after the date of the delivery of the last note confirming such approval.

2. This Agreement shall remain in force for a period of ten (10) years, and its validity shall be extended automatically for subsequent period of five (5) years each unless, at least six (6) months before the expiration of the relevant period, either Party notifies the other Party in writing of its intention to terminate this Agreement.

ARTICLE XIII

1. This Agreement may be modified or amended at any time by the written, consent of the Parties. Any such changes shall enter into force in accordance with the procedures stipulated in Article XII of this Agreement.

2. In case the Czech Republic becomes a member state of the European Union and an agreement between the Government of the Republic of Korea and the European Atomic Energy Community concerning transfers of nuclear material from the Republic of Korea to the European Atomic Energy Community or from the European Atomic Energy Community to the Republic of Korea enters into force, such a prospective agreement shall, where appropriate, prevail over this Agreement. Eventual contradictions shall be resolved in accordance with Article X or, if needed, paragraph 1 of this Article of this Agreement.

ARTICLE XIV

Notwithstanding the termination of this Agreement, the obligations contained in Article III, paragraph 2 and Articles V, VI, VII, VIII, IX, X and XI of this Agreement shall remain in force so long as any nuclear material, material, equipment or technology subject to this Agreement remains in the territory of the state of the Party concerned or under its control anywhere, or until such time as the Parties agree such nuclear material, material, equipment or technology are no longer useable for any nuclear activity relevant from the point of view of safeguards.

IN WITNESS WHEREOF, the undersigned, being duly authorized for this purpose by their respective governments, have signed this Agreement

DONE at Seoul this 16th day of March 2001, in duplicate, in the Czech, Korean, and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
THE CZECH REPUBLIC

Doc. Ing. MIROSLAV GRÉGR, v.r.

FOR THE GOVERNMENT OF
THE REPUBLIC OF KOREA

Lee Joung-Bim, v.r.