

Protocol between the Government of the Republic of Austria and the Government of the Czech Republic amending the Agreement between the Government of the Republic of Austria and the Government of the Czechoslovak Socialist Republic to settle Issues of Common Interest in connection with Nuclear Safety and Radiation Protection

The Government of the Republic of Austria and the Government of the Czech Republic

Desirous to further implement the Agreement between Austria and the Czech Republic concerning the Conclusions of the Melk Process and Follow up of 29 November 2001,

Have agreed to amend the Agreement between the Government of the Republic of Austria and the Government of the Czechoslovak Socialist Republic to settle Issues of Common Interest in connection with Nuclear Safety and Radiation Protection of 25 October 1989 (hereinafter "the Agreement"), currently in force between the Government of the Republic of Austria and the Government of the Czech Republic, as follows:

Section 1

The title of the Agreement shall be replaced by the following:

"Agreement between the Government of the Republic of Austria and the Government of the Czech Republic to settle Issues of Common Interest in connection with Nuclear Safety and Radiation Protection"

Section 2

The preamble of the Agreement shall be replaced by the following:

"The Government of the Republic of Austria and the Government of the Czech Republic (hereinafter referred to as the "Contracting Parties")

Desirous to further develop the good neighbourly relations between the Republic of Austria and the Czech Republic,

Taking into account that the Republic of Austria and the Czech Republic are both members of the European Union,

Convinced that a timely exchange of information and experience regarding nuclear safety and radiation protection can contribute significantly to the safety of the peoples in the two Contracting Parties,

Considering the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, as well as the recognized principles of cooperation in the framework of the International Atomic Energy Agency

have agreed as follows:"

Section 3

Article 1 of the Agreement shall be replaced by the following:

“Article 1

1. This Agreement applies to civil nuclear facilities or activities only.
2. For the purpose of this Agreement the term
 - a) nuclear facilities means nuclear reactors, facilities for nuclear fuel cycles, and facilities for the treatment of radioactive waste materials,
 - b) nuclear activities means
 - i) the transport and storage of nuclear fuels or radioactive waste materials, and
 - ii) the production, use, storage, final storage and transport of radioisotopes for agricultural, industrial, medical, as well scientific purposes and research purposes, associated with the foregoing.”

Section 4

Article 2 of the Agreement shall be replaced by the following:

“Article 2

1. In the event of any incident that is connected to the facilities or activities listed in Article 1 as a consequence of which there is or may be a release of radioactive substances beyond the common national boundary, which may be of significance for the safety of the respectively other Contracting Party in connection with radiation consequences, the Contracting Party on whose territory the incident has occurred shall notify the respectively other Contracting Party immediately by way of the Contact Points.
2. The notice according to Paragraph 1 above shall be given, at the latest, when measures for the protection of the Contracting Party's own population are initiated.
3. The Contracting Parties shall also inform each other, by way of the Contact Points, about events that do not constitute an incident in keeping with Paragraph 1, but where it is necessary to respond to the information needs of the population of one of the Contracting Parties. Details will be defined in the framework of an implementing arrangement, which the competent authorities of the Contracting Parties will conclude as soon as possible.
4. Furthermore, the informing Contracting Party shall provide the other Contracting Party, upon the latter's request, with explanations on information communicated according to Paragraphs 2 and 3.
5. Each of the Contracting Parties shall communicate its Contact Point to the respectively other Contracting Party, by way of the diplomatic channels, immediately after the present Agreement has entered into force.

6. After these Contact Points have been set up, they shall immediately establish their mutual understanding on the details of the mode of communicating any information. A review of the functioning of this communication system shall be made once every year, as a minimum.”

Section 5

Article 3 of the Agreement shall be replaced by the following:

“Article 3

1. The Contracting Parties shall see to it that the information communicated in keeping with Paragraph 1 of Article 2 of the present Agreement is of such a scope as to make it possible for the respectively other Contracting Party to decide on the preparation or implementation of the appropriate measures for the protection of its population. This information shall, in particular, comprise the following data on

- a) the date and, to the extent that this is appropriate, the precise location and type of the nuclear accident;
- b) the facility or activity affected;
- c) the assumed or established cause, and the foreseeable development of the nuclear accident in relation to the cross-boundary release of radioactive substances;
- d) the general characteristics of the released radioactivity, including, to the extent possible and appropriate, the type, the anticipated physical and chemical form and the quantity, composition and effective level of the released radioactivity;
- e) information about the present and forecast meteorological and hydrological conditions, as they are necessary to make a prognosis of the cross-boundary release of the radioactive substances;
- f) the results of the environmental monitoring in relation to the cross-boundary release of the radioactive substances;
- g) the protective measures taken or planned outside of the facility affected;
- h) the forecast about the behaviour of the released radioactivity in its further development.

2. The communicated data shall be updated continuously in keeping with the further development of the situation. Moreover, the notifying Contracting Party shall provide the other Contracting Party, upon the latter's request, explanations and supplementary information to the communicated data.

3. Such data and any possible supplementary information shall be communicated for such a time until the situation described in Paragraph 1 of Article 2 of the present Agreement no longer prevails, or until sufficient information is available to evaluate the factual position.”

Section 6

Article 4 of the Agreement shall be replaced by the following:

“Article 4

1. The Contracting Parties agree to co-operate in the area of off-site emergency preparedness. Technical and administrative details will be defined in the framework of an implementing arrangement.
2. In case of an event according to Paragraph 1 of Article 2 of the present Agreement, the Contracting Parties shall co-operate as a matter of urgency in order to ensure the protection of the health and property of their peoples as well as the possible provision of assistance.
3. Any possible further measures shall be agreed by the Contact Points according to Paragraph 5 of Article 2 of the present Agreement.”

Section 7

Article 5 of the Agreement shall be replaced by the following:

“Article 5

1. The Contracting Parties shall arrange for continuous and automatic exchange of data from radiation monitoring networks to support the preparedness of both sides for any extraordinary event with radiological consequences. Technical and administrative details will be defined in the framework of an implementing arrangement.
2. If and when the Contracting Parties have implemented decision supporting systems for off-site emergency preparedness (e.g. system RODOS), the information provided by these systems shall be exchanged automatically between the Contracting Parties.
3. An annual report on the results of radiation monitoring including results of laboratory based measurements shall be communicated to the respective other Contracting Party each year. In case of significant deviations from the standard status, this information shall be communicated immediately to the other Contracting Party by way of the Contact Points. Upon request by one of the Contracting Parties, the respectively other Contracting Party shall communicate supplementary information.”

Section 8

Article 6 of the Agreement shall be replaced by the following:

“Article 6

1. The Contracting Parties shall inform each other once every year about their legal provisions and administration regarding nuclear safety and radiation protection and about their nuclear programs, including existing nuclear facilities and activities, as defined in Paragraph 2 of Article 1 of the present Agreement, the experience obtained

from the operation of nuclear facilities and the conduct of nuclear activities as well as an update of at least the data listed in the Annex to the present Agreement, as appropriate.

2. The Contracting Parties shall also inform each other about those nuclear facilities in the planning stage or under construction, as defined in Paragraph 2 subparagraph a) of Article 1 of the present Agreement, and they shall make available to each other at least the data listed in the Annex to the present Agreement.

3. The Contracting Parties shall further inform each other about major changes such as increases in capacity or renewal or extension of the operating license in existing nuclear facilities, as defined in Paragraph 2 subparagraph a) of Article 1 of the present Agreement, and they shall make available to each other at least the data listed in the Annex to the present Agreement.

4. The Contracting Parties shall also inform each other about the decommissioning of nuclear facilities, as defined in Paragraph 2 subparagraph a) of Article 1 of the present Agreement, and they shall make available to each other at least the data listed in the Annex to the present Agreement.

5. The information according to Paragraphs 2 to 4 shall be communicated at a time that makes it possible for the respectively other Contracting Party to comment on the project in time. Upon request, the process of commenting shall be supported in individual cases by the transfer of additional information, previously agreed by both parties, relevant in quantity and detail to the phase and character of the project. Comments by the respectively other Contracting Party shall be considered by the relevant authorities in their investigations and deliberations.”

Section 9

Article 8 of the Agreement shall be replaced by the following:

“Article 8

1. For the implementation of the present Agreement, coordinating institutions shall be nominated by the Contracting Parties through diplomatic channels.

2. The coordinating institutions shall, in particular, see to it that

- a) all documents and information are exchanged which are to be communicated as part of the cooperation according to Articles 5 and 6 of the present Agreement, unless a special mode for communicating the information is taken into account in individual cases,
- b) the joint expert meetings according to Article 7 of the present Agreement are organized.

3. The Contracting Parties shall inform each other through diplomatic channels of any possible change in the nomination of their coordinating Institutions.”

Section 10

Article 13 paragraph 2 of the Agreement shall be replaced by the following text:

“2. The attached Annex shall be part of the present Agreement. The competent authorities of the Contracting Parties may conclude arrangements for the implementation of this Agreement.”

Section 11

1. The present Protocol shall enter into force on the first day of the second month following the month in which the two Contracting Parties have informed each other through diplomatic channels that the respective national conditions for its entry into force have been satisfied.
2. The present Protocol shall remain in force as long as the Agreement remains in force.

Done in Prague, on 20. December 2007 in duplicate in the German, Czech and English languages, all texts being equally authentic. In case of divergence of interpretation the English text shall prevail.

**For the Government of the
Republic of Austria:**

KLESTIL-LÖFFLER m.p.

**For the Government of the
Czech Republic:**

SCHWARZENBERG m.p.