



TREATY SERIES 2004
N° 3

Agreement between the Government of Ireland and
the Government of the United Kingdom of Great
Britain and Northern Ireland
on the early Notification of a Nuclear Accident or
Incident of Radiological Significance and the Exchange
of Information concerning the Operation and
Management of Nuclear Facilities or Activities

Done at Dublin on 10 December 2004

Entered into force on 10 December 2004

Presented to Dáil Éireann by the Minister for Foreign Affairs

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND
THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND ON THE EARLY
NOTIFICATION OF A NUCLEAR ACCIDENT OR INCIDENT OF
RADIOLOGICAL SIGNIFICANCE AND THE EXCHANGE OF
INFORMATION CONCERNING THE OPERATION AND
MANAGEMENT OF NUCLEAR FACILITIES OR ACTIVITIES

The Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland;

Considering the proximity to each other of the territories of Ireland and of the United Kingdom of Great Britain and Northern Ireland;

Conscious of the need for public confidence in the safety of all operations at nuclear facilities or of nuclear activities;

Jointly recognising the necessity at existing and planned nuclear facilities to limit radioactive discharges into the atmosphere and the marine environment;

Considering the mutual interest of the two countries in ensuring that the operation of nuclear facilities or undertaking of nuclear activities is carried out in accordance with high standards of safety and environmental protection;

Recognising the need to ensure the protection of human health and the environment and the safety of radioactive materials at all times during transport by whatever means in order to avoid a release that could be of radiological safety significance to the territory of either Party;

Reaffirming that responsibility for nuclear safety and the environmental implications of nuclear activities rests with the State having jurisdiction over the nuclear facility or activity in question;

Acknowledging the existing Arrangement for the Exchange of Information between the Radiological Protection Institute of Ireland and the United Kingdom Health and Safety Executive and dated 14 May 2003 and other co-operation procedures between the Parties;

Having regard to the Convention on Early Notification of a Nuclear Accident done at Vienna on 26 September 1986 and in particular to Article 9 of that Convention as well as to the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency done at Vienna on 26 September 1986;

Having regard also to the Convention on Nuclear Safety done at Vienna on 20 September 1994 and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management done at Vienna on 5 September 1997;

HAVE AGREED as follows:

Article 1

- (1) This Agreement shall apply in the event of any accident or incident involving facilities or activities of either Party or of persons or legal entities under its jurisdiction or control, referred to in paragraph (2) of this Article, from which a release of radioactive material occurs, or is likely to occur, and which has resulted or may result in a release that could have an effect or the risk of an effect outside a Party's territory and be of radiological safety significance to the territory of the other Party.
- (2) The facilities and activities referred to in paragraph (1) of this Article are the following:
 - (a) any nuclear reactor wherever located;
 - (b) any nuclear fuel cycle facility;
 - (c) any radioactive waste management facility;
 - (d) the transport and storage of nuclear fuels (including spent nuclear fuels) or radioactive wastes;
 - (e) the manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and
 - (f) the use of radioisotopes for power generation in space objects.
- (3) For the purposes of this Agreement, "incident" means an incident of radiological safety significance which, while not constituting an accident, results or is likely to result in a release of radioactivity into the environment that has not been authorised by the regulatory authorities of that Party.

Article 2

- (1) In the event of an accident or incident specified in Article 1, the Party having jurisdiction over the facility or activity responsible for the accident or incident, shall forthwith notify the other Party directly. Such notification shall contain the information specified in paragraph (2) of this Article.

- (2) Information shall comprise the following data as then available to the notifying Party:
- (a) the time, exact location where appropriate, and the nature of the accident or incident;
 - (b) the facility or activity involved;
 - (c) the assumed or established cause and the foreseeable development of the accident or incident relevant to the transboundary release of the radioactive materials;
 - (d) the general characteristics of the radioactive release, including, as far as 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 the radioactive materials;
 - (g) the off-site protective measures taken or planned, including measures taken or planned to inform the public; and
 - (h) the predicted behaviour over time of the radioactive release.

Article 3

The information referred to in Article 2 shall be supplemented as the situation develops with appropriate information for so long as the competent authorities of the Parties agree to be necessary. This supplementary information in relation to an accident or incident shall include information on response measures taken or envisaged, and on any appropriate assistance which the Party first referred to in Article 2, paragraph (1), may offer to the other Party in order to minimise or alleviate the possible radiological consequences of the accident or incident. The information shall be supplemented at appropriate intervals by further relevant information, including the development of the accident or incident and its foreseeable or actual termination.

Article 4

The Party providing information under Articles 2 and 3 shall as far as is reasonably practicable respond promptly to a request from the other Party for further information or consultation.

Article 5

If a Party registers abnormal levels of radiation, which:

- (a) are caused by facilities or activities of a State that is not a Party to this Agreement; or

- (b) are of indeterminate cause, and which are not identifiable with natural events and which could result in or be likely to result in an effect or the risk of an effect on the territory of the other Party

it shall notify the other Party and shall continue to keep the other Party informed of developments.

Article 6

- (1) Each Party shall, for the purposes of this Agreement, nominate in writing their competent authorities for the receipt and transmission of information under the provisions of this Agreement.
- (2) Information exchanged between the competent authorities of the Parties under the provisions of this Agreement shall be transmitted through a reciprocal notification system agreed between the competent authorities.
- (3) The communication links between the competent authorities, referred to in paragraph (2) of this Article, shall be tested periodically on a planned basis, and in any event, at least once a year.

Article 7

Each Party shall provide to the other, appropriate information to facilitate advance emergency planning to respond to any accident or incident, insofar as the territory of the other Party is likely to be affected.

Article 8

Information relating to defence activities shall not be the subject of a communication under the terms of this Agreement, other than information in accordance with Articles 1, 2 and 3.

Article 9

The powers and responsibilities of the competent authorities referred to in Article 6, paragraph (1), shall be governed by the national law of the relevant Party.

Article 10

- (1) The competent authorities of the Parties shall periodically exchange information on planning, commissioning, decommissioning and other significant changes in nuclear facilities and activities, insofar as these are relevant to the risk of any release of radioactivity into the

environment and which might have radiological consequences liable to affect the territory of the other Party.

- (2) The competent authorities of the Parties shall consult each other promptly in relation to any specific new project within the scope of paragraph (1) of this Article likely to have significant effects on the environment of the other Party.

Article 11

The Parties shall meet at the request of either of them to discuss matters concerning the implementation of this Agreement. In the event of any differences over the interpretation or application of this Agreement the Parties shall consult each other with a view to resolving such differences.

Article 12

This Agreement shall enter into force on the date of signature by both Parties and shall continue in force until six months after one Party has given written notification of termination to the other Party.

Article 13

For the purposes of this Agreement, reference to the United Kingdom of Great Britain and Northern Ireland shall include the Channel Islands and the Isle of Man, but shall not include overseas territories, and the terms 'State' and 'territory' should be construed accordingly.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Dublin this 10th day of December 2004.

Dick Roche
Minister for the Environment,
Heritage & Local Government

Stewart Eldon
Ambassador of the United Kingdom
of Great Britain & Northern Ireland