

No. 50953

**Japan
and
Republic of Korea**

Agreement between the Government of Japan and the Government of the Republic of Korea for cooperation in the peaceful uses of nuclear energy (with annexes, protocol and agreed minutes). Tokyo, 20 December 2010

Entry into force: *21 January 2012, in accordance with article 16*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Japan, 7 June 2013*

**Japon
et
République de Corée**

Accord de coopération entre le Gouvernement du Japon et le Gouvernement de la République de Corée relatif à l'utilisation de l'énergie nucléaire à des fins pacifiques (avec annexes, protocole et procès-verbal approuvé). Tokyo, 20 décembre 2010

Entrée en vigueur : *21 janvier 2012, conformément à l'article 16*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Japon, 7 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN AND
THE GOVERNMENT OF THE REPUBLIC OF KOREA FOR COOPERATION
IN THE PEACEFUL USES OF NUCLEAR ENERGY

The Government of Japan and the Government of the Republic of Korea (hereinafter referred to as "the Parties");

Desiring to further expand and strengthen cooperation in the field of the peaceful uses of nuclear energy on the basis of equality and mutual benefit;

Affirming the role of nuclear energy in meeting global challenges of energy security and climate change;

Desiring also to strengthen the friendly relations existing between Japan and the Republic of Korea;

Considering the close cooperation between Japan and the Republic of Korea in the peaceful uses of nuclear energy in accordance with the agreement contained in the Exchange of Notes between the Government of Japan and the Government of the Republic of Korea dated May 25, 1990 concerning cooperation in the field of the peaceful uses of nuclear energy (hereinafter referred to as "the Exchange of Notes");

Considering also that both Japan and the Republic of Korea are parties to the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968 (hereinafter referred to as "the Non-Proliferation Treaty");

Recognizing that both Japan and the Republic of Korea are members of the International Atomic Energy Agency (hereinafter referred to as "the Agency");

Mindful that the Parties are Participating Governments of the Nuclear Suppliers Group; and

Reaffirming the commitment of the Parties to pursue peaceful uses of nuclear energy in a manner ensuring nuclear non-proliferation, nuclear safety and nuclear security;

Have agreed as follows:

ARTICLE 1

For the purposes of this Agreement:

- (a) The term "authorized person" means any individual or entity within the jurisdiction of the State of a Party and authorized by that Party to cooperate under this Agreement, including to supply or receive nuclear material, material, equipment and technology, and to perform or receive services, but does not include the Parties;
- (b) The term "nuclear material" means
 - (i) source material, namely, uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other substance containing one or more of the foregoing in such concentration as the Board of Governors of the Agency determines under Article XX of the Statute of the Agency, done on October 26, 1956 (hereinafter referred to as "the Statute"), and the Parties inform each other, in writing, to accept; and such other substance as the Board of Governors of the Agency determines under Article XX of the Statute and the Parties inform each other, in writing, to accept; and
 - (ii) special fissionable material, namely, plutonium, uranium-233, uranium enriched in the isotope 233 or 235; any substance containing one or more of the foregoing; and such other substance as the Board of Governors of the Agency determines under Article XX of the Statute and the Parties inform each other, in writing, to accept. Special fissionable material does not include source material;
- (c) The term "material" means substances for use in a nuclear reactor which are specified in Part A of Annex A to this Agreement, but does not include nuclear material;

- (d) The term "equipment" means major items of machinery, plant or instrumentation, or major components thereof, which are specially designed or prepared for use in nuclear activities, and which are specified in Part B of Annex A to this Agreement;
- (e) The term "technology" means specific information required for the development, production or use of any nuclear material, material or equipment, excluding information which has been made available without restrictions upon its further dissemination. Basic scientific research information may also be excluded, if specified and agreed in writing by the Parties. This specific information may take the form of technical data which includes blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape and read-only memories. It may also take the form of technical assistance which includes instruction, skills, training, working knowledge and consulting services;
- (f) The term "development" referred to in paragraph (e) of this Article means all phases before production such as design, design research, design analysis, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design and layouts;
- (g) The term "production" referred to in paragraphs (e) and (f) of this Article means all activities for producing nuclear material, material or equipment such as construction, production engineering, manufacture, integration, assembly (mounting), inspection, testing and quality assurance;
- (h) The term "use" referred to in paragraph (e) of this Article means operation, installation including on-site installation, maintenance, checking, repair, overhaul and refurbishing;

- (i) The term "nuclear material recovered or produced as a by-product" means (i) nuclear material derived from nuclear material transferred pursuant to this Agreement, (ii) nuclear material derived by one or more processes from the use of material or equipment transferred pursuant to this Agreement and (iii) nuclear material which the Parties agree as derived from the use of technology transferred pursuant to this Agreement; and
- (j) The term "unclassified information" means information not classified as restricted, confidential, secret or top secret by either of the Parties.

ARTICLE 2

Cooperation under this Agreement may be undertaken in the following areas:

- (a) design, construction, operation, maintenance and decommissioning of light water reactors;
- (b) nuclear safety including radiation protection and environmental monitoring;
- (c) radioactive waste processing and management;
- (d) study on and application of radio-isotopes and radiation;
- (e) safeguards and physical protection;
- (f) research and development on areas agreed upon by the Parties; and
- (g) other areas as may be agreed upon by the Parties.

ARTICLE 3

Cooperation as specified in Article 2 may be undertaken in the following ways:

- (a) exchange of experts;
- (b) exchange of unclassified information, on such terms as may be agreed between the Parties, between authorized persons of the Parties, or between either Party and authorized persons of the other Party;