

No. 50954

**Japan
and
Viet Nam**

Agreement between the Government of Japan and the Government of the Socialist Republic of Viet Nam for cooperation in the development and peaceful uses of nuclear energy (with annexes and agreed minutes). Hanoi, 20 January 2011

Entry into force: *21 January 2012, in accordance with article 15*

Authentic text: *English*

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**Japon
et
Viet Nam**

Accord de coopération entre le Gouvernement du Japon et le Gouvernement de la République socialiste du Viet Nam relatif au développement et à l'utilisation de l'énergie nucléaire à des fins pacifiques (avec annexes et procès-verbal agréé). Hanoï, 20 janvier 2011

Entrée en vigueur : *21 janvier 2012, conformément à l'article 15*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN
THE GOVERNMENT OF JAPAN AND
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM
FOR COOPERATION
IN THE DEVELOPMENT AND PEACEFUL USES OF NUCLEAR ENERGY

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

Considering that both Japan and the Socialist Republic of Viet Nam are parties to the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968;

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

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; and

Desiring to promote cooperation between the two States in the field of the peaceful uses of nuclear energy in accordance with their respective domestic laws and relevant international agreements which are in force for both States;

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 may be agreed to by the Parties; and such other substances as may be agreed to by the Parties; 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 substances as may be agreed to by the Parties. 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 "equipment based on technology" means equipment which the Parties agree as produced from the use of technology transferred pursuant to this Agreement;
- (j) 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
- (k) The term "unclassified information" means information not classified as restricted, confidential, secret or top secret by either of the Parties.

ARTICLE 2

1. Cooperation under this Agreement for the promotion and development of the peaceful non-explosive uses of nuclear energy in the two States may be undertaken in the following areas:

- (a) exploration and exploitation of uranium resources;
- (b) design, construction and operation of light water reactors;
- (c) nuclear safety including radiation protection, environmental monitoring and prevention of and response to nuclear accident and radiological emergency;
- (d) storage, transportation, processing and disposal of radioactive waste;
- (e) study on and application of radio-isotopes and radiation;
- (f) safeguards and nuclear security;
- (g) human resources development in the field of the peaceful uses of nuclear energy;
- (h) development of legal framework in the field of the peaceful uses of nuclear energy;
- (i) public information on the peaceful uses of nuclear energy;
- (j) research and development in areas agreed upon between the Parties; and
- (k) other areas as may be agreed by the Parties.

2. Cooperation as specified in paragraph 1 of this Article may be undertaken in the following ways:

- (a) exchange of experts and trainees;
- (b) exchange of unclassified information, including information relating to nuclear safety, 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;