

**ARRANGEMENT FOR THE EXCHANGE OF INFORMATION AND  
CO-OPERATION IN THE AREA OF REGULATION OF SAFE  
NUCLEAR ENERGY FOR PEACEFUL PURPOSES  
BETWEEN  
THE OFFICE FOR NUCLEAR REGULATION OF GREAT BRITAIN  
AND  
THE NATIONAL NUCLEAR REGULATOR OF THE REPUBLIC OF  
SOUTH AFRICA**

In consideration of the mutual interest of the Office for Nuclear Regulation of Great Britain and the National Nuclear Regulator of the Republic of South Africa (hereinafter individually referred to as a "Participant" and collectively the "Participants") in exchanging information concerning the regulation of the safety of nuclear installations, the Participants have reached the following arrangement:

**Paragraph 1      Information to be exchanged**

- (1) Subject to Paragraphs 3 and 4 below, the participants will exchange safety-related information concerning any of the following matters in relation to which they have responsibilities:
- a) Regulation of siting, construction, commissioning, operation, decommissioning of civil nuclear installations and radioactive waste management facilities;
  - b) Regulation of the transport of radioactive materials;
  - c) Response measures to nuclear incidents and accidents, in particular information concerning any event that has

- a major radiological significance and the remedial actions undertaken in response;
- d) Research in connection with licencing and regulatory control of nuclear installations;
- e) Regulation of radioactive sources;
- f) Regulatory interest relating to new reactor technologies; and
- g) Inspections of nuclear installations and manufacturing facilities.

(2) The information referred to in the preceding sub-paragraph will be unclassified information only and includes in particular:

- a) legislation, regulations, licences, regulatory codes, standards, criteria and guides;
- b) technical reports, incident and accident reports and nuclear safety assessments;
- c) nuclear incident and accident reports;
- d) information acquired through cooperative activities in safety-related research; and
- e) information acquired through joint and witnessed inspections.

## **Paragraph 2**

### **Definitions**

For the purpose of this Arrangement:

- a) the expression “nuclear installations” means any stationary installation for the production or fission of nuclear fuel, or for the processing of irradiated nuclear fuel, or radioactive waste, or for the storage or management of radioactive waste;
- b) the expression “safety-related” means related to nuclear safety and does not include other aspects of safety;

- c) the expression “person” includes a body of persons corporate and unincorporated; and
- d) in Paragraph 4(1) (b) the expression “administration in the United Kingdom” means:
  - (i) the Government of the United Kingdom of Great Britain and Northern Ireland;
  - (ii) the Scottish Government;
  - (iii) the Welsh Government; or
  - (iv) the Northern Ireland Executive.

**Paragraph 3**      **Excepted information**

Neither Participant is required to provide any information on security and safeguards.

Neither Participant is required to provide any information if,

- a) that Participant, in its absolute discretion, considers that disclosure of that information would be liable to contravene a legal requirement, prejudice its national security, be commercially damaging or be otherwise injurious to its public interest; or
- b) information requested relates to a matter outside the participant’s field of responsibility.

However, any information that is made public in either Participant’s country will be available to the other Participant.

Each Participant may provide abridged documents, if necessary.

**Paragraph 4**      **Use of Information**

(1) Information received by either Participant under this arrangement may be disseminated freely without further permission of the other Participant, except information designated as being in confidence. Unless otherwise decided by the Participants, information designated as being in confidence will not be brought to the knowledge of any person outside:

(a) on the British side, any administration in the United Kingdom, the Office for Nuclear Regulation and its external technical support organisations

(b) on the South African side, the National Nuclear Regulator of the Republic of South Africa and its external Technical Support Organisations; and

Such information will be clearly identified as being provided in confidence by the sending Participant with special stamps or other bold lettering.

(2) In addition, each Participant will ensure that;

a) it does not disclose any information that would prejudice its statutory functions or enforcement capacity; and

b) at the same time it does not restrict access to information to which the public may in any event be entitled to receive.

(3) Each Participant making use of information supplied under this Arrangement does so at its own risk.

(4) Each Participant will put into place reasonable measures so as to ensure that confidential information belonging to the other Participant is adequately protected.

**Paragraph 5**

**Information from other sources**

Each Participant will use its best endeavours to assist the other, so far as practicable, to obtain any safety-related information concerning any of the matters referred to in Paragraph 1 above from other sources in its respective country.

**Paragraph 6**

**Administration**

(1) The exchange of information may be effected by post, facsimile, email, telephone or other appropriate means and by visits and meetings bearing in mind the confidentiality associated with the information.

(2) Each Participant will designate an Administrator to supervise its responsibilities under this Arrangement. All information to be exchanged will be sent to or otherwise communicated to the administrators unless the Participants decide otherwise.

(3) Any meetings or visits in relation to this Arrangement will take place only after consultation between the Administrators, and as the Participants jointly decide are necessary and after all relevant procedures have been followed.

**Paragraph 7**

**Peaceful Uses of Information and Results**

The Participants will ensure that the information received, or the results of the activities carried out by them under this Arrangement, are used exclusively for peaceful purposes.

**Paragraph 8**

**Forms of Co-operation**

The Participants will endeavour to co-operate on nuclear safety matters in the following manner, including but not limited to:

- a) Mutual assistance related to training of scientific and technical personnel;
- b) Exchange of personnel for courses, secondments and seminars;
- c) Setting up joint working groups to carry out specific collaboration activities on nuclear safety and related research;
- d) Exchange of information and documentation relating to the above-mentioned areas, as well as those mentioned in Paragraph 1;
- e) Other terms of co-operation identified by the Participants as necessary.

**Paragraph 9**

**Commencement and Duration of this Arrangement**

(1) This Arrangement, which replaces the Information Exchange Arrangement between the Office for Nuclear Regulation of Great Britain and the National Nuclear Regulator of the Republic of South Africa, signed on 24 September 2014, will come into effect immediately upon having been signed on behalf of the Participants and, subject to sub-paragraph (2) below –

- a) will continue to have effect for five years from the date of its being so signed; and
- b) may be extended thereafter in writing by mutual decision of the Participants.

(2) This Arrangement may at any time be discontinued by either Participant by giving at least 30 days' notice in writing to the other.

(3) The Participants may mutually decide in writing to modify or supplement this Arrangement.

SIGNED IN DUPLICATE AT

.....17<sup>th</sup> SEPTEMBER.....VIENNA.....2019

For the Office for Nuclear Regulation of Great Britain

A handwritten signature in black ink, consisting of stylized initials 'MF' followed by a horizontal line that loops back under the initials.

Mark Foy - Chief Nuclear Inspector

For the National Nuclear Regulator of the Republic of South Africa

A handwritten signature in black ink, featuring a large, prominent loop at the beginning, followed by a series of connected, fluid strokes.

Dr Mzubanzi Bismark Tyobeka - Chief Executive Officer