

**ARRANGEMENT FOR THE EXCHANGE OF INFORMATION AND CO-
OPERATION IN THE SAFETY REGULATION OF NUCLEAR ENERGY
USE FOR PEACEFUL PURPOSES**

BETWEEN

**THE OFFICE FOR NUCLEAR REGULATION OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

AND

STATE NUCLEAR REGULATORY INSPECTORATE OF UKRAINE

In consideration of the mutual interest of Office for Nuclear Regulation of the United Kingdom of Great Britain and Northern Ireland and of the State Nuclear Regulatory Inspectorate of Ukraine (each singly a "Participant" and together the "Participants") in exchanging information concerning, and cooperation in relation to, the regulation of nuclear installations and nuclear material, the Participants have reached the following understandings:

Paragraph 1 Information to be exchanged

- (1) Subject to Paragraphs 3 and 4 below, the Participants will exchange 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) Research in connection with licencing and regulatory control of nuclear installations;
 - d) Regulation of radioactive sources;
 - e) Regulatory interest relating to new reactor technologies; and
 - f) Inspections of nuclear installations and manufacturing facilities.
- (2) The information referred to in the preceding sub-paragraph includes in particular:
 - a) legislative instruments, codes, standards, criteria and guides;
 - b) licensing, enforcement and inspection procedures;
 - c) technical reports, incident reports and safety assessments made or received by either Participant;

d) procedures intended to reduce exposure of persons to ionising radiations;

and

e) information on safety-related research.

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 but excludes defence installations;

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 unincorporate;

d) The expression "personal information" includes 'personal data' (as defined in the General Data Protection Regulation 2016/679) and also includes any personal information of a deceased individual;

and

e) In paragraph 3(r) 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 Assembly Government; or
- (iv) The Northern Ireland Executive.

Paragraph 3 Excepted information

The Participants do not intend to exchange information which:

- a) is information whose disclosure is restricted in accordance with the legal system of that Participant's country;
- b) were it to be disclosed would cause or risk prejudice to the national security or defence of the United Kingdom of Great Britain and Northern Ireland, including its Crown dependencies or overseas territories and of Ukraine;
- c) were it to be disclosed would cause or risk prejudice to the economic interests of United Kingdom of Great Britain and Northern Ireland and of Ukraine;
- d) were it to be disclosed would cause or risk prejudice to the international relations of the United Kingdom of Great Britain and Northern Ireland and of Ukraine;
- e) is confidential information obtained from a state which is not a Participant to this Arrangement or from an international organisation or international court;
- f) were it to be disclosed would cause or risk prejudice to any investigation or legal or other proceedings, being conducted by

the authorities of either Participant's country, including by any police, prosecuting or other enforcing authority;

- g) were it to be disclosed would cause or risk prejudice to the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice or any other law enforcement or regulatory activity;
- h) is contained in any document relating to legal or administrative proceedings;
- i) relates to the formulation or development of policy by the government of either Participant's country;
- j) were it to be disclosed would cause or risk prejudice to the effective conduct of public affairs in either Participant's country, or would be likely to inhibit the free and frank provision of advice (including legal advice), or the free and frank exchange of views for the purpose of deliberation by or communication between holders of public office;
- k) is personal information about any person however, should the exchange of personal information become necessary each party will satisfy itself that any such data transfer is not in breach of its own legislative provisions regarding confidentiality or in breach of any other relevant statutory provisions, including the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation 2016/679;
- l) is obtained by either Participant from any others (including another public authority), where the disclosure of information by the Participant would constitute a breach of confidence;

- m) is information in respect of which a claim to legal professional privilege or equivalent in either Participant's country could be maintained in legal proceedings, or in respect of which disclosure would constitute or be punishable as a contempt of court;
 - n) constitutes a trade secret or information that, should it be disclosed, would cause or risk prejudice to the commercial interests of any person;
 - o) is information disclosure of which is prohibited by or under any enactment, rule of law, or international obligation;
 - p) contains material relating to a matter outside the Participant's authority to disseminate;
 - q) is information intended for future publication;
 - r) is information which would cause or risk prejudice to relations between any administration in the United Kingdom and any other such administration in the United Kingdom or Ukraine;
 - s) is information relating to public audit functions;
 - t) is information which is required to be withheld for the purpose of avoiding an infringement of the privileges of either House of the United Kingdom Parliament;
- or
- u) is classed as Export Controlled within the UK unless a valid UK export licence is acquired in advance.

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) Each Participant may make use of information received under this Arrangement within its own organisation and technical supporting organisations without further permission of the other Participant. Unless otherwise agreed by both Participants, or required by law, information will not be disclosed to third parties without the prior written consent of the providing Participant
- (2) Unless required by law, where a Participant wishes to disclose to third parties information obtained pursuant to this Arrangement, it should seek the permission of the providing Participant and should only disclose such information when it has received written permission.
- (3) Each Participant making use of information supplied under this Arrangement does so at its own risk.
- (4) To the maximum extent permitted by the laws and regulations of its respective country, each Participant should protect from unauthorised disclosure information received from the other Participant.
- (5) Participants intend to co-operate with each other in investigating any unauthorised disclosure of information exchanged under this arrangement.

Paragraph 5 Exchange of personnel

- (1) Each Participant may request the other Participant to accept temporary visits from members of the requesting Participant's personnel, or of an institution sponsored by the requesting Participant. The visits will be carried out for the purpose of exchanging information or of training on technical regulatory issues.
- (2) Each Participant will use its reasonable efforts to accommodate the visit that may be requested by the other Participant pursuant to the above sub-paragraph (1).
- (3) The Participants will treat the exchange of information as part of such visits in accordance with the terms of this Arrangement, subject to different provision being made in a separate arrangement referred to in sub-paragraph (4).
- (4) Exchanges of personnel and visits involving personnel of an institution sponsored by a Participant may be the subject of a separate arrangement between the Participants.

Paragraph 6 Administration

- (1) The exchange of information may be effected by post, 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.

- (4) All costs arising out of the cooperation activities under the Arrangement will be borne by either Participant accordingly, unless otherwise decided.

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 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 in accordance with Paragraph 5;
- c) Setting up joint working groups to carry out specific collaboration activities on nuclear safety and related research;
- d) Exchange of information in Paragraphs 1 - 4;
- e) Other terms of co-operation identified by the Participants as necessary.

Paragraph 9 Commencement and duration of this arrangement

- (1) This Arrangement will come into effect immediately upon having been signed on behalf of both Participants and, subject to subparagraph 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 terminated by either Participant by giving at least thirty days notice in writing to the other.
- (3) The Participants may mutually decide in writing to amend or supplement this Arrangement.

Paragraph 10 Status of this Arrangement

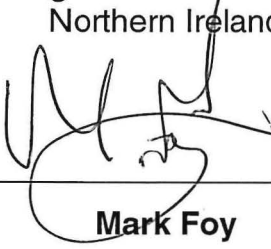

- (1) This Arrangement does not constitute a legally binding agreement and does not create rights and obligations on either Participant under domestic or international law.
- (2) This Arrangement does not affect any agreements that grant rights to or impose obligations on the Participants.

Paragraph 11 Settlement of Disputes

Any dispute arising between the Participants concerning the interpretation or implementation of this Arrangement will be settled amicably through mutual consultations between the Participants.

Signatories

SIGNED IN VIENNA on 28th September 2023 in duplicate, each in English and Ukrainian languages, both texts being equally authentic.

<p>For Office for Nuclear Regulation Of The United Kingdom Of Great Britain And Northern Ireland</p>  <hr/> <p>Mark Foy</p> <p>Chief Executive and Chief Nuclear Inspector</p>	<p>For the State Nuclear Regulatory Inspectorate of Ukraine</p>  <hr/> <p>Oleh Korikov</p> <p>Acting Chairman – Acting Chief State Inspector on Nuclear and Radiation Safety of Ukraine</p>
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