

CHINA



Treaty Series No. 60 (1985)

# Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the Government of the People's Republic of China  
for Co-operation in the Peaceful Uses of  
Nuclear Energy  
with Exchange of Letters

London, 3 June 1985

[The Agreement entered into force on 3 June 1985]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
December 1985*

LONDON  
HER MAJESTY'S STATIONERY OFFICE

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**AGREEMENT  
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND AND  
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA  
FOR CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China (hereinafter referred to as "the two Governments");

On the basis of the friendly relations existing between the two countries;

Recognising that both countries are nuclear weapon States;

Recognising that both countries are Member States of the International Atomic Energy Agency (IAEA);

Mindful of the fact that the United Kingdom is a member of the European Atomic Energy Community (EURATOM);

Mindful of the fact that the United Kingdom is a Party to the Treaty on the Non-Proliferation of Nuclear Weapons done on 1 July 1968<sup>1</sup>;

Bearing in mind the common desire of both countries to expand and strengthen co-operation in the peaceful uses of nuclear energy;

Have agreed as follows:

**ARTICLE I**

(1) The two Governments shall seek to promote co-operation between the two countries in the peaceful uses of nuclear energy and encourage co-operation between the organisations in their respective countries responsible for research in the peaceful uses of nuclear energy, as well as between industrial enterprises concerned with the development of the peaceful uses of nuclear energy in both countries. The co-operation shall be conducted on a basis of equality and mutual benefit, shall be subject to applicable laws, regulations and licence requirements in force respectively in the two countries and shall respect the rights of third parties. Such co-operation may include the following areas:

- (a) underlying civil nuclear research including reactor safety, radioactive waste management, radiation protection, structural materials, etc.;
- (b) consultancies related to the development of a power generation infrastructure, energy planning, impact of nuclear power on energy supplies and the environment, project management, safety, licensing and regulatory advice;
- (c) hardware, including both nuclear and conventional island components and balance of plant;
- (d) fuel cycle services, including uranium mining and fuel fabrication.

(2) Other areas may be added by agreement between the two Governments. For co-operation in sensitive areas the two Governments shall make other arrangements by supplementary agreements,

**ARTICLE II**

(1) For the fulfilment of the co-operation envisaged the two Governments shall seek to promote:

- (a) exchange of personnel and scientific and technical information;
- (b) arrangements for study, research, training and consultation;
- (c) provision of industrial knowledge and technology, including licensing arrangements;
- (d) other activities to be agreed by the two Governments.

<sup>1</sup> Treaty Series No. 88 (1970), Cmnd. 4474

(2) The scope of the co-operation and the practical and financial measures required for implementation shall in each case be the subject of special arrangements to be concluded by the two Governments or, with their consent, by other agencies or organisations within their respective territories.

#### ARTICLE III

(1) The two Governments shall ensure that information exchanged or resulting from joint research or development, is not made public or transmitted to third parties who are not authorised to receive it in accordance with this Agreement or any special arrangements made under Article 2 of this Agreement, without the written consent of the two Governments.

(2) The two Governments shall urge the co-operating agencies or organisations to inform each other of the extent of reliability and applicability of the information exchanged. The fact that the two Governments are involved in the transmission of information in certain cases in the context of this Agreement does not constitute acceptance of any liability of the two Governments for the accuracy or applicability of such information.

#### ARTICLE IV

The co-operation agreed upon under this Agreement shall be exclusively for peaceful purposes. Nuclear material, equipment, material and facilities especially prepared for the production or use of nuclear material and technological information transferred in the context of co-operation under this Agreement or derived from such co-operation, shall not be used so as to result in any nuclear explosive device.

#### ARTICLE V

Nuclear material, equipment, material and facilities especially prepared for the production or use of nuclear materials and technological information, transferred between the two States in the context of co-operation under this Agreement or derived from such co-operation shall be transferred to a third State only after prior consultation and agreement between the two Governments.

#### ARTICLE VI

In the event of any transfer as foreseen in Article V, the two Governments shall ensure that the third State gives undertakings on peaceful and non-explosive use, accepts IAEA safeguards and does not re-transfer without the consent of the two Governments. Arrangements shall also be made to ensure appropriate levels of physical protection on the basis of Article VII of this Agreement. Where the third State is a member of the European Community and one of the two Governments has been notified in advance by the other that the further transfer is to take place, mutual consent shall be deemed to have been given. Commercial arrangements and arrangements under patent law shall not be affected thereby.

#### ARTICLE VII

The two Governments shall ensure, within their own territories and jurisdictions, adequate physical protection, at the levels stipulated in the Annex to this Agreement, of nuclear materials transferred in the context of co-operation under this Agreement or derived from such co-operation, in order to prevent their unauthorised handling or use.

## ARTICLE VIII

Save as may be provided for in guarantees contained in contracts made pursuant to the present Agreement neither Government accepts liability for the consequences of the use made in the recipient country of any material, equipment or facilities supplied pursuant to the present Agreement.

## ARTICLE IX

The obligations of the two Governments under any international treaties to which either is a party shall remain unaffected, including the obligations arising for the United Kingdom from the treaties establishing the European Economic Community<sup>2</sup> and the European Atomic Energy Community<sup>3</sup>. The two Governments however, should seek to prevent such obligations from interfering with the normal implementation of this Agreement.

## ARTICLE X

Representatives of the two Governments shall meet and consult with each other, when necessary, on matters arising from the implementation of this Agreement.

## ARTICLE XI

For the purposes of the present Agreement:

“Equipment” means major items of machinery, instrumentation, plant, or major components thereof, specially suitable for use in a nuclear energy programme.

“Facilities” means reactors, critical facilities, conversion plants, fabrication plants, reprocessing plants, isotope separation plants or separate storage installations.

“Material” includes nuclear material (ie source material and special fissionable material), fuel, moderators and any other substances so designated by the agreement of the two Governments.

“Fuel” means any substance, or combination of substances, which is prepared for use in a reactor for the purpose of initiating and maintaining a self-supporting fission chain reaction.

## ARTICLE XII

(1) This Agreement shall enter into force upon signature and remain in force for a period of fifteen years. Thereafter it shall remain in force unless either Government shall have given to the other Government one year's notice of termination in writing.

(2) The provisions of this Agreement concerning the treatment of items or information transferred during co-operation, that is to say Articles III, IV, V, VI, VII, VIII, XI, shall remain unaffected by the expiry or termination of this Agreement. The period of validity of special arrangements made under Article II(2) of this Agreement shall also remain unaffected in such circumstances.

(3) This Agreement may be amended at any time by agreement between the two Governments.

In witness whereof, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

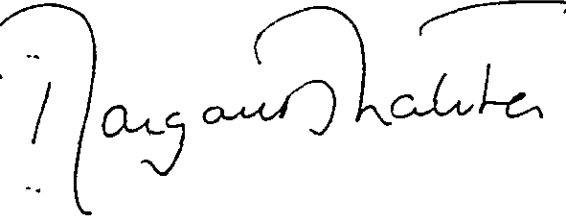
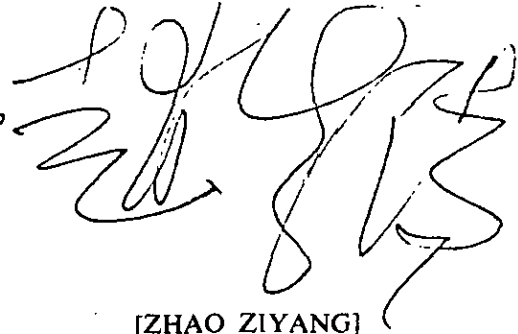
<sup>2</sup> Treaty Series No. 15 (1979), Cmnd. 7460

<sup>3</sup> Treaty Series No. 17 (1979), Cmnd. 7462

Done in duplicate at London on this 3rd day of June 1985 in the English and Chinese languages, both texts being equally authoritative.

For the Government of the  
United Kingdom of Great Britain  
and Northern Ireland:

For the Government of  
the People's Republic  
of China:

A handwritten signature in cursive script, reading "Margaret Thatcher".A handwritten signature in cursive script, reading "Zhao Ziyang".

[ZHAO ZIYANG]

## ANNEX

The levels of physical protection to be ensured by the competent national authorities in the use, storage and transportation of the materials listed in the attached table shall as a minimum include protection characteristics as follows:

### **Category III**

Use and storage within an area to which access is controlled. Transport under special precautions including prior arrangements among sender, recipient and carrier, and in the case of international transport, prior agreement between States on the time, place and procedures for transferring transport responsibility.

### **Category II**

Use and storage within a protected area to which access is controlled, ie an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control, or any area with an equivalent level of physical protection. Transport under special precautions including prior arrangements between sender, recipient and carrier, and in the case of international transport prior agreement between States on the time, place and procedures for transferring transport responsibility.

### **Category I**

Materials in this Category shall be protected against unauthorised use with highly reliable systems, namely use and storage within a highly protected area, ie a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with emergency response forces. Specific measures taken in this context should have as their objective the detection and prevention of any assault, unauthorised access or unauthorised removal of material.

Transport under special precautions as identified above for Category II and III materials and, in addition, under constant surveillance by escorts and under conditions which assure close communication with emergency response forces. The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China shall designate those agencies or authorities having responsibility for co-ordinating at a national level response/recovery operations in the event of unauthorised use or handling of protected materials. The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China shall designate points of contact within their national authorities to co-operate on matters of out-of-country transport and other problems of common interest.

**TABLE: CATEGORIES OF NUCLEAR MATERIAL**

MATERIAL	FORM	CATEGORY		
		I	II	III
1. Plutonium (a)	Unirradiated (b)	2kg or more	less than 2kg but more than 500g	500g or less (c)
2. Uranium —235	Unirradiated (b)			
	—uranium enriched to 20% 235U or more	5kg or more	less than 5kg but more than 1kg	1kg or less (c)
	—uranium enriched to 10% 235U but less than 20%	—	10kg or more	less than 10kg
	—uranium enriched above natural but less than 10% 235U (d)	—	—	10kg or more
3. Uranium —233	Unirradiated (b)	2kg or more	less than 2kg but more than 500g	500g or less (c)
4. Irradiated fuel			Depleted or natural uranium, thorium or low enriched fuel (less than 10% fissile content) (e), (f)	

(a) Plutonium with an isotopic concentration of plutonium 238 exceeding 80 % shall not be included.

(b) Nuclear material not irradiated in a reactor or nuclear material irradiated in a reactor but with a radiation level equal to or less than 100 rads/hour at one metre unshielded.

(c) Less than a radiologically significant quantity should be exempted.

(d) Natural uranium, depleted uranium and thorium and quantities of uranium enriched to less than 10% not falling in Category III should be protected in accordance with prudent management practice.

(e) Although this level of protection is recommended, it would be open to the Contracting Parties, upon evaluation of the specific circumstances, to assign a different category of physical protection.

(f) Other fuel which by virtue of its original fissile material content is classified as Category I or II before irradiation may be reduced one category level when the radiation level from the fuel exceeds 100 rads/hour at one metre unshielded.

# 中华人民共和国政府和 大不列颠及北爱尔兰联合王国政府 和平利用核能合作协定

中华人民共和国政府和大不列颠及北爱尔兰联合王国政府（以下简称两国政府）

在两国现有友好关系的基础上；

认识到两国都是核武器国家；

认识到两国都是国际原子能机构的成员国；

注意到联合王国是欧洲原子能联营的成员国；

注意到联合王国是一九六八年七月一日订立的不扩散核武器条约的缔约国；

本着扩大和加强两国和平利用核能方面合作的共同愿望；

达成协议如下：

## 第 一 条

一、两国政府应努力促进两国在和平利用核能方面的



合作，并鼓励各自国内负责研究核能和平利用的机构间以及两国中有关发展核能和平利用的工业企业间的合作。这种合作应在平等互利的基础上，在遵守两国各自现行有效的法律、规章、许可证规定的情况下进行，并且应尊重第三方的权利。此合作可以包含下列领域：

（一）基础性的民用核研究，包括反应堆安全、放射性废物处置、辐射防护、结构材料等；

（二）有关电力生产基础、能源规划、核动力对能源和环境的影响、项目管理、安全以及许可证和规章建议的咨询；

（三）硬件，包括核电站的核岛和常规岛的部件以及核电站的其它部分；

（四）燃料循环服务，包括铀的开采和燃料制造。

二、两国政府可能同意增加的其它领域。对于敏感性领域的合作，两国政府应通过补充性协议作出另外的安排。

## 第 二 条

一、为实现上述合作，两国政府应努力促进：

（一）人员和科技情报的交流；

- (二) 学习、研究、培训和咨询的安排；
- (三) 提供工业知识和技术，包括许可证安排；
- (四) 两国政府同意的其它活动。

二、合作范围和为其实施所需的实际措施和财政措施，都应由两国政府或经其同意的双方境内的其它机构和组织之间逐项作出专门安排。

### 第 三 条

一、两国政府应保证，未经两国政府书面同意，不得把交换的情报或通过联合研究或开发获得的情报公开，或转交给根据本协定或根据本协定第二条所作的任何专门安排无权接受情报的第三方。

二、两国政府应努力促使进行合作的机构和组织相互通报所交换的情报的可靠性和可使用性的程度。两国政府在某些情况下在本协定范围内参与转让情报，并不使两国政府对情报的准确性或可使用性承担责任。

### 第 四 条

按照本协定商定的合作应只用于和平目的。在本协定合作范围内转让的或由此合作产生的核材料、设备、专

为生产或使用核材料而准备的材料和设施以及技术情报，  
应不用于导致产生任何核爆炸装置。

## 第 五 条

两国间在本协定合作范围内转让的或由此合作产生的核材料、设备、专为生产或使用核材料而准备的材料和设施以及技术情报，只有经两国政府事先协商并一致同意之后，方可转让给第三国。

## 第 六 条

如发生第五条所述任何转让时，两国政府应保证第三国承诺：仅用于和平的非爆炸性的目的；接受国际原子能机构的安全保障；未经两国政府同意不得再转让。同时，应保证按本协定第七条规定的适当的实体保护水准作出安排。当第三国是欧洲共同体的成员国，并且两国政府中的一方已就再转让事先通知了另一方，应认为已经双方同意。商业的和专利法的安排不应因此而受影响。

## 第 七 条

两国政府应保证在其领土和管辖范围内，对于在本协

定合作范围内转让的或由此合作产生的核材料按照附件规定的水准,实行充分的实体保护,以防止擅自处置或使用。

## 第 八 条

除了根据本协定订立的合同所包含的担保中可能规定的责任以外,两国政府中任何一方对根据本协定提供的任何材料、设备或设施在接受国中使用的后果不承担责任。

## 第 九 条

两国政府根据各自缔结的国际条约,包括联合王国根据建立欧洲经济共同体和欧洲原子能联营的条约所承担的义务不受本协定条款的影响。但两国政府应尽量防止这些义务影响本协定的正常执行。

## 第 十 条

两国政府代表在需要时应举行会晤,以就本协定执行中产生的问题相互协商。

## 第 十 一 条

为本协定的目的:

“设备”指专门适用于核能计划的机械的、仪器仪表的和工厂的主要项目或其主要部件。

“设施”指反应堆、临界装置、燃料转换工厂、燃料元件制造厂、后处理厂、同位素分离厂或单独设立的贮存库。

“材料”包括核材料（指原材料和特殊裂变材料）、燃料、减速剂以及两国政府共同定为“材料”的任何其它物质。

“燃料”指准备用于反应堆内以起动和维持自持裂变链反应的任何物质或多种物质的组合。

## 第十二条

一、本协定自签字起生效，有效期为十五年。期满后除非一方提前一年以书面形式通知另一方终止本协定，本协定应继续有效。

二、本协定有关处理在合作期间转让的项目或情报的条款，即第三条、第四条、第五条、第六条、第七条、第八条、第十一条应不受本协定期满或终止的影响。按照本协定第二条第二款所作的专门安排的有效期不受本协定期满或终止的影响。

三、本协定经两国政府协议得随时予以修订。

下列代表，经各自政府授权已在本协定上签字为证。

本协定于一九八五年六月三日在伦敦签订，一式两份，每份都用中文和英文写成，两种文本具有同等效力。

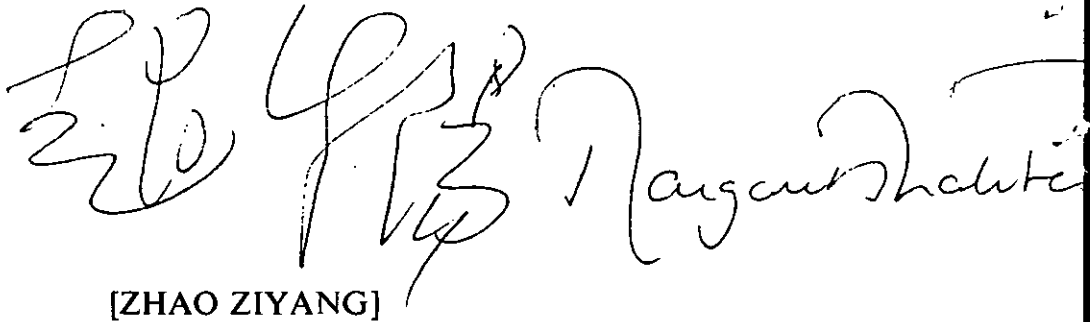
中华人民共和国政府

大不列颠及北爱尔兰

联合王国政府

代 表

代 表



The image shows two handwritten signatures. On the left is the signature of Zhao Ziyang, and on the right is the signature of Margaret Thatcher. Below the signature of Zhao Ziyang is the printed name [ZHAO ZIYANG].

[ZHAO ZIYANG]

## 附 件

在使用、存放和运输附表所列材料时，由国家主管部门加以保证的实体保护水准应至少符合下列标准：

### 第 三 类

使用和存放于入口加以控制的地区。运输时采取特别保安措施，包括发货人、收货人和运输人之间预先作好安排，如属国际运输，国家之间应预先就转移运输责任的时间、地点和程序达成协议。

### 第 二 类

使用和存放于入口加以控制的受保护的地区，即该地区有警卫或电子装置进行经常的监视，周围设有物质屏障并留有数量有限的加以适当控制的入口点，或者为任何具有同等实体保护标准的地区。运输时采取特别保安措施，包括发货人、收货人和运输人之间预先作好安排，如属国际运输，国家之间应预先就转移运输责任的时间、地点和程序达成协议。

## 第 一 类

本类中的材料必须受到如下可防止擅自使用的高度可靠的系统保护，使用和存放于一个受高度保护的地区，即该地区除符合上述第二类受保护地区的规定外，进入该地区的人员只限于经确定的可靠的人员并处于与有关的紧急救援力量保持密切联系的警卫的监视之下。在这方面采取特别措施，目的在于发觉和防止任何袭击、擅自进入或擅自搬迁材料。

除采取上述对运输第二和第三类材料的特别保安措施外，还必须由押运人员不断监视，并在与有关的救援力量保持密切联系的条件下进行。

中华人民共和国政府和大不列颠及北爱尔兰联合王国政府应指定机构或部门，在发生擅自使用或处置受保护的 material 情况时，负责在国内就应急措施和追寻工作进行协调。中华人民共和国政府和大不列颠及北爱尔兰联合王国政府应在各自国家主管部门内指定联络点就国际运输以及其它共同感兴趣的问题进行合作。



核 材 料 分 类 表

材料	形式	第一类	第二类	第三类
1. 钚 <sup>①</sup>	未辐照 <sup>②</sup>	2 公斤 和 2 公 斤以上	少于 2 公 斤但多于 500克	500克和 少于500 克 <sup>③</sup>
2. 铀235	未辐照 <sup>②</sup> 含铀235 20%和 20%以上的浓缩 铀 含铀235 10%但 低于20%的浓缩 铀 含铀235高于天 然含量但低于 10%的浓缩铀 <sup>④</sup>	5 公斤 和 5 公 斤以上	少于 5 公 斤但多于 1 公斤	1 公斤和 少于1公 斤 <sup>③</sup>
		—	10公斤和 多于10公 斤	少于10公 斤 <sup>③</sup>
		—	—	10公斤和 多于10公 斤
3. 铀233	未辐照 <sup>②</sup>	2 公斤 和 2 公 斤以上	少于 2 公 斤但多于 500克	500克和 少于500 克
4. 辐照过 的燃料			贫化铀或 天然铀， 铀或低浓 缩燃料 (裂变物 质含量少 于10%) ⑤、⑥	

① 同位素钚 238 成份超过 80% 的钚不应包括在内。

② 未在反应堆内辐照过的核材料，或在反应堆内受过辐照的核材料，但在无防护的情况下在距离一米处辐射剂量每小时等于或低于 100 拉德。

③ 低于某一有效的放射性剂量的应除外。

④ 天然铀、贫化铀和钍以及不属于第三类的低于 10% 的浓缩铀应根据慎重管理的原则受到保护。

⑤ 虽然推荐此保护水准，但缔约双方可根据对具体情况的评价，实施不同的实体保护类别。

⑥ 根据其辐照前原有裂变物质的含量划为第一类或第二类的其它燃料，如在无防护的情况下在距离一米处燃料的辐射剂量每小时高于 100 拉德，可划入低一个序号的类别。

## EXCHANGE OF LETTERS

No. 1

*The Prime Minister to the Premier of the State Council  
of the People's Republic of China*

*10 Downing Street  
3 June 1985*

Dear Premier

I have the honour to refer to the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy signed between our two Governments today and to the discussions which led up to that Agreement. It is the understanding of the Government of the United Kingdom from those discussions that:

- (a) with reference to respecting the rights of third parties, as contained in Article I of paragraph 1 of this Agreement, both Governments confirm that the special arrangements referred to in Article II paragraph 2 may include, where appropriate, provisions concerning the rights of third parties;
- (b) if the co-operation should be extended to areas which the two Governments decide are sensitive, arrangements for the application of IAEA safeguards will be concluded.

I should be grateful if you would confirm that this equally represents the understanding of the Chinese Government.

Yours sincerely,  
MARGARET THATCHER

*The Premier of the State Council of the People's Republic of China  
to the Prime Minister*

大不列颠及北爱尔兰联合王国  
玛格丽特·撒切尔首相

阁下：

我荣幸地提及您今天的来照，内容如下：

“我荣幸地提及我们两国政府今天签订的和平利用核能合作协定和导致产生该协定的讨论。在讨论中，英国政府的谅解如下：

(1) 关于本协定第一条第一款中提及的尊重第三方权力，双方政府确认，第二条第二款中提及的专门安排适当时可包括有关第三方权利的规定；

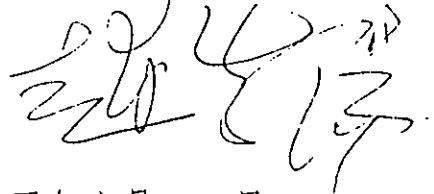
(2) 如果合作扩展到两国政府定为敏感的领域，将作出实施国际原子能机构安全保障的安排。

如蒙阁下确认上述谅解同样地表述了中国政府的谅解，我将不胜感激。”

我谨确认上述谅解同样地表述了中国政府的谅解。

顺致最崇高的敬意

中华人民共和国国务院总理



一九八五年六月 日

[ZHAO ZIYANG]

[Translation of No. 2]

3 June 1985

Your Excellency:

I have the honour to refer to your note of today's date whose contents are:

[As in No. 1]

I confirm that the above understanding equally expresses the understanding of the Chinese Government.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

Premier of the State Council of the  
People's Republic of China

ZHAO ZIYANG

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