

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93)644 final

Brussels, 1 December 1993.

Proposal for a

COUNCIL REGULATION (EC)

**on the conclusion by the European Community of
a Protocol on the Provisional Application
of the Agreement Establishing an
International Science and Technology Center**

and

Proposal for a

COUNCIL DECISION

**approving the
Protocol on the Provisional Application of the
Agreement Establishing an
International Science and Technology Center
for the purpose of its final conclusion by the Commission
on behalf of the European Atomic Energy Community**

(presented by the Commission)

Explanatory Memorandum

1. The Agreement Establishing an International Science and Technology Center (ISTC Agreement) was signed by the four parties - the United States of America, Japan, the Russian Federation and, acting as one party, the European Atomic Energy Community and European Economic Community - on 27 November 1992 at Moscow.

While the United States of America, Japan, the European Community for Atomic Energy and the European Economic Community had already completed their respective internal approval procedures regarding the ISTC Agreement by the end of 1992, the Russian Federation has not yet ratified the Agreement, which therefore has not yet entered into force. Ratification by the new Russian Parliament which is to be elected on December 12, 1993 is expected to take several months.

2. In these circumstances, the four parties have considered it desirable to seek a solution permitting the provisional application of the ISTC Agreement through the conclusion of a special Protocol to this effect.

In accordance with the authorization by the Council, and on the basis of the negotiating directives laid down by it (Decision of 29 November 1993), the Commission has negotiated with the United States of America, Japan and the Russian Federation a Protocol on the Provisional Application of the Agreement Establishing an International Science and Technology Center. This Protocol, which is attached to the present communication (*Annex 3*), has been initialed by the parties at Moscow on 24 November 1993.

The Protocol provides for the provisional application of the ISTC Agreement until the latter's entry into force (Article I). Furthermore, it contains technical provisions which are necessary to take account of the provisional character of the Agreement's application, pertaining to the review of the Agreement (Article II), the withdrawal from the Protocol (Article III) and the accession of new members desiring to participate in the provisional application of the Agreement (Article IV).

3. The Council is requested to approve:

- the proposal for a regulation (EC) concerning the conclusion of the Protocol on the behalf of the European Community (*Annex 1*), and
- the proposal for a decision (Euratom), approving the conclusion of the Protocol by the Commission on behalf of the European Atomic Energy Community (*Annex 2*).

Moreover, the Council is requested to authorize the signature of the Protocol by the Commission.

**Proposal for a
COUNCIL REGULATION**

concerning the conclusion, on behalf of the European Community, of the Protocol on the Provisional Application of the Agreement Establishing an International Science and Technology Center

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 228, paragraph (3), first subparagraph in conjunction with Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the conclusion of the Protocol by the European Community will help, pending the entry into force of the Agreement Establishing an International Science and Technology Center signed on 27 November 1992, to achieve the Community's objectives;

Whereas the Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 235;

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol on the Provisional Application of the Agreement Establishing an International Science and Technology Center is hereby approved on behalf of the European Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council shall, on behalf of the European Community, give the notification provided for in Article I of the Protocol.

Article 3

Article 3 and 4 of Regulation (EEC) No 3955/92¹ shall apply.

Article 4

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, . . . 1993.

For the Council
The President

¹OJ No L 409, 31.12.1992, p. 1

COUNCIL DECISION

approving the Protocol on the Provisional Application of the Agreement Establishing an International Science and Technology Center for the purpose of its final conclusion by the Commission on behalf of the European Atomic Energy Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 101(2) thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has negotiated, in accordance with the directives of the Council, the Protocol on the Provisional Application of the Agreement Establishing an International Science and Technology Center; whereas it proposes to conclude this Protocol on behalf of the European Atomic Energy Community;

Whereas the conclusion of the said Protocol by the Commission on behalf of the European Atomic Energy Community should be approved,

HAS DECIDED AS FOLLOWS:

Sole Article

The conclusion by the Commission of the Protocol on the Provisional Application of the Agreement Establishing an International Science and Technology Center on behalf of the European Atomic Energy Community is approved.

The text of the Protocol is attached to this Decision.

Done at Brussels, . . . 1993.

For the Council
The President

PROTOCOL ON THE PROVISIONAL APPLICATION OF
THE AGREEMENT ESTABLISHING AN INTERNATIONAL
SCIENCE AND TECHNOLOGY CENTER

The European Atomic Energy Community and the European Community, acting as one party, the United States of America, Japan, and the Russian Federation, hereinafter referred to as the "Signatory Parties,"

Recognizing the importance of the Agreement Establishing an International Science and Technology Center, signed in Moscow on November 27, 1992, hereinafter referred to as the "Agreement,"

HAVE AGREED AS FOLLOWS:

Article I

(1) The Agreement shall be provisionally applied in accordance with its terms by the Signatory Parties from the date of the last notification of the Signatory Parties of the completion of internal procedures necessary for entry into force of this Protocol.

(2) The Agreement shall be applied provisionally until its entry into force in accordance with Article XVIII thereof.

Article II

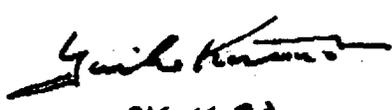
The Agreement shall be subject to review by the Parties two years after the beginning of provisional application of the Agreement notwithstanding the provisions of Article XV(A) of the Agreement.

Article III

Any of the Parties may withdraw from this Protocol six months from the date on which written notification is provided to the other Parties.


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Article IV

(1) Any state desiring to become a Party to the Agreement in accordance with Article XIII thereof, after fulfilling the conditions set forth in that Article, and after completing its internal procedures that will be necessary for accession to the Agreement, shall notify the Signatory Parties of its intention to provisionally apply the Agreement in accordance with this Protocol.

(2) The provisional application by that state shall begin from the date of notification referred to in Paragraph (1) of this Article.

Done in Moscow on December 1993, in the English and Russian languages, each text being equally authentic.

For:

The European Atomic Energy Community and the European Community

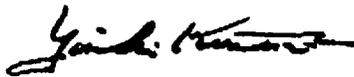
The United States of America

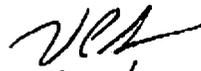
Japan

The Russian Federation


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