



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.05.1998
COM(1998) 328 final

Draft

COUNCIL DECISION

CONCERNING THE EXTENSION OF THE DURATION OF THE AGREEMENT AMONG THE EUROPEAN ATOMIC ENERGY COMMUNITY, THE GOVERNMENT OF JAPAN, THE GOVERNMENT OF THE RUSSIAN FEDERATION, AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON COOPERATION IN THE ENGINEERING DESIGN ACTIVITIES (EDA) FOR THE INTERNATIONAL THERMONUCLEAR EXPERIMENTAL REACTOR (ITER)

(presented by the Commission)

EXPLANATORY MEMORANDUM

SUBJECT: EXTENSION OF THE DURATION OF THE ITER EDA AGREEMENT

1. The Agreement among the European Atomic Energy Community (EAEC), the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America ("the Parties") on cooperation in the Engineering Design Activities (EDA) for the International Thermonuclear Experimental Reactor (ITER) ("the ITER EDA Agreement"), concluded on 21 July 1992¹ for a period of six years, is due to expire on 21 July 1998.

2. In view of the progress accomplished in achieving the purpose of the ITER EDA Agreement and in order to provide the framework for jointly undertaking further activities, the Parties have been taking the necessary steps to allow the extension, by three years, of the duration of the ITER EDA Agreement.
The possibility of such an extension is provided for by Article 25(2) of the ITER EDA Agreement. As for the EAEC Party, such an extension falls under Article 101 second paragraph of the Treaty establishing the EAEC.
In addition it is to be noted that the envisaged three-year extension is in line with the political agreement reached by the Council on 12 February 1998 on the Fifth Euratom Framework Programme as far as the key action controlled thermonuclear fusion is concerned.
In its Decision of 8 April 1998, the Council adopted Directives for the Commission to conduct negotiations on the three-year extension of the ITER EDA Agreement with reference to the terms of the "Draft Understandings for the extension of the duration of the ITER EDA Agreement" which specify the possible ITER site(s)-specific activities and other technical and enabling activities to be undertaken jointly with the objective of preparing for possible future decisions on the construction of ITER.

3. The results of the quadripartite negotiations are contained in the document entitled "Understandings for the extension of the duration of the ITER EDA Agreement" which is annexed to the enclosed proposal for a Council Decision.

¹ OJ no L 244, 26.8.92, p. 14

The content of these "Understandings" is identical to the one of the "Draft Understandings" referred to in the negotiation Directives except for the following modifications (upon EAEC negotiators' request to comply with the Council Directives):

- at the end of point III.1) the sentence ", as well as information on the possible impact of broader concepts on the development path towards fusion energy" has been added;
- the order of Section II and Section III has been inverted.

4. As for the EAEC Party:

- the Consultative Committee for the Fusion Programme (CCFP) has considered that, in light of the above, the "Understandings" represent the most appropriate basis for the ITER site(s)-specific activities and other technical and enabling activities to be undertaken jointly during the envisaged three-year extension with the objective of preparing for possible future decisions on the construction of ITER;
- in order to prepare the Joint Assessment for use by each Party, referred to under II.3) of the "Understandings", the Commission intends to organize a European assessment, to be conducted by a group - of a limited size - of experts in Spring 1999;
- according to the Draft Final Design Report, Cost Review and Safety Analysis made available last December to the Parties for their evaluation, the ITER design respects the environmental and safety constraints for the construction and operation of the experimental reactor. Special attention will be devoted to these specific aspects by the Commission;

- for the three-year extension, the EAEC share implied by the joint activities specified in the "Understandings", is of about 66 MECUs (Community contribution) half of which to support the design work at the Joint Central Team - at San Diego, Naka and Garching - and in the Union, the rest being for the technology R&D (and other enabling activities) to be performed in the Union. Furthermore, the Community would continue to support the cost of the Garching ITER Joint Work Site at a level of about 2 MECUs/year.
5. Moreover, upon the EAEC Party's request, the quadripartite negotiations have allowed to explore the possibility of informing the Parliaments of the Parties on the ITER developments through the creation of a select parliamentary committee consisting of members of the four Parliaments. As a result, the Parties representatives to the ITER Council have stated willingness to examine the feasibility of establishing, within the framework of the ITER EDA Agreement, an appropriate international forum to accommodate such a broader range of interests associated with ITER.
 6. In view of the above, the Commission proposes that the Council adopt, in application of Article 101 second paragraph of the Treaty establishing the EAEC, the draft Council Decision attached hereto authorizing the Commission to extend the duration of the ITER EDA Agreement by signing the "Amendment extending the ITER EDA Agreement" annexed to the draft Council Decision.

DRAFT
COUNCIL DECISION
of

concerning the extension of the duration of the Agreement among the European Atomic Energy Community, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America on cooperation in the Engineering Design Activities (EDA) for the International Thermonuclear Experimental Reactor (ITER).

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the draft Decision submitted by the Commission,

Whereas the Commission has, in accordance with the Council Directives of 8 April 1998, conducted negotiations on the extension of the Agreement among the European Atomic Energy Community, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America on cooperation in the Engineering Design Activities (EDA) for the International Thermonuclear Experimental Reactor (ITER) ("the ITER EDA Agreement"),

Whereas the extension of the duration of the ITER EDA Agreement should be approved;

HAS DECIDED AS FOLLOWS:

Sole Article

The extension, by the Commission, for and on behalf of the Community, of the duration of the Agreement among the European Atomic Energy Community, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America on cooperation in the Engineering Design Activities for the International Thermonuclear Experimental Reactor is hereby approved.

The text of the Amendment extending the ITER EDA Agreement is annexed to this Decision, together with the text of the Understandings for the extension of the duration of the ITER EDA Agreement.

Done at,

**For the Council
The President**

AMENDMENT EXTENDING THE ITER EDA AGREEMENT

AMENDMENT EXTENDING THE ITER EDA AGREEMENT AMONG THE EUROPEAN ATOMIC ENERGY COMMUNITY, THE GOVERNMENT OF JAPAN, THE GOVERNMENT OF THE RUSSIAN FEDERATION, AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON COOPERATION IN THE ENGINEERING DESIGN ACTIVITIES FOR THE INTERNATIONAL THERMONUCLEAR EXPERIMENTAL REACTOR

The European Atomic Energy Community, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America ("the Parties"),

HAVING REGARD to the Agreement among the Parties on Cooperation in the Engineering Design Activities (EDA) for the International Thermonuclear Experimental Reactor (ITER), concluded on 21 July 1992 ("the Agreement"), and the Protocol 2 to the Agreement concluded on 21 March 1994,

NOTING the progress achieved and the proposals made on approaches to continued joint implementation, all within the framework of the Agreement,

DESIRING to continue to work jointly within the framework of the Agreement to enable future decisions on construction and operation of ITER in accordance with Article 1 of the Agreement, and

ACTING in accordance with Articles 22 and 25(2) of the Agreement,

HAVE AGREED to amend the Agreement AS FOLLOWS:

Replace "six years" in Article 25(1) by "nine years",

This Amendment shall enter into force upon signature of the Parties.

_____	_____	_____	_____
for the European Atomic Energy Community	Date	for the Government of Japan	Date

_____	_____	_____	_____
for the Government of the Russian Federation	Date	for the Government of the United States of America	Date

**UNDERSTANDINGS FOR THE EXTENSION OF THE DURATION OF
THE ITER EDA AGREEMENT**

I. Scope of Joint Technical Activities

1) Site(s)-Specific Activities:

- . Site(s)-specific design adaptations and their cost estimates
- . Safety analysis and technical support for preparation of license applications

2) Design, including broader options and their cost estimates, prototype testing and R&D, including physics studies

3) Preparation of documentation for future procurement incorporating results of items 1) and 2) noted above

II. Other Enabling Activities

The Parties will also:

- 1) develop proposals and all necessary supporting information for the complete realization of ITER including a draft agreement for construction and operation and associated draft implementing arrangements, as well as information on the possible impact of broader concepts on the development path towards fusion energy;
- 2) adapt the structures and modes of JCT/HTs' operation with a view to launching an efficient start of future construction, if and when so decided;
- 3) near the end of the second year, jointly review the Joint Technical Activities in I. above, e.g., licensing preparations, cost estimates, organizational evolution, construction preparations and domestic situations and, thereupon, prepare a Joint Assessment for use by each Party.

III. Parties' Support of the Joint Activities

1) Site(s)-Specific Activities

Every Party will have an interest and involvement in the work to be based on all site characteristics provided. The work, therefore, will be undertaken jointly and managed accordingly under the responsibility of the ITER Director within the EDA framework with the exception of the preparation by native

speakers of documents required in the Host Party's/Country's language and formats.

The interested Parties will:

- provide by the time of the 14th ITER Council meeting (IC-14, July 1998) site characteristics in line with the Site Requirements and Site Design Assumptions Document;
- enable on a timely basis informal dialogue with regulators for the purpose of preparing applications for licenses to build and operate ITER.

The Director and the concerned Home Team (HT) Leaders will start informal consultation so that, in the light of the site characteristics provided by the interested Parties, tasks of I.1) above can appear in the Work Programme to be submitted to IC-14 via the appropriate Management Advisory Committee (MAC) meeting.

The design adaptations will be carried out with due emphasis on the control of the project's estimated cost.

2) General Support

The Parties will:

- maintain the Joint Central Team (JCT) and undertake assigned tasks;
- provide voluntary contribution in various areas, including consolidating the scientific basis for activities in I.2) above, e.g., by taking advantage of the existing voluntary arrangements;
- continue to provide Joint Work Sites (JWS) and support enhanced interconnection.

3) Estimated Resources

The estimated resources for the intended scope of work noted in I. above (beyond those already committed through Task Agreements) from the Director's proposals as supported by the ITER Council (IC-12 Record of Decisions 6.1.1, Attachment 9) are the following:

JCT personnel	about 396 ppy
HT design effort	about 370 ppy
CAD support	1 for each 4 designers
Joint Fund	about \$ 2.5 M/y
Technology R&D	about 175 kIUA (ITER Units of Account)

Each Party will make its best efforts to provide its share of the resources (Articles 12 and 14 of the Agreement) in fulfilment of its obligation in accordance with Article 17(1) of the Agreement.

IV. Arrangements in Force

- 1) These Understandings will be in force during the extended period along with the previous sets of understandings, reached at the times of signing the Agreement and Protocol 2, unless otherwise determined among the Parties in writing.
- * [2) The current arrangements involving Other Countries pursuant to Article 19 of the Agreement will continue to be in force.]
- 3) The IAEA will continue providing facilitations and assistance pursuant to Article 20 of the Agreement.

V. Concluding Understanding

The Parties will undertake the joint activities with a general intent to enable an efficient start of possible, future ITER construction, and do recognize the importance in this regard of pursuing preparatory efforts in all relevant domains.

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- * Pending confirmation by those concerned.

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DOCUMENTS

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12