

Brussels, November 13, 1962

EURATOM

The Commission

Declaration by the Commission
of the European Atomic Energy Community
in reply to the statement by Mr HEATH
Lord Privy Seal

1. The Commission would like, at the outset, to refer to the statement which has just been made by the official spokesman on behalf of the six Member States of our Community, and in particular to point 22 of that statement.

As the statement points out, the Commission, which has been working in constant collaboration with the Representatives of the Member States since 3 July 1962, would like to start out by expressing its satisfaction not only at the content and spirit of this document but also at the approach and methods which it describes as being those of the Governments of the Community.

2. The Commission likewise considers, as was declared by the Lord Privy Seal on 3 July, and as has been affirmed by the Governments of the Member States in the document which has just been read out on their behalf, that United Kingdom membership of Euratom would yield considerable advantages to both parties and that it is desirable for the relative negotiations, which must be regarded as a fundamental and necessary part of the overall negotiations directed towards United Kingdom membership of the three Communities, to be brought to a speedy and positive conclusion.

3. This is, therefore, the right moment to make it clear that, in this part of the negotiations relating to Euratom, the Commission of the European Atomic Energy Community is ready — as its duty requires — to assume, in line with the obligations stemming from the similarity both of the Treaties and of the political context, a role identical with that which has been played for the past year by the Commission of the European Economic Community in that part of the negotiations which relates to the Common Market.

The general spirit of this action, which will determine the part played and inform the attitudes adopted by the Commission in the course of these negotiations, is rooted in the task imposed on it in the beginning and in the duties still vested in it, which consist in implementing the Treaty signed in Rome on 25 March 1957 and in ensuring compliance with both the terms and the spirit of this Treaty.

In the course of the preparatory phase, the conclusion of which is marked by today's meeting and which was given up to an examination of the statement delivered on 3 July 1962 by the Lord Privy Seal of the Government of the United Kingdom, the Commission's task was first of all to compare this declaration with the Treaty of Rome. This is why, in particular, it can of course only associate itself with the reservations expressed in the declaration by the six Governments of the Member States with regard to the drafting of protocols in the event that they should, or to the extent that they could, eventually modify the Treaty.

4. These principles having been defined and applied, the first position of the Commission and its main goal in the course of these negotiations will be to bring about the adoption of provisions designed to ensure, for the concrete benefit of the enlarged Community, that the technical and financial effort of the United Kingdom, the extent and quality of which were so justly pointed out in the statement of 3 July, is harmoniously meshed with the technical and financial effort already exerted in the Community, by Euratom as well as by the individual Member States. Particular account must be taken of the organic collaboration between them and of the coordinating role played by Euratom, both of which will grow in importance under the second 5-year programme due for launching on 1 January 1963.
5. In order to tackle this primary objective of negotiations in the clearest possible conditions, the Commission considers it useful, at this juncture, to give a certain number of particulars of the type and scale of the Community's technical and financial efforts as well as of their prospects for the future. It wishes to state at the same time that it has already taken the necessary steps to put its own services, as well as those of its experts, at the disposal of the negotiators as of now so that the problems can be tackled and the requisite solutions devised without any delay. For its part, the Commission is convinced of the possibility of finding valid solutions, and is sure moreover that they will be found as the negotiations progress.

6. The spearhead of the Commission's research programme - almost half the funds available under the second five-year programme are earmarked for this project - is constituted by the development of reactor concepts designed over the medium and long term to contribute to Community power supplies. The activities connected with this project cover a wide range, involving assistance in the improvement of techniques already widely developed either inside or outside the Community: graphite - gas reactors and light-water reactors, exploring the possibilities afforded by novel reactor types: suspension reactors and molten-salt reactors, coupled with the coordination, by means of its participation in contracts of association, of the activities embarked upon by the Member States in the field of high-temperature and fast reactors. The Orgel design study, which rounds off this work, covers the development of a new type of reactor operating on either natural uranium or uranium having a very low enrichment and moderated by heavy water. Taken together these activities, closely geared as they are with the corresponding projects launched in the Member States, are designed to make it possible to take advantage of the energy potential possessed on the one hand by uranium and thorium and on the other hand by the plutonium produced by the first generation of reactors, thus considerably stepping up the efficiency of the available fissile and fertile resources. These preparations for the Community's future power economy are essential for strategical and political as well as for economic needs. These requirements are, however, to a considerable extent the same in the United Kingdom and have given rise to programmes of a similar nature whose coordination with those under way in the Community can only serve to bring nearer the day when nuclear power reaches a reasonable level of economic profitability.
7. The attainment of these aims presupposes an industrial development which it is part of the Commission's task to promote. It is for this reason that the execution of the Commission's programme not only calls for a highly advanced level of coordination between public and semi-public activities and private undertakings but also requires them to be very tightly interwoven, a policy which gives rise to a circulation of ideas and technicians between the Member Countries, thus making it possible for all of them to benefit from the contribution made by each individual nation. Moreover, the application of the advanced techniques needed by nuclear industry will make for progress by producing far-reaching and beneficial effects in non-nuclear spheres. Industry can therefore acquire new skills or improve on those it already possesses through the contribution which it makes to the implementation of the Community programme. What is more, it will

have at its disposal in the establishments of the Joint Research Centre the vital equipment and machines which can be purchased and operated only on a public or even Community-wide basis. Lastly, this industrial preparation calls for the expansion of professional and technical training at all levels.

8. A high output of nuclear energy can only be contemplated on condition that adequate provision is made for the protection of the population. It is for this reason that the Commission's programme is directed at the acquisition of more extensive knowledge of the effects of radiation on living organisms, research into preventive and curative methods, the examination of problems relating to reactor operating safety, radioactive waste disposal and the promotion of a branch of industrial medicine and hygiene specializing in the field of radiations.
9. The development of nuclear science and technology springs from a series of fundamental scientific discoveries. The distinctive feature of the modern world is the speed with which new achievements in this field are reflected in industrial progress, a point which is clearly exemplified by the widespread use of radioisotope techniques. In its very long term programme of activities, therefore, Euratom is neglecting neither studies on plasma physics and thermonuclear reactions nor pure research, particularly in the fields of reactor physics and solid state studies. The balance which is struck between pure and applied research depends on the extent to which the Commission's programme complements those undertaken in the Member States as well as on the developments which take place in science and technology.
10. The funds earmarked for the realization within the next five years of the activities provided for in the second five-year plan total 425 million units of account and their apportionment among the various items has formed the subject of widely distributed publications. It is worthwhile recalling that the total funds actually devoted to these aims are in fact indirectly boosted by the contracts of association. This is the case, for example, with the fast reactor programme, in the financing of which the Commission's partners are participating in the amount of 65%. This widening of the range of possibilities is of benefit to all and the Commission, attaching great importance to those agreements for cooperation which foster the coordination and harmonisation of the Member States' programmes,

desires to pursue such a policy within the framework of an enlarged Community.

11. But problems of a technical and financial nature are obviously not the only ones raised by the United Kingdom's application for membership of the European Atomic Energy Community and there are other issues, notably those mentioned in the Lord Privy Seal's declaration of 3 July.
12. While it appears that, owing to the similarity between the Treaties or to analogous political circumstances, as recalled in paragraph 3 above, strictly institutional questions must be tackled by means of an approach common to the three European Communities, it is nonetheless true that the present negotiations entail certain problems of a political and legal nature deriving specifically from the Treaty signed in Rome on 25 March 1957 establishing the European Atomic Energy Community.
13. The declaration issued on behalf of the United Kingdom Government on 3 July raises the problem, with regard to the application of Article 105 of the Treaty, of the agreements concluded between this Government and non-member states, international organizations or nationals of non-member states.

The Commission recalls that, when taken in its context, Article 105 appears as an initial provision linked with the entry into force of the Treaty, and that in the event of a state joining subsequently, the question of conflicts or impediments stemming from the existence of previous agreements must be dealt with under the heading of conditions of entry to be laid down in accordance with Article 205 of the Treaty. This means that the agreements concerned must first be communicated by the government applying for membership, as was done by the governments of the signatory states at the time the Treaty came into force.

14. The Commission shares the view expressed on behalf of the United Kingdom Government and the Governments of the Member States to the effect that the enlarged European Community should continue to maintain the close ties of cooperation already established with other European states.

15. As regards the points raised by Mr. Heath in his declaration of 3rd July regarding the problems entailed by the existence of a military programme in the United Kingdom, the Commission will, at this preliminary stage of the negotiations, confine itself to the following remarks:

The Treaty of Rome, which right from the start was designed to apply both to states having a military programme and to those having none, has established a system which, while covering in principle all the nuclear activities of the Member States, contains special provisions in the field of military applications, thus effectively safeguarding the defence interests of the States concerned.

The Commission is of the view that by intelligent application of the Treaty it is possible to solve all the problems which may be raised in this connection while, on the one hand, respecting Euratom's peaceful purposes and at the same time avoiding any possible distinction of any discriminatory nature between those states which have military programmes and those which do not.

16. From the terms of the declaration of 3 July relating to the United Kingdom Government's acceptance of the terms of the Treaty, the Commission feels justified in inferring this Government's acceptance of, on the one hand, the official decisions taken by the Institutions of the Community and the agreements concluded between the Community and non-member states, and, on the other hand, its concurrence in the principle of the direct application of these provisions, official decisions and agreements to the Member States, persons and enterprises of the enlarged Community.
17. The Commission will confine its comments today, at the moment when the actual negotiations are beginning, to those outlined above. In conclusion it would simply like to express, as it did at the outset, its wish that these negotiations be speedy and positive and at the same time reaffirm that everything will be done by the Commission itself and its staff to ensure this.