

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 321 final

Brussels, 30 June 1981

Draft

COUNCIL DECISION (Euratom)

giving instructions to the Commission concerning the negotiation of amendments to the Agreements for Cooperation concluded by the European Atomic Energy Community with Sweden and with Switzerland in the field of controlled thermonuclear fusion ~~TCRIIRGH~~

Draft

COUNCIL DECISION (Euratom)

approving the conclusion by the Commission of Protocols amending the Agreements for Cooperation in the field of controlled thermonuclear fusion concluded by the European Atomic Energy Community with Sweden and with Switzerland

(submitted to the Council by the Commission)

COM(81) 321 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

SUBJECT : Amendments to the Agreements for cooperation in the field of controlled thermonuclear fusion concluded by the European Atomic Energy Community with Sweden and with Switzerland

- a) In a letter of 19 May 1980, to the Council, the Commission enclosed a communication (Doc. COM(80) 242 final) proposing a draft decision setting up a consultative Committee for the Fusion Programme. This Committee was set up by the Council Decision of 16 December 1980.
- b) Point 3 of the abovementioned communication was worded as follows :
" 3. When the Council has adopted this Decision, the Commission will take appropriate action leading to the dissolving of the CCF, the Liaison Group and the Committee of Directors. These three Committees being mentioned in the Agreements for Cooperation in the field of controlled thermonuclear fusion concluded with Sweden and Switzerland, it might be necessary to modify these Agreements in order for them to suit the new consultative structure of the fusion programme. In this case, the Commission will submit to the Council, for its approval, the alterations agreed with these third countries. "
- c) As the Council raised no objection, the Commission with Sweden and Switzerland discussed and drew up the amendments which needed to be made to the Agreements as a result of the setting-up of the Consultative Committee for the Fusion Programme.
- d) It took advantage of that opportunity to up-date the Agreements in question, in particular with regard to the introduction of the ECU and the impact of the conclusion of the Agreement with Switzerland on the Agreement with Sweden.
- e) Lastly, it appeared opportune to make some minor amendments to the clauses relating to the dissemination of information and patents. They are also included among the attached amendments.

- f) In application of Article 101, alinea 2, of the Euratom Treaty, the Commission submits to the Council :
- 1) a draft Council Decision giving instructions to the Commission concerning the negotiation of these amendments ;
 - 2) a draft Council Decision approving the conclusion by the Commission of the two amendments.

D R A F T

Council Decision (Euratom)

giving instructions to the Commission concerning the negotiation of amendments to the Agreements for Cooperation concluded by the European Atomic Energy Community with Sweden and with Switzerland in the field of controlled thermonuclear fusion.

THE COUNCIL OF THE EUROPEAN COMMUNITIES

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 from the Commission,

Whereas the Council, by its Decision of 16 December 1980, created the Consultative Committee for the Fusion Programme (CCFP);

Whereas it is advisable to adapt the Agreements for Cooperation in the field of thermonuclear fusion concluded with Sweden on 10 May 1976¹ and with Switzerland on 14 September 1978² to the new consultative structure of the fusion programme,

HAS DECIDED AS FOLLOWS:

Sole Article

1. On the basis of the second paragraph of Article 101 of the Treaty establishing the European Atomic Energy Community, the Commission shall negotiate amendments to the Agreements for Cooperation in the field of controlled thermonuclear fusion concluded by the Community with Sweden and with Switzerland in order to adapt them to the new consultative structure of the fusion programme.
2. The Commission shall take advantage of that opportunity to update these Agreements, in particular with regard to the introduction of the ECU and the impact of the conclusion of the Agreement with Switzerland on the Agreement with Sweden.

¹ OJ No L 162, 23.6.1976, p.28

² OJ No L 242, 4.9.1978, p.12

D R A F T.

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Council Decision (Euratom)

approving the conclusion by the Commission of protocols amending the Agreements for Cooperation in the field of controlled thermonuclear fusion concluded by the European Atomic Energy Community with Sweden and with Switzerland.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 from the Commission,

Whereas the Commission has, in accordance with the instructions from the Council, negotiated protocols amending the Agreements for Cooperation in the field of controlled thermonuclear fusion concluded with Sweden and with Switzerland;

Whereas it is consequently advisable to approve the conclusion by the Commission of these protocols,

HAS DECIDED AS FOLLOWS :

Sole Article

The conclusion by the Commission of protocols amending the Agreements for Cooperation concluded by the European Atomic Energy Community with Sweden and with Switzerland is hereby approved.

The texts of these protocols are annexed to this Decision.

Done at Brussels,

For the Council

The President

PROTOCOL ON AMENDMENTS TO THE
AGREEMENT FOR COOPERATION BETWEEN THE EUROPEAN ATOMIC
ENERGY COMMUNITY AND SWEDEN IN THE FIELD OF CONTROLLED
THERMONUCLEAR FUSION AND PLASMA PHYSICS

The EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter called "Euratom"
represented by the Commission of the European Communities, hereinafter
called "the Commission",

AND THE GOVERNMENT OF SWEDEN,

Whereas the Agreement for cooperation between Euratom and Sweden
in the field of thermonuclear fusion and plasma physics, hereinafter referred
to as "Agreement", was concluded on 10 May 1976;

Whereas the decision of the Council of the European Communities
establishing the "Joint European Torus (JET), Joint Undertaking", in which
Sweden participates, was adopted on 30 May 1978;

Whereas the decision of the Council of the European Communities setting up a
Consultative Committee for the Fusion Programme was adopted on 16 December 1980;

Whereas the recommendation of the Euratom/Sweden Fusion Committee concerning the
amendment of the Agreement was issued on 22 May 1981;

HAVE AGREED AS FOLLOWS :

Article 1

The provisions of the Agreement shall remain unchanged, save as provided
for below :

1. The second and third sentences of Article III.2 as well as Articles IV
and V shall be deleted.

2. Article VII shall be replaced by the following:

"Article VII

Euratom shall ensure that the associated Swedish bodies may become parties
to the contracts relating to mobility of staff and to any contract or under-
taking the object of which falls within the scope of this Agreement other than

a contract of association or similar contract, which Euratom concludes during the period of this Agreement".

3. Article VIII shall be replaced by the following:

"Article VIII

1. The Committee responsible for ensuring the proper implementation of the present Agreement, is defined in Article XII.
2. The Committee responsible for ensuring the proper implementation of the contract(s) of association referred to in Article III above shall be defined in such contract(s).
3. The Committee responsible for ensuring the proper implementation of the mobility contracts referred to in Article VII shall be defined in those contracts.
4. The bodies and committees responsible for implementing the JET project are defined in the Statutes of the "Joint European Torus (JET), Joint Undertaking".

4. The text of Article X.2 shall read as follows :

"2. It shall be guaranteed by :

- rules on information and patents which will apply in accordance with the general principles set out in Article XI ;
- mobility of staff between the laboratories in the Community and other associated States on the one hand and in Sweden on the other hand ;
- equitable sharing among Swedish industries, industries in the Community and in other associated States of orders placed for the implementation of the associated programmes, subject to the principle of obtaining the best return for the sums committed."

5. Article XI is hereby amended as follows:

a) Article XI A.1 shall be replaced by the following:

"A.1. Information resulting from research programmes undertaken in Sweden under the terms of this Agreement shall be communicated to the Member States of Euratom and to associated non-member States and to persons or undertakings engaged in research or

production activities in the territory of a Euratom Member State or of an associated non-member State where such activities justify their access to such information."

- b) The second sentence of Article XI.C shall be replaced by the following:

"The Euratom Member States, Sweden, the associated non-member States and persons or undertakings established in the territories in question shall have the right to obtain licences or sublicences for the exploitation of such patents for industrial or commercial purposes on appropriate terms and conditions and in a non-discriminatory way, where the Contracting Parties have the right to grant such licences or sublicences".

- c) Article XI D (b) shall be replaced by the following:

"(b) Patents resulting from activities referred to in the previous subparagraph shall be made available in a non-discriminatory way to those States, persons or undertakings which can obtain a licence or sublicense for the exploitation of the patents referred to in section C to the extent necessary for the use of such licences or sublicences, where the Contracting Parties have the right to grant such licences or sublicences."

6. In article XII 3. the words "on the basis of opinions delivered by the LG" shall be deleted.

7. The following sentence shall be added to Article XIV 2.:

"Prior to the adoption of a new Euratom programme the Contracting Parties shall consult each other within one of the Committees provided for to that end in Article VIII 1. and VIII 2. of the present Agreement."

Article 2

This Protocol shall enter into force on the day on which it is signed.

Article 3

The Agreement and this Protocol shall be read and interpreted together as one single instrument and shall be known as the "Agreement for cooperation between the European Atomic Energy Community and Sweden in the field of controlled thermonuclear fusion and plasma physics as amended in 1981."

Done at Brussels on the day of 1981 in duplicate in the Danish, Dutch, English, French, German, Greek, Italian and Swedish languages.

For the Government of Sweden

For the Commission

PROTOCOL ON AMENDMENTS TO THE COOPERATION AGREEMENT,
BETWEEN THE SWISS CONFEDERATION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY
IN THE FIELD OF CONTROLLED THERMONUCLEAR FUSION AND PLASMA PHYSICS

The Swiss Confederation,
hereinafter called "Switzerland", represented by the Swiss Federal Council,
hereinafter called "the Federal Council", and

The European Atomic Energy Community, hereinafter called "Euratom", represented
by the Commission of the European Communities, hereinafter called "the Commission",

Whereas the Cooperation Agreement between Switzerland and Euratom in
the field of controlled thermonuclear fusion and plasma physics, hereinafter
called "the Agreement", was concluded on 14 September 1978,

Whereas the Decision of the Council of the European Communities setting up a Consulta-
tive Committee for the Fusion Programme was adopted on 16 December 1980,

Whereas Recommendation No 1/81 of the Euratom/Switzerland Committee on
Fusion was issued on 11 March 1981,

HAVE AGREED AS FOLLOWS :

Article 1

The provisions of the Agreement shall remain unchanged, save as regards the
following amendments and additions :

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1. In the second sentence of the first subparagraph of Article 2.1, the words "referred to in Articles 5 to 10 and 16" shall be replaced by "referred to in Article 4.1 and 4.2".

2. Article 4 shall be replaced by the following:

"Article 4

4.1. The body responsible for administering this Agreement is described in Article 16 thereof.

4.2. The bodies responsible for establishing the association referred to in Article 2 of this Agreement are described in the contract of association.

4.3. The bodies responsible for staff mobility are described in the agreement for the promotion of staff mobility.

4.4. The bodies of the JET Joint Undertaking are described in the statutes of that undertaking."

3. Articles 5, 6, 7, 8 and 9 shall be deleted.

4. The following additions shall be made to Article 15.3 and 15.4 :

a) In the second sentence of Article 15.3, after the words "on appropriate terms and conditions", the words "and in a non-discriminatory way," shall be inserted.

b) In the second sentence of Article 15.4, after the words "shall be made available", the words "in a non-discriminatory way" shall be inserted.

c) At the end of Article 15.4, the full stop shall be replaced by a comma and the following words added : "where the Contracting Parties have the right to grant such licences or sub-licences".

5. In Article 16.4, the words ", on basis of opinions delivered by the LG," shall be deleted.

6. In Article 19.2, the words "mentioned in Articles 5 to 10 and 16" shall be replaced by the words "referred to in Article 4.1 and 4.2".

7. In Annex III, the terms "European units of account" and "EUA" shall be replaced by "ECU".

Article 2

This Protocol shall enter into force on the date on which it is signed.

Done at Brussels, this

in duplicate,

in the Danish, Dutch, English, French, German,
Greek and Italian languages.

For the Swiss Confederation :

For the European Atomic Energy
Community :

