

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(92) 2360 final

Brussels, 15 December 1992

Communication from the Commission to the Council

For the approval of the Amendment by the Commission
of Commission Regulation (Euratom) No. 3227/76
of 19 October 1976 concerning the application
of the provisions on Euratom Safeguards

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1. Following disclosures on Iraq's clandestine nuclear activities in spite of the application in Iraq of NPT safeguards pursuant to an agreement with the International Atomic Energy Agency (I.A.E.A.), there were widespread international calls to strengthen the nuclear safeguards regime of the I.A.E.A. At the General Conference of the I.A.E.A. in September 1991, the Netherlands made a statement on behalf of the European Community and its Member States with proposals for strengthening safeguards.
2. As a follow-on to these initiatives, the I.A.E.A. Secretariat issued a number of proposals on that subject and, at the February 1992 session of the I.A.E.A. Board of Governors, the Board endorsed the Secretariat's recommendations concerning improved information by States to the I.A.E.A. on their programmes for new facilities (called "Design Information").

At the June 1992 session of the Board, the Board instructed the Secretariat to examine and revise its proposals on extended reporting of exports, imports and inventories of nuclear items. It was understood that, in the meantime, all States willing to provide, on a voluntary basis, the reporting information would do so as they deemed appropriate.

3. At the Political Co-operation meeting (POCO) of 4 September 1992, it was agreed to give a positive response to the above understanding on extended reporting which is planned to take place by about the end of 1992. This demonstrates the commitment of the Community and its Member States to contribute to the strengthening of the international safeguards and non-proliferation regimes. The basis of the response is to provide, on a voluntary basis, certain additional information on exports and imports of nuclear material and of inventories and on exports of certain relevant equipment and non-nuclear material. Each Member State and the Commission will advise the I.A.E.A. of this response by a communication to the I.A.E.A.

4. With respect to the nuclear material information⁽¹⁾, the Commission can transmit the additional data using information already received from Community operators under Commission Regulation (Euratom) No. 3227/76 of 19.10.1976. However, there is a need to amend this Regulation in order to incorporate provisions legally permitting the transmission of the data to the I.A.E.A., as agreed.
5. The amendment to the Regulation would therefore provide
 - (a) for the basic technical characteristics of new installations to be declared as laid down in Article 1 at least 9 months before construction of the installation begins; this would thereby deal with the improved procedures on provision of design information,
 - (b) for the Commission to transmit to the I.A.E.A. information and data obtained pursuant to this Regulation; at the request of a Member State, the Commission would also transmit to the I.A.E.A. any additional information and data communicated to it for that purpose by that Member State.
6. Commission Regulation (Euratom) No. 3227/76 of 19 October 1976 was approved by the Council; accordingly an amendment to it should also be approved by the Council.
7. The Commission accordingly invites the Council:
 - (i) to take note of, and endorse, the Commission's intention to amend Commission Regulation (Euratom) No. 3227/76 of 19.10.1976, on the lines described above;
 - (ii) to note that, after the Commission has decided to adopt a Regulation amending Regulation No. 3227/76, its terms will be transmitted to the Council for approval.

(1) It is in mind that information on certain relevant equipment and non-nuclear material will be provided by Member States directly to the I.A.E.A., with copies of the data being provided by Member States to the Commission.

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Draft

Commission Regulation (Euratom) n°
of 1992
amending Commission Regulation (Euratom) n° 3227/76
of 19 October 1976 concerning the application of
the provisions on Euratom safeguards

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Atomic Energy Community and in particular Article 79 thereof;

Having regard to the approval of the Council;

Whereas Commission Regulation (Euratom) n° 3227/76 of 19 October 1976 concerning the application of the provisions on Euratom safeguards⁽¹⁾ as amended by Regulation (Euratom) n° 220 of 26 January 1990 defines the nature and the extent of the requirements referred to in Article 79 of the Treaty⁽²⁾;

Whereas Regulation (Euratom) n° 3227/76 requires persons and undertakings to communicate technical and operational information and data to the Commission;

Whereas, in order to support the International Atomic Energy Agency ("the Agency") in strengthening international safeguards, it is desirable to enable the Commission to transmit certain safeguards data to the Agency;

Whereas, as regards the basic technical characteristics of new installations, it is appropriate, in the interest of their timely transmission to the Agency, to extend the period within which they shall be declared to the Commission;

(1) OJ n° L 363, 31.12.1976, p.1.

(2) OJ n° L 22, 27.1.1990, p. 56

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (Euratom) n° 3227/76 shall be amended as follows :

- (1) The last sentence of Article 2 shall be replaced by the following text :

"The basic technical characteristics of new installations shall be declared as laid down in Article 1 at least 9 months before construction of the installation begins."

- (2) The following Article 34(bis) shall be inserted :

"The Commission may transmit to the Agency information and data obtained pursuant to this Regulation.

At the request of a Member State the Commission may also transmit to the Agency any additional information and data communicated to it for that purpose by that Member State."

Article 2

This Regulation shall enter into force 15 days after 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 in Brussels, December 1992

For the Commission
Antonio Cardoso e Cunha
Member of the Commission