



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 May 2012

9806/12

ATO 75

“I/A” ITEM NOTE

from: General Secretariat of the Council
to: Delegations

No. Cion prop.: 6104/12 ATO 11

Subject: Draft Council Decision of approving the conclusion by the Commission of an Agreement between the European Atomic Energy Community (Euratom) and the Government of South Africa for cooperation in the peaceful uses of nuclear energy
- Adoption

1. The Commission forwarded the above proposal to the Council on 3 February 2012, based on Article 101 of the Euratom Treaty.
2. Following several rounds of examination of the proposal, the Working Party on Atomic Questions reached agreement on the text of this Decision as set out in doc. 9729/12.
3. Coreper could therefore invite the Council:
 - to adopt the text as set out in doc. as an "A" item.
 - to record in its minutes the attached joint statement.

**DRAFT JOINT STATEMENT OF THE COUNCIL AND THE EUROPEAN COMMISSION
ON PRIOR INFORMATION CONCERNING THE ADMINISTRATIVE ARRANGEMENTS PURSUANT TO
COUNCIL DECISION ISSUING DIRECTIVES TO THE COMMISSION FOR THE NEGOTIATION OF AN
AGREEMENT BETWEEN THE GOVERNMENT OF SOUTH AFRICA AND THE EUROPEAN ATOMIC
ENERGY COMMUNITY FOR CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY**

1. Administrative arrangements pursuant to Article IX of the Agreement between the Government of South Africa and the European Atomic Energy Community for co-operation in the peaceful uses of nuclear energy shall be established to ensure an effective implementation of the provisions of the Agreement.
2. Administrative arrangements may cover, inter alia, topics like mutual reporting and recording requirements, channels of communication, details on retransfers of material to other States, contact points, protection of data, and prevention of unauthorised disclosure of information.
3. It is the full responsibility of the European Commission, in the exercise of its implementation powers of the Agreement provisions, to prepare and to negotiate such administrative arrangements with the competent authority of the Government of South Africa. This should be done in full compliance with the existing Community regulatory framework in order to prevent any further legal constraint for Member States and operators.
4. The European Commission services responsible for drafting the required administrative arrangements shall keep the relevant Council working group regularly informed on the developments in establishing such implementation provisions, on the progress of the discussions with the competent authority of the Government of South Africa, and on any amendments pursuant to Article IX paragraph 3 of the Agreement.
