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European Union

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REV 3

ATO 25
CONOP 30

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Draft Guidelines on co-operation in the framework of international conventions to which the European Atomic Energy Community and its Member States are parties

Following the discussion at the Working Party on Atomic Questions (WPAQ) of 9 September 2015, delegations will find attached a further revised version of the above 2007 Guidelines. The changes in comparison to the previous document (8272/2/15 REV 2) are marked with **bold** and ~~strikethrough~~.

Delegations are invited to inform the Presidency and the Secretariat by 18 September 2015, 17:00 CET in case they cannot agree to the text as set out in the Annex. If no objections have been received by this date, the Presidency will deem the text to be approved by the WPAQ.

Guidelines on co-operation in the framework of international conventions to which the European Atomic Energy Community (Euratom) and its Member States are parties ¹

1. Introduction

1.1. These non-binding guidelines are aimed at facilitating co-operation and coordination between Euratom and its Member States at international meetings called for by the Conventions to which they are parties.

1.2. These guidelines are without prejudice to:

- the exact nature and attribution of Euratom and Member States competences;
- the rights and obligations of the Member States and the Euratom as contracting parties to the aforementioned international conventions.

1.3. In order to prepare for any such international meeting, coordination meetings should be held as necessary:

- in Brussels, within the competent Working Party of the Council (usually Working Party on Atomic Questions), as early as possible before the international meeting in question and at any time until the end of it and;
- on-the-spot, at the beginning, during or at the end of the international meeting in question. These coordination meetings should be convened by the Presidency on its own initiative or at the request of a Member State or the Commission.

¹ Relevant international conventions are: the Convention on Nuclear Safety, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency, the Convention on the Physical Protection of Nuclear Material.

2. Euratom reports ² and the meetings reviewing them:

- 2.1. Reports to be submitted by Euratom on the measures it has taken to implement the obligations arising out of the Conventions should be prepared in the coordination meetings within the competent Working Party of the Council.
- 2.2. In order to facilitate timely and thorough preparation, the Commission, in collaboration with the Presidency where necessary, should prepare an indicative timetable of the activities to be carried out, including tabling of the first draft (early enough from its submission) and any further necessary work, for the finalisation and submission of the report.
- 2.3. Possible questions by Member States, and replies to questions raised by other Contracting parties on Euratom reports, should be addressed and formulated within the coordination meetings referred to in 1.3. In the course of these meetings, Member States should be able to comment on the proposed Euratom presentations on the basis of the report prepared and to discuss new issues raised by third parties.
- 2.4. Reports prepared on behalf of Euratom should be presented by the Commission. Where necessary, practical steps should be taken to give reciprocal access for the Member States and the Commission to take part in meetings reviewing the reports.

² For the time being, only the Joint Convention and the Convention on Nuclear Safety require each Contracting Party to submit for a review a report on the measures it has taken to implement the obligations of the Convention

3. Amendments to the Conventions and review of the procedural arrangements:

3.1. Coordination meetings referred to in 1.3 should be engaged early enough to facilitate the adoption, where possible, of common positions. The Presidency and the Commission should work together to ensure an adequate degree of coordination.

3.2. The Member States and the Commission should act in accordance with these common positions. Where common positions concern a matter of shared competence, Member States may make statements as long as these are in support of such common positions.

3.3. Practical arrangements, including the timing of the presentation of common positions within the international meetings, should be discussed at any time, before and in the course of international meetings, either in the competent Working Party of the Council, or in on-the-spot coordination meetings. Common positions should be presented by the Commission if they concern matters of exclusive Euratom competence. Where common positions concern matters of shared competence it should be confirmed before the coordination meetings on the spot whether the Presidency or the Commission shall present the common position depending on the subject. **During the coordination meetings referred to in 1.3, Member States should inform both the Presidency and the Commission of their intention to make a statement referred to in 3.2.**

~~3.3. The Member States should act in accordance with these common positions. Where common positions concern a matter of shared competence, Member States may make statements after the presentation of the common positions by the Commission or the Presidency on behalf of the Community and as long as these are in support of such common positions. [moved to 3.2 and further amended]~~

4. Review

These guidelines may be reviewed in the light of the experience gained at the international meetings referred to in 1.