



Council of the
European Union

000144/EU XXVI. GP
Eingelangt am 09/11/17

Brussels, 9 November 2017
(OR. en)

9479/97
DCL 1

RECH 46
ATO 55

DECLASSIFICATION

of document: 9479/97 RESTREINT

dated: 1 July 1997

new status: Public

Subject: Adoption of a Council decision authorising the Commission to negotiate an agreement for cooperation between the European Atomic Energy Community and Canada in the area of nuclear research

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT

9479/97

RESTREINT

RECH 46
ATO 55

"I/A" ITEM NOTE

from : General Secretariat of the Council

to : Permanent Representatives Committee/ Council

No Cion prop: SEC(97) 347 final - 6379/97 RECH 9 ATO 19

Subject: Adoption of a Council decision authorising the Commission to negotiate an agreement for cooperation between the European Atomic Energy Community and Canada in the area of nuclear research

1. On 28 February 1997, the Commission presented, pursuant to Article 101, second paragraph of the Treaty establishing the European Atomic Energy Community, a recommendation for a Council decision authorising the Commission to negotiate an agreement for cooperation between the European Atomic Energy Community and Canada in the area of nuclear research.
2. The Joint Working Party "Research/Atomic Questions" examined the Commission proposal and reached agreement on the text of the draft decision and negotiating directives which are set out at Annex.
3. It is suggested to the Permanent Representatives Committee that it recommend the Council to adopt the decision as contained in the Annex as an "A" item at a following session of Council.

RESTREINT

RESTREINT

ANNEX

NEGOTIATION OF AN AGREEMENT FOR COOPERATION BETWEEN
THE EUROPEAN ATOMIC ENERGY COMMUNITY
AND CANADA
IN THE AREA OF NUCLEAR RESEARCH

1. The Council authorises the Commission to negotiate an Agreement for cooperation with Canada in the area of nuclear research.
2. The Council invites the Commission to conduct these negotiations in accordance with the attached negotiating directives and to keep the Council informed of the state of progress of the negotiations.

RESTREINT

RESTREINT

Annex to the ANNEX

NEGOTIATING DIRECTIVES

1. Objective

The aim of the negotiations is to conclude an agreement which would allow for cooperation in a number of specified sectors of nuclear research covered by the multiannual framework programme of Community activities in the field of research and training for the European Atomic Energy Community (1994 to 1998 ⁽¹⁾) and by subsequent framework programmes.

The objective of the proposed agreement is to allow for the access of Community research institutes, bodies and undertakings to Canadian research programmes and the reciprocal participation of Canadian research institutes, bodies and undertakings in research projects under the relevant Community specific programmes with a view to fulfilling more effectively the objectives of the framework programmes; other cooperation forms are mentioned in point 3 of these draft directives. Cooperation should be of mutual benefit, be based on the principle of reciprocity and undertaken in accordance with applicable laws and regulations of the parties and be subject to the availability of appropriate funds.

This Agreement shall also contribute to the fostering of economic cooperation between the Community and Canada as provided for in the 1976 Framework Agreement, as well as in the Declaration on EC/Canada Relations of November 1990.

2. Scope of the cooperation

Sectors of mutual interest envisaged for research cooperation under this agreement on a reciprocal basis are:

- reactor safety,

RESTREINT

⁽¹⁾ Council Decision 94/268/Euratom of 26 April 1994 concerning a framework programme of Community activities in the field of research and training for the European Atomic Energy Community (1994-1998) (OJ L 115 of 6.5.1994, p. 31). As amended by Council Decision 96/253/Euratom of 4 March 1996 (OJ L 86 of 4.4.1996, p. 72).

RESTREINT

- radioactive waste management, including disposal,
- decommissioning of reactors,
- radiation protection: impact on health and the environment; safety aspects,
- nuclear safeguards,
- controlled nuclear fusion ⁽¹⁾.

This list may be amended by common agreement between the Parties in accordance with the procedures in force for each Party.

3. Forms and means of cooperation

Cooperation will take the following forms:

- reciprocal participation of research entities ⁽²⁾, including the Parties themselves, in research projects of the European Atomic Energy Community or the Government of Canada or its agencies in accordance with the procedures in force for each Party and with those governing projects involving Third Parties subject to the consent, if required, of such Third Parties. As regards Canadian participation in Community R&D projects, such participation shall be subject to the rules for the participation of undertakings, research centres and universities in research and training activities of the European Atomic Energy Community;
- joint research projects;
- shared use of research facilities;
- exchange and provision of information and data;
- exchange of reference materials, samples, fuels, equipment and instrumentation;

RESTREINT

⁽¹⁾ Cooperation in this area is the subject of a Memorandum of Understanding signed on 25 July 1995.

⁽²⁾ As defined in Article 1 a) and b) of the Council Decision of 21 November 1994 concerning the rules for the participation of undertakings, research centres and universities in research and training activities of the European Atomic Energy Community (OJ L 306 of 30.11.1994, p. 1).

RESTREINT

- visits and exchanges of scientists, engineers and other appropriate personnel for the purpose of participating in seminars, symposia, workshops and other research activities relevant to cooperation under the envisaged agreement;
- exchange of information on practices, laws, regulations and programmes relevant to cooperation under the envisaged agreement;
- such other activities as may be jointly decided by the Parties.

4. Duration

The agreement shall be concluded for an indefinite period, each party having the right to terminate it any time subject to a twelve months' written notice.

5. Dissemination and utilization of information

As regards the dissemination and utilization of results, including intellectual property rights, Canadian entities participating in Community RTD projects will be subject to the rules applicable to the EURATOM research programmes ⁽¹⁾.

Entities from the Community participating in Canadian RTD projects shall, with regard to the dissemination and utilization of results, including intellectual property rights, have the same rights and obligations as Canadian entities will have in Canadian research activities under this Agreement.

The principles on the allocation of intellectual property rights, laid down in Annex B of the agreement for cooperation in the peaceful uses of nuclear energy between the EAEC and the USA ⁽²⁾, shall apply to intellectual property resulting from joint research carried out under this Agreement, on the basis of the guiding principles laid down in the Joint Declaration of the Council and the Commission of 26 June 1992.

6. Financing

As far as the participation of Canadian research bodies in Community research projects is concerned, the provisions of Art. 3 of the Council Decision of 21 November 1994 concerning the rules for the participation of undertakings, research centres and universities in research and training activities of the European Atomic Energy Community shall apply (no transfer of funds).

⁽¹⁾ See Chapter 2 of the Euratom Treaty (Article 12 and following).

⁽²⁾ OJ L 120 of 20.5.1996

RESTREINT

7. Management of the Agreement

A Joint Science and Technology Cooperation Committee shall be set up to promote and keep under review the various scientific and technical cooperation activities envisaged under the agreement. The Committee will normally meet once per year. Special meetings shall be held at the request of either party.

Each Party shall designate one project manager for each of the areas of cooperation described in Article 2 in order to supervise cooperation in the given area and to report to the Joint Science and Technology Cooperation Committee.

8. Existing sectoral agreements

The activities covered by existing sectoral cooperation agreements and memoranda of understanding between the Government of Canada and EURATOM shall continue to fall under the scope of these agreements or memoranda. The respective coordinating committees shall ensure notification to the Joint Science and Technology Cooperation Committee, referred to above, of the state of progress in the specific areas of competence.

Upon termination of existing sectoral cooperation agreements and memoranda of understanding between the Government of Canada and EURATOM ⁽¹⁾, as provided for in these agreements and memoranda, the Parties will review the situation with a view to including the activities covered by such agreements and memoranda within the present Cooperation Agreement.

RESTREINT

- (¹) List of sectoral Cooperation Agreements in the area of nuclear research presently in force between the EAEC and Canada:
1. Memorandum of Understanding for cooperation between EURATOM and the Government of Canada in the field of controlled nuclear fusion, signed in Brussels on 25 July 1995 for a ten-year period (expiry date: 24 July 2005).
 2. Implementing agreement between the European Atomic Energy Community represented by the Commission of the European Communities and Atomic Energy of Canada Limited designated as implementing agent by the government of Canada, on the involvement of Canada in the European Atomic Energy Community contribution to the Engineering Design Activities (EDA) for the International Thermonuclear Experimental Reactor (ITER), signed on 25 July 1995 (expiry date: 20 July 1998).
 3. Cooperation agreement between EURATOM and Atomic Energy of Canada Limited for cooperation in the field of nuclear waste management research, in particular environmental assessment of waste disposal in hard rocks, signed on 3 November 1980 (expiry date: 31 October 2001).