

COMMISSION
OF THE EUROPEAN COMMUNITIES

**The European Community,
international organisations
and multilateral agreements**

THE EUROPEAN COMMUNITY, INTERNATIONAL ORGANIZATIONS AND MULTILATERAL AGREEMENTS

Because of its specific nature the Community has evolved a corpus of specific Community law that is distinct from traditional international and national law. Where then does Community law stand in relation to national and international law? The present international legal order, as embodied in the multilateral relations between States or in the context of international organizations, does not recognize the existence of the Community. That explains why, in those two contexts, in order to make its presence felt and to participate in the international scene the Community has had to move ahead in progressive stages on an empirical basis, without having an earlier model to follow. This publication, with its tables and annexes containing the basic texts, is intended to help understand that development.

It analyses the links established between the Community and the international organizations and studies the multilateral agreements to which the Community is a party, thus enabling an assessment to be made of the importance of the Community's international relations.

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INTRODUCTION

The purpose of the following summary table is to give an overall view of the relations which have been established between the European Community (1) and world and regional intergovernmental organizations, and of the way in which the Community participates in the negotiation, conclusion or administration of multilateral agreements.

The table not only attempts to classify but also to clarify, since the special features and the complexity of the Community's multilateral relations can be confusing. The classification of those relations in accordance with a set of simple criteria should enable the reader to grasp more clearly the living, changing reality.

The table also illustrates another phenomenon, namely that although the Community is to some extent an enlargement of the national framework, it also operates of necessity in an international context since most of its activities and policies have multilateral ramifications.

Although international organizations as such are not a new phenomenon, the emergence of groupings exercising certain powers transferred to them by their members is relatively recent and still gives rise in multilateral relations to problems of "recognition". This is not particularly surprising in the case of the Community, given the wide scope of its objectives.

The summary table will be more easily understood if some explanation is given of the legal bases of the Community's multilateral relations and the rules governing its participation in the work of international organizations and agreements drawn up within the framework of such organizations.

(1) The term "European Community" is used here to cover the three Communities : European Coal and Steel Community (ECSC), European Economic Community (EEC), European Atomic Energy Community (EAEC).

I. Legal bases of the Community's multilateral relations

1. The Community has legal personality by virtue of Article 210 of the EEC Treaty. According to the Court of Justice, this provision means that "in its external relations the Community enjoys the capacity to establish contractual links with third countries over the whole field of objectives defined in Part One of the Treaty (1).

In order to attain these objectives (establishment of a customs union involving the abolition of all restriction on trade between Member States and the adoption of a customs tariff, the implementation of common policies in certain key sectors such as external trade, agriculture, transport, the harmonization of the legislation of Member States, and so on), certain powers were transferred to the Community by the Member States and this transfer can also apply with regard to the Community's external relations and in particular to its relations with international organizations.

2. This emerges first of all from Article 113 of the EEC Treaty which concerns the commercial policy. Under this Article the Community has exclusive external jurisdiction over commercial policy, that is all public measures designed to regulate external trade relations. Agreements with third countries in this sphere are negotiated by the Commission on the basis of directives issued by the Council on a proposal from the Commission. They are concluded by the Council on behalf of the Community in the light of the results of the negotiations conducted by the Commission.

Under Article 238 of the EEC Treaty the Community may also conclude association agreements with third countries or international organizations, the scope of which is not limited to the sphere of commercial policy but can involve reciprocal rights and obligations in all fields where the Member States have transferred powers to the Community.

Article 235 of the EEC Treaty empowers the Community's institutions (the Council acting unanimously on a proposal for the Commission after consulting the Parliament) to take the appropriate measures where action is not specifically provided for by the Treaty but nevertheless proves necessary in order to attain one of the objectives of the Community. The Court of Justice considers that this Article also applies to the sphere of external relations.

(1) Judgment of 31 March 1971 in Case 22/70 (A.E.T.R.)

Furthermore, the Court of Justice (1) considers that the Community's competence to enter into international commitments may result not only from powers explicitly conferred by the Treaty, but may also derive implicitly from the Treaty's provisions. In particular, "whenever Community Law has created for the institutions of the Community powers within its internal system for the purpose of attaining a specific objective, the Community has authority to enter into the international commitments necessary for the attainment of that objective even in the absence of an express provision in that connection".

3. With regard to the procedure to be followed for the conclusion of international agreements by the Community, pursuant to EEC Treaty Articles 113, 238 and 235 considered above or in application of rulings of the Court of Justice, Article 228 states that such agreements shall be negotiated by the Commission and concluded by the Council.
4. Where the matters dealt with by an international organization of an economic character are not strictly within the jurisdiction of the Community but are nevertheless "of particular interest to the common market", Article 116 stipulates that the Member States shall proceed only by common action. The implementation of such common action is defined by the Council on a proposal from the Commission and this procedure confers a special role on the Community's institutions, even for questions remaining within the jurisdiction of the Member States.
5. Among the provisions concerning external relations, mention should also be made of Article 229 of the EEC Treaty, which makes the Commission responsible, on behalf of the Community, for relations with international organizations and confers upon it specific powers to that end. The scope of Articles 230 and 231 of the EEC Treaty, concerning cooperation with the Council of Europe and the OECD respectively, is similar to that of Article 229.

(1) Opinion 1/76 of 26 April 1977.

II. Community participation in international organizations and agreements

1. In order to be able to exercise its right of initiative vis-à-vis the Council correctly, the Commission must obviously maintain relations pursuant to Article 229 of the EEC Treaty with the numerous international organizations whose activities may be of interest to the Community in one way or another. In practice it is often found useful to place these relations on a formal basis by establishing working arrangements with the organizations in question.

The summary table shows that these arrangements - of which there are many - are generally the subject of exchanges of letters providing for consultations, the exchange of documents and information or procedures for participation in meetings. Cooperation with certain organizations, such as Unesco, is fairly structured (joint working parties). Where the arrangements lay down procedures for participation in meetings, it is usual for the Commission to participate as an observer.

2. The Community enjoys permanent observer status in many international organizations or their organs, such as the United Nations General Assembly, Economic and Social Council and certain economic and regional commissions. In addition, it is often accorded observer status at international conferences (Conference of the Law of the Sea). In general observer status enables the Community to participate in the work without having the right to vote. With certain organizations (United Nations Economic Commission for Europe) the concept of "observer" is replaced by that of participant in an advisory capacity. The status is, in effect, the same.

The summary table lists all the international organizations in which the Community has observer status or its equivalent and indicates in each case the principal attributes of that status.

The Community often shares observer status with intergovernmental organizations of the traditional type and is therefore in practice placed on the same footing as those organizations, at least for the present. Given its particular nature, the Community should in theory be given a status higher than that of observer when the international organization in question is discussing matters falling within the jurisdiction of the Community, even if only partially, but in practice an approach along those lines often runs into difficulties (1).

However, in many cases observer status is enough to enable the Community to state its position satisfactorily, with the support of the Member States, whose presence is always additional to that of the Community.

3. Community representation in intergovernmental organizations, within the framework of the status which the latter have accorded it, rests on practices that have been progressively worked out. Since most of the organizations whose activities are of interest to the Community also deal with matters falling within the jurisdiction of the Member States, not only are the Member States represented by national delegations but a formula for Community representation known as "dual representation" is very often applied. This is a system whereby the Community is represented both by the Commission and by the Member State holding the presidency of the Council at the time, with the Commission representative normally acting as the Community spokesman on matters falling within Community jurisdiction. This form of Community representation has been adopted for the United Nations General Assembly, the Economic and Social Council and UNCTAD inter alia.

(1) As regards relations between the Community and the OECD, however, it should be noted that although the Community is not a member of that organization its status there is higher than that of an observer. Supplementary Protocol No 1 to the Convention on the OECD stipulates that the Commission shall take part as of right in the work of the Organization and that representation of the Communities shall be determined with the institutional provisions of the Treaties.

The dual representation formula, which often meets practical requirements but lacks legal precision, is by no means a rule. Other formulae, corresponding more closely to the provisions of the EEC Treaty (1), have been worked out over the years, particularly for negotiations on commodity agreements. Thus a single delegation comprising representatives of the Commission and the Member States, with the Commission acting as spokesman, represented the Community in the negotiations for the 1971 International Wheat Agreement, the 1973 International Sugar Agreement and the 1976 International Cocoa Agreement, and participated in the work of the Conference on International Economic Cooperation (CIEC).

This difference in the forms of Community representation is explained by the fact that in the latter cases mentioned the Community's responsibility - and hence the role of the Commission - are more obvious.

4. Where the content of an international agreement falls wholly (exclusive jurisdiction) or partly (jurisdiction shared by the Community and the Member States) within the Community's competence, the Community as such must participate in the negotiation of the agreement and ensure that an appropriate clause is inserted to enable it to become a contracting party (2).

Where the Community is a contracting party to an agreement, it also participates, where appropriate, in the bodies administering the agreement. In certain cases (Wheat Agreement, Paris Convention on the prevention of marine pollution from land-based sources), the Community as such has a specific number of votes. In other cases (Coffee, Cocoa and Tin Agreements) it has at its disposal the combined votes of the Member States for matters falling within its jurisdiction.

(1) In particular Article 228 of the EEC Treaty.

(2) The accession clause can be general (accession open, for example, to "economic or customs unions" or "intergovernmental organizations" having responsibilities as regards the negotiation, conclusion and implementation of international agreements), or else it can be specific (reference to the possibility of accession by the Community or the possibility of accession being open to the Community in the same way as to governments). The clause is general an integral part of the agreement or is embodied in an additional protocol.

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>I. <u>UNITED NATIONS SYSTEM</u></p> <p>A. <u>United Nations organization (U N O)</u></p> <p>1. <u>Principal organs</u></p> <p>GENERAL ASSEMBLY</p>	<p>■ Observer status - Resolution 3208 (XXIX) of the General Assembly, adopted 11 October 1974</p> <p>- participation, without the right to vote, in the work of the Assembly and its Committees</p>	
<p>ECONOMIC AND SOCIAL COUNCIL (E C O S O C)</p>	<p>■ Observer status - Resolution 1267 (XLIII) of ECOSOC, July 1967, re-inforced by decision of 20 May 1971 (further defined by art. 79 of the Rules of Procedure adopted by ECOSOC Resolution 1949 (LVIII), 8 May 1975)</p> <p>- participation, without the right to vote, in sessions and at meetings of common interest</p>	
<p>- SECRETARIAT</p>		<p>■ Exchange of documentation and consultations, based on the exchange of letters of 28 November and 9 December 1958 between the United Nations secretariat and the Commission</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>2. <u>Subsidiary organs</u></p> <p>a) <u>Regional commissions</u></p> <p>ECONOMIC COMMISSION FOR EUROPE (E C E)</p> <p>- secretariat</p>	<p>■ Consultative status (equivalent to observer status), decision L (XXX) of the ECE, 15 April 1975, based on paragraph 12 of the ECE's mandate</p> <p>- participation, without the right to vote, in sessions and at committees meetings and working groups</p>	<p>■ Exchange of documentation, joint examination of proposed plans and programmes, consultations, based on the exchange of letters of 30 September and 7 October 1958 between the ECE secretariat and the Commission</p>
<p>ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC (E S C A P)</p> <p>- secretariat</p>	<p>■ At the invitation of the secretariat</p> <p>- participation in sessions</p>	<p>■ Exchange of documentation, joint examination of proposed plans and programmes, consultations, based on the exchange of letters of 24 January and 27 February 1959 between the ECAFE secretariat and the Commission</p>
<p>ECONOMIC COMMISSION FOR LATIN AMERICA (E C L A)</p> <p>- secretariat</p>	<p>■ Observer status - decision of ECLA, 1958 based on paragraph 7 of the ECLA's mandate</p> <p>- participation, without the right to vote, in sessions</p>	<p>■ Exchange of information and documentation, consultations between the ECLA secretariat and the Commission since 1958</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
ECONOMIC COMMISSION FOR AFRICA (E C A)	<ul style="list-style-type: none"> ■ Observer status since 1965 - participation in sessions 	
ECONOMIC COMMISSION FOR WESTERN ASIA (E C W A)	<ul style="list-style-type: none"> ■ Observer status - based on paragraph 7 of the ECOSOC Resolution 1818 (LV) adopted 9 August 1973, and Article 66 of the Rules of Procedure of the ECWA - participation, without the right to vote, in annual sessions 	<ul style="list-style-type: none"> ■ Reciprocal consultations on particular questions of common interest
<p>b) <u>Technical organs</u></p> <p>UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (U N C T A D)</p> <p>- secretariat</p>	<ul style="list-style-type: none"> ■ Observer status - Resolution 1995 (XIX) of the General Assembly, adopted 30 December 1964 - participation, without the right to vote, in sessions of the Conference, the Trade and Development Board, the subsidiary organs and working groups 	<ul style="list-style-type: none"> ■ Exchange of documentation, consultations between the UNCTAD secretariat and the Commission
<p>UNITED NATIONS DEVELOPMENT PROGRAMME (U N D P)</p> <p>- secretariat</p>	<ul style="list-style-type: none"> ■ Observer status based on article 36 of the Rules of Procedure of the Governing Council of UNDP - participation, without the right to vote, in sessions of the Governing Council 	<ul style="list-style-type: none"> ■ Exchange of documentation between the UNDP secretariat and the Commission

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (U N I D O)</p> <p>- secretariat</p>	<p>■ Observer status based on paragraph 35 of Resolution 2152 (XXI) of the General Assembly, adopted 17 November 1966, and article 75 of the Rules of Procedure of the Industrial Development Board</p> <p>- participation, without the right to vote, in sessions of the Board and meetings of common interest</p>	<p>■ Exchange of documentation and information, exchange of views on questions of common interest, cooperation on industrial studies, technical assistance, industrial training, etc based on the exchange of letters of 25 November 1976 between UNIDO secretariat and the Commission</p>
<p>UNITED NATIONS ENVIRONMENT PROGRAMME (U N E P)</p> <p>- secretariat</p>	<p>■ Observer status based on paragraph 5 (Section IV) of Resolution 2997 (XXVII) of the General Assembly adopted 15 December 1972 and article 68 of the Rules of Procedure of UNEP</p> <p>- participation, without the right to vote, in sessions of the Governing Council and in Conferences and working groups</p>	<p>■ Exchange of documentation and information between the UNEP and the Commission since 1972</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW (U N C I T R A L)</p> <p>- secretariat</p>	<p>■ Observer status based on paragraph 12 of Resolution 2205 (XXI) of the General Assembly, adopted 17 December 1966</p> <p>- participation, without the right to vote, in ordinary sessions and specialized groups</p>	<p>■ Exchange of documentation and information between UNCITRAL secretariat and the Commission</p>
<p>UN/FAO INTERGOVERNMENTAL COMMITTEE ON THE WORLD FOOD PROGRAMME (W F P)</p> <p>- secretariat</p>	<p>■ Observer status based on paragraph 12 of the annex to Resolution 1714 (XVI) of the General Assembly, adopted 19 December 1961</p> <p>- participation, without the right to vote, in the inter-governmental Committee sessions</p>	<p>■ Exchange of documentation and information between WFP secretariat and the Commission</p>
<p>WORLD FOOD COUNCIL (W F C)</p> <p>- secretariat</p>	<p>■ Observer status based on Article 60 of the Rules of Procedure, adopted in 1976</p> <p>- participation, without the right to vote, in meetings of the Council and in discussions on all questions of common interest</p>	<p>■ Exchange of documentation between the WFC secretariat and the Commission</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES (U N R W A)</p> <p>- secretariat</p>	<p>■ Triennial Convention on assistance (and annual food aid agreements) (1972 - 1975 OJ L 304 of 31 December 1972 p 24) renewed for one year by the 1975 convention (OJ L 203 of 29 September 1976 p 41)</p> <p>- allocations of food aid (first request : October 1970)</p> <p>- cash contributions</p>	<p>■ Exchange of documentation between the UNRWA secretariat and the Commission</p>
<p>UNITED NATIONS CHILDREN'S FUND (U N I C E F)</p> <p>- secretariat</p>	<p>■ Annual food aid agreements</p> <p>- allocations of food aid (first request : 14 June 1975)</p>	<p>■ Exchange of documentation between the UNICEF secretariat and the Commission</p>
<p>OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (U N H C R)</p> <p>- secretariat</p>	<p>■ Observer status by decision of the Executive Committee (4th session, October 1960, Geneva)</p> <p>- participation, without the right to vote, in meetings of the Executive Committee and public sessions</p> <p>- allocations of food aid</p>	<p>■ Exchange of documentation and consultations, based on the exchange of letters of 27 April and 7 May 1960, between the High Commissioner secretariat and the Commission</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p><u>B. Specialized agencies</u></p> <p>INTERNATIONAL LABOUR ORGANIZATION (I L O)</p> <p>- secretariat</p>	<p>■ Observer status based on article 12 of the Constitution of the ILO</p> <p>- participation, without the right to vote, in sessions of the Conference and the Governing Body and ILO Conferences and meetings</p>	<p>■ Exchange of documentation, consultations, establishment of joint working committees based on ECSC-ILO agreement (OJ No 11, 14.8.1953), EEC-ILO agreement (OJ No 27, 27.4.1959), EAEC-ILO agreement (OJ No 18, 9.3.1961)</p> <p>■ Establishment of a standing liaison committee based on the exchange of letters of 5 October and 2 November 1961 between ILO secretariat and the Commission</p>
<p>FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (F A O)</p> <p>- secretariat</p>	<p>■ Participation, without the right to vote, in sessions and committees meetings</p>	<p>■ Exchange of documentation, consultations, establishment of joint working committees, exchange of experts, based on the exchange of letters of 25 October and 11 December 1961 between FAO secretariat and the Commission</p>
<p>INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (I F A D)</p> <p>- secretariat</p>	<p>■ Observer status based on article 3 (b) of the agreement of 13 June 1976 establishing IFAD</p> <p>- participation, without the right to vote, in meetings of the Preparatory Commission</p>	<p>■ Exchange of documentation between the IFAD secretariat and the Commission</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>UNITED NATIONS EDUCATIONAL AND CULTURAL ORGANIZATION (U N E S C O)</p> <p>- secretariat</p>	<p>■ Observer status based on Article XI of the Convention establishing UNESCO</p> <p>- participation, without the right to vote, in General Conferences (science policy and education) meetings of Government experts, working groups and Sub-groups</p>	<p>■ Exchange of documentation and information, establishment of joint working groups, based on the exchange of letters of 2 and 15 September 1964 and 12 December 1972 and 14 February 1973 between the UNESCO secretariat and the Commission</p>
<p>WORLD HEALTH ORGANIZATION (W H O)</p> <p>- Regional Office for Europe</p>	<p>■ At the invitation of the secretariat</p> <p>- participation in sessions of the Regional Committee for Europe of WHO and in meetings of common interest</p>	<p>■ Exchange of documentation and information and regular consultations based on the exchange of letters of 29 May and 19 June 1972 between the Regional Office for Europe and the Commission</p>
<p>CODEX ALIMENTARIUS (Joint WHO - FAO Programme)</p> <p>- secretariat</p>	<p>■ - participation in meetings of common interest</p>	<p>■ Exchange of documentation between the secretariat and the Commission since 1961</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION (I M C O)</p> <p>- secretariat</p>	<p>■ - participation in sessions of the Assembly and the Council, and in the work of the Committees and Sub-Committees</p>	<p>■ Exchange of documentation and information, cooperation and consultations on matters of common interest based on the exchange of letters of 11 February and 28 June 1974 between the IMCO secretariat and the Commission</p>
<p>WORLD INTELLECTUAL PROPERTY ORGANIZATION (W I P O)</p> <p>- secretariat</p>	<p>■ - participation in meetings of common interest</p>	<p>■ Exchange of documentation and information based on the exchange of letters of July 1977 between the WIPO secretariat and the Commission</p>
<p>INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (I B R D)</p> <p>- secretariat</p>	<p>■ - participation in sessions based on the Statute of the Bank (section 8.a)</p>	<p>■ Exchange of documentation since 1964 between the IBRD secretariat and the Commission</p>
<p>INTERNATIONAL MONETARY FUND (I M F)</p> <p>- secretariat</p>	<p>■ - participation in sessions based on Article X of the agreement establishing the IMF</p>	<p>■ Exchange of documentation since 1958 - cooperation on matters of common interest based on the exchange of letters of 20 January and 20 March 1972 between the IMF secretariat and the Commission</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p data-bbox="166 296 406 357"><u>C. Autonomous Agencies related to the United Nations System</u></p> <p data-bbox="193 378 394 435">INTERNATIONAL ATOMIC ENERGY AGENCY (I A E A)</p> <p data-bbox="173 539 302 557">- secretariat</p>	<p data-bbox="464 378 735 435">■ Observer status based on Article XVI (A) of the Statute of the IAEA</p> <p data-bbox="482 458 756 515">- participation in sessions and in scientific meetings</p>	<p data-bbox="774 539 1064 678">■ Exchange of documentation and information, co-operation in all fields of common interest since 1958 between the IAEA secretariat and the Commission</p> <p data-bbox="774 701 1064 861">■ Agreement between Belgium, Denmark, RFA, Ireland, Italy, Luxembourg, Netherlands, CEEA and IAEA in implementation of the Treaty of the Non-Proliferation of Nuclear Weapons</p> <p data-bbox="795 883 1042 902">. signed on 5 April 1973</p> <p data-bbox="795 925 1042 961">. into force 21 February 1977</p> <p data-bbox="774 984 1008 1020">■ Cooperation Agreement EAEC - IAEA</p> <p data-bbox="795 1043 1072 1062">. signed on 1 December 1975</p> <p data-bbox="795 1085 1072 1104">. into force 1 January 1976</p> <p data-bbox="774 1126 1052 1163">■ Agreement on safeguards between UK, EAEC and IAEA</p> <p data-bbox="795 1185 1030 1222">. signed on 6 September 1976</p> <p data-bbox="795 1244 1000 1263">. not yet into force</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>GENERAL AGREEMENT ON TARIFFS AND TRADE (G A T T)</p> <p>- secretariat</p>	<ul style="list-style-type: none"> ■ - Since 1961 the EEC, as a customs union, has implemented the concessions as regards both rights and obligations ■ - Participation <ul style="list-style-type: none"> . in sessions of the Contracting Parties, of the Council and in working groups and various Committees as regards matters within the Community's competence . in multilateral trade negotiations initiated under the General Agreement 	<ul style="list-style-type: none"> ■ Exchange of documentation and consultations since 1958 between the GATT secretariat and the Commission
<p>D. <u>United Nations Study Groups on Commodities</u></p> <p>LEAD AND ZINC (International Study Group)</p>	<ul style="list-style-type: none"> ■ Observer status Declaration by the Study Group at its Plenary Assembly of 18 October 1961 - participation in sessions 	
<p>RUBBER (International Study Group)</p>	<ul style="list-style-type: none"> ■ Observer status Decision of the International Study Group's managing Committee in March 1962 - participation in sessions 	
<p>WOOL (International Study Group)</p>	<ul style="list-style-type: none"> ■ Observer status Decision of the International Study Group in October 1961 - participation in sessions 	

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>II. <u>REGIONAL INTER-GOVERNMENTAL ORGANIZATIONS</u></p> <p>ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (O E C D)</p> <p>- secretariat</p>	<ul style="list-style-type: none"> ■ Participation, without the right to vote, in implementation of the Additional Protocol No 1 to the Convention on the OECD (14 December 1960), in the Council (ministerial level), the DAC as a member, the work of the various Committees, groups and meetings of experts ■ Participation in the work of NEA (Nuclear Energy Agency) under Article 21 of the Agency's Statute <ul style="list-style-type: none"> . establishment of a computer programme library at Ispra (JRC) . practical cooperation in all fields relating to nuclear energy in implementation of the formal agreement concluded on 30 June 1964 between the EAEC and the NEA ■ Participation in the work of the IEA (International Energy Agency) which was set up in November 1974 	<ul style="list-style-type: none"> ■ Exchange of documentation and information between OECD secretariat and the Commission
<p>COUNCIL OF EUROPE (C E)</p>	<ul style="list-style-type: none"> ■ Observer status by the Resolution adopted by the Committee of Ministers at its 8th session (May 1951) - participation in the discussions of the Committee of Ministers as regards problems of a general nature, in the joint Assembly, in the work of the Committees of experts, sub-committees and working groups 	

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>COUNCIL OF EUROPE (continued)</p> <p>- secretariat</p>		<p>■ Exchange of documentation and information, reciprocal consultations based on the exchange of letters of 18 August 1959 between the CE secretariat and the Commission</p>
<p>WESTERN EUROPEAN UNION (W E U)</p>	<p>■ - participation in the Assembly</p> <p>• involvement in the work of the WEU Council of Ministers as regards economic questions</p>	
<p>CUSTOMS COOPERATION COUNCIL (C C C)</p> <p>- secretariat</p>	<p>■ Observer status CCC decision No 175 (July 1968) in application of article 3 (H) of the Convention establishing a Customs Cooperation Council</p>	<p>■ Exchange of documentation and information between the CCC secretariat and the Commission</p>
<p>INTER-GOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION (I C E M)</p> <p>- secretariat</p>	<p>■ - participation in meetings of the Council and technical group of experts on questions of common interest</p> <p>- mutual assistance in carrying out certain tasks of common interest</p>	<p>■ Exchange of documentation and information and reciprocal consultations based on the exchange of letters of 3 and 12 July 1961 between the ICEM secretariat and the Commission</p>

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>CENTRAL OFFICE FOR INTERNATIONAL RAILWAY TRANSPORT (O C T I)</p> <p>- secretariat</p>	<p>■ - participation in sessions and in meetings of common interest</p>	<p>■ Exchange of documentation and information, reciprocal consultations based on the exchange of letters of 22 January and 2 March 1959 between the OCTI secretariat and the Commission</p>
<p>EUROPEAN CONFERENCE OF MINISTERS OF TRANSPORT (E C M T)</p> <p>- secretariat</p>	<p>■ - participation, without the right to vote, in sessions of the Council of Ministers and the Committee of Deputies based on article 11 (a) of the ECMT protocol</p>	<p>■ Exchange of documentation and information, reciprocal consultation based on the exchange of letter of 8 January and 21 November 1962, and subsequently of 18 February, 7 March and 27 June 1972, and finally of 27 March and 23 June 1975, between the ECMT secretariat and the Commission</p>
<p>CENTRAL COMMISSION FOR THE NAVIGATION OF THE RHINE (C C R)</p> <p>- secretariat</p>	<p>■ - participation in plenary sessions, in meetings of common interest based on article 11 - stipulation h) article 44</p>	<p>■ Exchange of documentation and information, based on the exchange of letters of 6 June 1961 between the CCR secretariat and the Commission</p>
<p>NORTH ATLANTIC ASSEMBLY</p>	<p>■ - participation in sessions of the Assembly and in meetings of Committees (economy, science)</p>	

	STATUS OF THE COMMUNITY	OTHER METHODS OF COOPERATION
<p>COMMON AFRO-MALAGASY AND MAURICIAN ORGANIZATION (O C A M)</p> <p>- secretariat</p>	<p>■ - participation in sessions</p>	<p>■ Exchange of documentation and information, based on the exchange of letter of 24 November 1961 and 21 January 1962 between the OCAM secretariat and the Commission</p>
<p>ASSOCIATION OF SOUTH-EAST ASIAN NATIONS (A S E A N)</p> <p>- secretariat</p>	<p>■ - participation in meetings of the joint study group (two per year)</p>	<p>■ Exchange of documentation and information, based on the exchange of letters of 7 May 1975 between the ASEAN secretariat and the Commission</p>
<p>ORGANIZATION OF AMERICAN STATES (O A S)</p> <p>- secretariat</p>	<p>■ Observer status based on articles 52(d) and 118(h) of the Charter of the OAS</p> <p>- participation in meetings organized by the organs of the OAS</p>	<p>■ Exchange of documentation and information based on the exchange of letters of 19 December 1970 and 26 February 1971 between the OAS secretariat and the Commission</p>

	NEGOTIATION (1)	CONCLUSION (2)	ADMINISTRATION (3)
<p>III. <u>PARTICIPATION BY THE COMMUNITY IN MULTILATERAL AGREEMENTS</u></p> <p>A. <u>COMMODITY AGREEMENTS</u></p> <p>- International Wheat Agreement</p> <ul style="list-style-type: none"> . concluded in 1971 . extended by the protocol renewing for the third time the Wheat Trade Convention and the Food Aid Convention which constitutes the 1971 International Wheat Agreement 	<ul style="list-style-type: none"> ■ International Wheat Council ■ The EEC, as a member of the 1971 Agreement, participated without the right to vote, in the negotiations of the protocol renewing the Agreement for the third time for all matters dealt with in the Agreement 	<ul style="list-style-type: none"> ■ Article 3 of the Protocol (third renewal) ■ The EEC is a contracting party to the 1971 Agreement and protocols renewing the 1971 Agreement 	<ul style="list-style-type: none"> ■ Article 12 and Annexes A and B to the 1971 Agreement <ul style="list-style-type: none"> - right to vote ■ - International Wheat Council : EEC member - Executive Committee : EEC member
<p>- International Sugar Agreement</p> <ul style="list-style-type: none"> . concluded in 1973 . negotiated in 1977 (April-May) 	<ul style="list-style-type: none"> ■ United Nations Sugar Conference ■ The EEC participated as observer in the negotiation of the Agreement 	<ul style="list-style-type: none"> ■ Article 2 (11) of the 1973 Agreement ■ The EEC was not party to the 1973 Agreement, though Article 2 (11) would have permitted it 	
<p>(1) ■ Negotiating forum ■ Community participation</p> <p>(2) ■ Community clause ■ Arrangements for Community participation</p> <p>(3) ■ Legal basis of Community participation ■ Arrangements for Community participation within the framework of the Agreement</p>			

	NEGOTIATION	CONCLUSION	ADMINISTRATION
<p>- International Cocoa Agreement</p> <p>. concluded in 1975</p>	<ul style="list-style-type: none"> ■ United Nations Cocoa Conference ■ The EEC participated, without the right to vote, in discussions on all questions within its competence, following a decision of the Conference at its first plenary session 	<ul style="list-style-type: none"> ■ Article 4 (1) of the 1975 Agreement ■ The EEC signed, on 29 September 1976, the Agreement which is being applied provisionally 	<ul style="list-style-type: none"> ■ Articles 4 (2) and (3) and 15 (1) - International Cocoa Council : the EEC is a member of the Council, without the right to vote, but on matters falling within its competence can express the Member States' votes <u>en bloc</u> - Executive Committee : the EEC is not a member but can participate, without the right to vote, in discussions falling within its competence. In the event of a vote, the Member States' votes can be used <u>en bloc</u> by one of them
<p>- International Coffee Agreement</p> <p>. concluded in 1975</p>	<ul style="list-style-type: none"> ■ 28th Session of the International Coffee Council ■ The EEC participated in the negotiations in its capacity as observer in the Council under the preceding Agreement 	<ul style="list-style-type: none"> ■ Articles 3 (5) and 4 (3) of the 1976 Agreement ■ The EEC signed, on 27 July 1976, the Agreement which is being applied provisionally 	<ul style="list-style-type: none"> ■ Articles 4 (4) and (5) and 16 of the Agreement - International Coffee Council : the EEC is a member of the Council, without the right to vote, but on matters falling within its competence can express the Member States' votes <u>en bloc</u> - Executive Committee : the EEC is not a member but can participate, without the right to vote, in discussions falling within its competence. In the event of a vote, the Member States' votes can be used <u>en bloc</u> by one of them

	NEGOTIATION	CONCLUSION	ADMINISTRATION
<ul style="list-style-type: none"> - International Olive Oil Agreement <li style="padding-left: 20px;">. concluded in 1963 <li style="padding-left: 20px;">. extended by the protocol of 23 March 1973 	<ul style="list-style-type: none"> ■ Conference of Governments party to the International Olive Oil Agreement ■ The EEC participated in the negotiation of the protocol of 23 March 1973 extending the 1963 Agreement as regards all matters covered by the Agreement 	<ul style="list-style-type: none"> ■ Article 3 (7) of the 1973 Protocol ■ The EEC is not a contracting party to the Agreement though article 3 (7) of the 1973 Protocol would have permitted it 	<ul style="list-style-type: none"> ■ Article 14 of the Rules of Procedure of the International Olive Oil Council ■ - International Olive Oil Council : The EEC is an observer, without the right to vote - Executive Committee : The Commission participates at the invitation of the Secretariat
<ul style="list-style-type: none"> - International Tin Agreement <li style="padding-left: 20px;">. concluded in 1975 	<ul style="list-style-type: none"> ■ United Nations Tin Conference ■ The EEC, which was member of the preceding Agreement, participated in the negotiation of the Agreement (in addition to the Member States) 	<ul style="list-style-type: none"> ■ Article 2 (definition of "participating country") and article 54 (a) of the 1975 Agreement ■ The Community signed the Agreement on 30 June 1976, which is being applied provisionally 	<ul style="list-style-type: none"> ■ Article 54 (b) of the Agreement - International Tin Council : The EEC is a member of the Council, without the right to vote, but on questions within its competence can express the Member States' votes <u>en bloc</u>

	NEGOTIATION	CONCLUSION	ADMINISTRATION
<p><u>B. OTHER WORLD AGREEMENTS</u></p> <p>i. Agreements under GATT</p> <p>- Protocol to the General Agreement on Tariffs and Trade incorporating the results of the 1960-1961 Tariff Negotiating Conference (Geneva, 16 July 1962)</p>	<ul style="list-style-type: none"> ■ GATT Tariff Negotiating Conference ("Dillon Round") 1960-1961 ■ The EEC participated in the Tariff Negotiating Conference as regards matters falling within its competence 	<ul style="list-style-type: none"> ■ Article 7 (a) of the Protocol ■ The EEC contracting party to the Protocol on 13 December 1961 	
<p>- Additional protocol to the Protocol incorporating the results of the GATT Tariff Negotiating Conference (1960-1961)</p>	<ul style="list-style-type: none"> ■ GATT Tariff Negotiating Conference ("Dillon Round") 1960-1961 ■ The EEC participated in the negotiation as regards matters falling within its competence 	<ul style="list-style-type: none"> ■ Article 7 of the Additional Protocol ■ The EEC contracting party to the Additional Protocol on 7 July 1963 	
<p>- Geneva Protocol of 30 June 1967 annexed to the General Agreement on Tariffs and Trade</p>	<ul style="list-style-type: none"> ■ GATT Tariff Negotiating Conference ("Kennedy Round") 1964-1967 ■ The EEC participated in the negotiations as regards matters falling within its competence 	<ul style="list-style-type: none"> ■ Article 5 (a) of the Protocol ■ EEC contracting party to the Protocol (30 June 1967) 	
<p>- Agreement on the implementation of Article VI of the General Agreement on Tariffs and Trade (Anti-dumping Agreement) of 30 June 1967</p>	<ul style="list-style-type: none"> ■ GATT Tariff Negotiating Conference ("Kennedy Round") 1964-1967 ■ The EEC participated in negotiations on behalf of the Member States 	<ul style="list-style-type: none"> ■ Article 13 of the Agreement ■ EEC contracting party to the Agreement on 30 June 1967 	<ul style="list-style-type: none"> ■ EEC member of the Committee on Anti-dumping practices provided by article 17 of the Anti-dumping Agreement

	NEGOTIATION	CONCLUSION	ADMINISTRATION
- Memorandum of Agreement on Basic Elements for the Negotiation of a World Grains Agreement (Geneva, 30 June 1967)	<ul style="list-style-type: none"> ■ GATT Tariff Negotiating Conference ("Kennedy Round") 1964-1967 ■ The EEC participated in the negotiation as regards questions falling within its competence 	<ul style="list-style-type: none"> ■ Article 3 of the Memorandum of Agreement ■ The EEC contracting party to the protocol on 30 June 1967 	
- Arrangement concerning certain dairy products, 12 January 1970	<ul style="list-style-type: none"> ■ GATT working group on dairy products ■ The EEC participated in the negotiation of the arrangement on behalf of the Member States 	<ul style="list-style-type: none"> ■ Article VIII. 5 of the Arrangement ■ The EEC contracting party to Arrangement on 9 June 1970 	<ul style="list-style-type: none"> ■ EEC member of the Executive Committee provided by article VII.1 of the Arrangement
- Protocol concerning milk fats, 2 April 1973	<ul style="list-style-type: none"> ■ GATT working group on dairy products ■ The EEC participated in the negotiation of the Protocol on behalf of the Member States 	<ul style="list-style-type: none"> ■ Article VIII.4 of the Protocol ■ The EEC contracting party to Protocol on 17 May 1973 	<ul style="list-style-type: none"> ■ EEC member of the Executive Committee set up by article VII.1 of the Protocol
- Arrangement regarding international trade in textiles, 20 December 1973 (Multifibres Agreement)	<ul style="list-style-type: none"> ■ GATT working group on textiles ■ The EEC participated in the negotiation of the arrangement on behalf of the Member States 	<ul style="list-style-type: none"> ■ Article 13 of the MFA ■ The EEC contracting party to Arrangement (25 March 1974) 	<ul style="list-style-type: none"> ■ The EEC is a member of the Textiles Committee provided by article 10.1 of the Arrangement ■ The EEC is a member of the Textiles Surveillance Body provided by article 11.1 of the Arrangement

	NEGOTIATION	CONCLUSION	ADMINISTRATION
ii. Agreement under UNESCO - Agreement on the importation of articles of an educational, scientific or cultural nature (Florence Agreement) . concluded in 1950 . in force : 23 May 1952 . Additional Protocol adopted in 1976	<ul style="list-style-type: none"> ■ General Conference of UNESCO ■ The Commission negotiated accession of the EEC to the Additional Protocol 	<ul style="list-style-type: none"> ■ Article 14 (a) ■ The EEC is a contracting party to the Additional Protocol 	
C. <u>REGIONAL AGREEMENTS</u> i. Agreements under the aegis of the Council of Europe - European Convention for the Protection of Animals during International Transport	<ul style="list-style-type: none"> ■ Council of Europe ■ Negotiation in progress for the accession of the EEC to the Convention 		
- European Convention on the Protection of Animals kept for Farming Purposes . opened for signature in 1976 . not yet in force	<ul style="list-style-type: none"> ■ Council of Europe ■ Negotiation in progress for the accession of the EEC to the Convention 		

	NEGOTIATION	CONCLUSION	ADMINISTRATION
<ul style="list-style-type: none"> - European Convention on the Protection of International Fresh Water against pollution 	<ul style="list-style-type: none"> ■ Council of Europe ■ Negotiation in progress for the accession of the EEC to the Convention 		
<ul style="list-style-type: none"> - European Agreement on the Exchange of Reagents for Determining Blood Groups <ul style="list-style-type: none"> . opened for signature in 1974 . not yet in force Additional Protocol <ul style="list-style-type: none"> . opened for signature in 1976 	<ul style="list-style-type: none"> ■ Council of Europe ■ Negotiation in progress for the accession of the EEC to the tissular Agreement 		
<p>ii. Agreements under the aegis of the Customs Cooperation Council</p> <ul style="list-style-type: none"> - Convention on the simplification and the harmonization of customs procedures (Kyoto Convention) <ul style="list-style-type: none"> . adopted in 1973 . entered into force in 1974 	<ul style="list-style-type: none"> ■ Kyoto Conference of the Governments of the Member States of the Customs Cooperation Council ■ The Commission negotiated the accession of the EEC to the Convention 	<ul style="list-style-type: none"> ■ Article 11 (7) of the Convention ■ The EEC is a contracting party 	

	NEGOTIATION	CONCLUSION	ADMINISTRATION
<ul style="list-style-type: none"> - Customs Convention on the International Transit of Goods (ITI) <ul style="list-style-type: none"> . opened for signature in 1971 . not yet in force 	<ul style="list-style-type: none"> ■ Customs Cooperation Council ■ The Commission is negotiating an additional Protocol on the accession of the EEC to the Convention 		
<p>iii. Agreements under UNEP</p> <ul style="list-style-type: none"> - Convention on the protection of the Mediterranean Sea against pollution (Barcelona Convention) <ul style="list-style-type: none"> . opened for signature in 1976 . not yet in force - Protocol on the prevention of the pollution of the Mediterranean Sea by dumping from ships or aircraft <ul style="list-style-type: none"> . opened for signature in 1976 . not yet in force 	<ul style="list-style-type: none"> ■ Conference of Plenipotentiaries of coastal States of the Mediterranean region (2-16 February 1976) ■ The Commission negotiated the accession of the EEC to the Convention and to the Protocol 	<ul style="list-style-type: none"> ■ Articles 24, 26 and 27 of the Convention ■ The EEC signed the Convention and the Protocol subject to ratification 	<ul style="list-style-type: none"> ■ Article 19 of the Convention <ul style="list-style-type: none"> - The EEC, in matters falling within its competence, shall have a number of votes equal to the number of Member States which are contracting parties to the Convention, except where the Member States exercise their own right to vote

	NEGOTIATION	CONCLUSION	ADMINISTRATION
<ul style="list-style-type: none"> - Convention on International Trade in Endangered Species of Wild Flora and Fauna (Washington Convention) <ul style="list-style-type: none"> . concluded on 3 March 1973 . entered into force on 1 July 1975 	<ul style="list-style-type: none"> ■ Conference of Plenipotentiaries for the purpose of concluding an international Convention on trade in certain endangered wild species (12 February to 2 March 1973) ■ Negotiation in progress for the adhesion of the EEC to the Convention 		
<p>iv. Agreements under the aegis of the Economic Commission for Europe</p> <ul style="list-style-type: none"> - Customs Convention on the International Transport of Goods under cover of TIR Carnets <ul style="list-style-type: none"> . concluded in 1959 . reviewed in 1975 	<ul style="list-style-type: none"> ■ Conference for the review of the Customs Convention on the International Transport of Goods under Cover of TIR carnets (3-14 November 1975) within the ECE ■ The Commission negotiated the accession of the EEC to the Convention when it was reviewed in 1975 	<ul style="list-style-type: none"> ■ Article 52 (3) of the Convention - the "Kyoto clause" ■ The EEC is a contracting party 	<ul style="list-style-type: none"> ■ Annex 8 to the Convention ■ The EEC participates in the Management Committee alongside the Member States but without the right to vote

	NEGOTIATION	CONCLUSION	ADMINISTRATION
<p>V. Other</p> <ul style="list-style-type: none"> - Convention on the Prevention of Marine Pollution from Land-based sources (Paris Convention) <ul style="list-style-type: none"> . opened for signature in 1974 . not yet in force 	<ul style="list-style-type: none"> ■ Diplomatic Conference on the Convention on the Prevention of Marine Pollution from Land-based Sources (1973-1974) ■ The EEC was an observer at the Conference 	<ul style="list-style-type: none"> ■ Articles 22 and 24 (1) of the Convention ■ The EEC is a contracting party 	<ul style="list-style-type: none"> ■ Article 19 of the Convention - The EEC, in matters falling within its competence, shall have a number of votes equal to the number of Member States which are contracting parties to the Convention, except where the Member States exercise their own right to vote ■ The EEC was represented in the Interim Commission
<ul style="list-style-type: none"> - Convention on the Protection of the Rhine against Chemical Pollution (Bonn Convention) <ul style="list-style-type: none"> . opened for signature on 7 July 1976 	<ul style="list-style-type: none"> ■ Third Ministerial Conference on the protection of the Rhine against pollution, organized in April 1976 within the International Commission for the Protection of the Rhine against Pollution ■ The Commission negotiated the accession of the EEC to the Convention 	<ul style="list-style-type: none"> ■ The EEC signed the Convention subject to ratification 	<ul style="list-style-type: none"> ■ Article 16 of the Convention ■ The EEC and the Member States act in their respective spheres of competence within the International Commission for the Protection of the Rhine against Pollution

	NEGOTIATION	CONCLUSION	ADMINISTRATION
<ul style="list-style-type: none"> - Convention concerning the International Commission for the Rhine (Berne Convention) <ul style="list-style-type: none"> . signed on 29 April 1963 - Additional Agreement approved on 7 July 1976 	<ul style="list-style-type: none"> ■ Third Ministerial Conference on the protection of the Rhine against pollution, organized in April 1976 within the International Commission for the Protection of the Rhine against Pollution ■ The Commission negotiated the accession of the EEC to the Berne Agreement and the Additional Agreement 	<ul style="list-style-type: none"> ■ Article 1 of the Additional Agreement ■ The EEC signed the Berne Agreement and the Additional Agreement subject to ratification 	<ul style="list-style-type: none"> ■ Article 6 of the Berne Agreement as amended by Article 2 of the Additional Agreement ■ The EEC, in matters falling within its competence, shall have a number of votes equal to the number of Member States which are contracting parties to the Agreement, except where the Member States exercise their own right to vote ■ The EEC and the Member States act in their respective spheres of competence within the International Commission for the Protection of the Rhine against Pollution
<p><u>D. OTHER INTERNATIONAL ARRANGEMENTS</u></p> <p>Arrangement under the aegis of the OECD</p> <ul style="list-style-type: none"> - Understanding on Export Credits for Ground Satellite Communications Stations <ul style="list-style-type: none"> . adopted on 27 June 1974 	<ul style="list-style-type: none"> ■ OECD (Trade Committee) ■ Pursuant to Additional Protocol No 1 to the Convention on the OECD 	<ul style="list-style-type: none"> ■ EEC has the same status as that given to the Governments of the States participating in the arrangement 	

UNITED NATIONS GENERAL ASSEMBLY

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

3208 (XXIX). Status of the European Economic Community
in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the European Economic Community,

Requests the Secretary-General to invite the European Economic Community to participate in the sessions and work of the General Assembly in the capacity of observer.

226th plenary session

11 October 1974

ECONOMIC AND SOCIAL COMMITTEE

(E C O S O C)

RESOLUTION ADOPTED BY THE ECONOMIC AND SOCIAL COUNCIL1267 (XLIII). Relations with non-United Nations intergovernmental organizations in the economic and social field

(Extract)

B

The Economic and Social Council,

Noting that since the inception of the United Nations a large number of non-United Nations intergovernmental organizations in the economic and social fields have been established.

Nothing further that many of these organizations already collaborate, on an informal as well as on a formal basis, with the specialized agencies, the regional economic commissions, and the United Nations Conference on Trade and Development, as well as with the United Nations Secretariat.

Considering that it would be useful to develop further contacts on a more systematic basis though not necessarily through the negotiations of formal agreements.

1. Invites the Secretary General to continue to maintain and to strengthen contacts at the secretariat level with major intergovernmental organizations in the economic and social field outside the United Nations system;
2. Further invites the Secretary General, where he considers it would help to further the aims and work of the Council, to propose to the Council the names of intergovernmental organizations outside the United Nations system that should be represented by observers at sessions of the Council; these organizations may participate with the approval of the Council and without the right to vote, in its debates on questions of concern to them;

ANNEX 2

3. Invites its subsidiary bodies to make recommendations to it regarding the desirability of similar relationships between themselves and specific non-United Nations intergovernmental organizations active in fields of concern to them, on the basis of proposals by the Secretary-General;
4. Requests the Secretary-General to report to the Council on the functioning of the above arrangements at an appropriate session.

TELEX ADDRESSED TO MR J. REY
President of the Commission

Geneva, 23 June 1974

Wish to inform you that economic and social council at its fiftieth session decided to extend standing invitation to your organization to be represented by an observer at future sessions of the council; your organization is entitled to participate with the approval of the council and without the right to vote in the council debates on questions of concern to it. Text of decision being transmitted to you by assistant secretary general for interagency affairs.

Ahmed Unations New York

UNITED NATIONS NEW YORK

Dear Mr. Rey,

Following Mr. Ahmed's cable of yesterday's date, I am sending you the relevant extract from the decisions of the Economist and Social Council at its recent fiftieth session. At that session, the Council decided to extend a standing invitation to your organization to be represented by an observer at future sessions of the Council. Your organization is entitled to participate, with the approval of the Council and without the right to vote, in its debates on questions of concern to it.

I look forward to continuing cooperation between the United Nations and the EEC.

Yours sincerely,

Ismat T. Kittani
Assistant Secretary-General
for Inter-Agency Affairs

Mr. Jean Rey, President
European Economic Community
Bâtiment Berlaymont
200 rue de la Loi,
1040 Brussels, Belgium.

Relations with intergovernmental organizations

At its 1769th meeting on 20 May 1971, the Council took note of the report of the Secretary-General on relations with non-United Nations intergovernmental organizations in the economic and social field (E/4961); and it approved the following recommendations proposed by the Secretary-General in paragraph 13 of his report :

1. The Council should extend a standing invitation to the following intergovernmental organizations to be represented by observers at future sessions of the Council :

Council of Europe
 Council for Mutual Economic Assistance
 European Economic Community
 Organization for Economic Co-operation and Development

These organizations would be entitled to participate, with the approval of the Council and without the right to vote, in the Council's debates on questions of concern to them.

2. The Council should authorize the Secretary-General to propose from time to time, as appropriate, that certain other intergovernmental organizations might be invited to be represented by observers at individual sessions when the Council discusses questions of direct concern to them. These organizations would participate, with the approval of the Council and without the right to vote in connexion with particular agenda items.
3. In future, the Secretary-General should arrange for invitations to all sessions of the Council to be extended to the League of Arab States, the Organization of African Unity, the Organization of American States, the Organization of Petroleum Exporting Countries, Regional Co-operation for Development and the World Intellectual Property Organization, without informing the Council thereof.
4. The functional commissions and standing committees should continue to invite to their meetings intergovernmental organs in fields of direct concern to them, and keep the Council informed thereof. These organizations would be entitled to participate, without the right to vote, in debates on questions of concern to them.

RULES OF PROCEDURE OF THE ECONOMIC AND SOCIAL COUNCIL*

(Extract)

RULE 79

Participation of other intergovernmental organizations

Representatives of intergovernmental organizations accorded permanent observer status by the General Assembly and of other intergovernmental organizations designated on an ad hoc or a continuing basis by the Council on the recommendation of the Bureau, may participate, without the right to vote, in the deliberations of the Council on questions within the scope of the activities of the organizations.

* DOC. E/5715 - New York 1975

Exchange of letters between the Secretary-General of the United Nations Organization (UNO) and the EEC Commission.

28 novembre 1958

Cher Monsieur Rey,

Je vous remercie mille fois de votre Lettre du 5 novembre.

.....

Sans attendre que le problème des relations officielles reçoive une solution, il est possible d'envisager dès maintenant toute une série de mesures pratiques mutuellement avantageuses.

L'échange de documentation ne devrait soulever aucune difficulté. Sur ce point, vous recevrez sous pli séparé une communication indiquant les arrangements que nous envisageons pour un échange régulier. Je vous serais reconnaissant de me faire savoir si la procédure suggérée vous convient. Je fais également effectuer, à votre intention, une sélection de documents déjà publiés, susceptibles d'intéresser la Communauté.

Il y a un intérêt évident à ce que des consultations entre les membres du Secrétariat des Nations Unies et le personnel de la Communauté Européenne soient organisées fréquemment ; cet aspect ne soulève aucun problème de droit et peut être traité de manière tout à fait empirique.

Certaines dispositions peuvent également être prises dès maintenant pour assurer dans certaines conditions la participation des représentants de la Communauté à certaines réunions des Nations Unies. Il existe toute une série de précédents dans ce sens pour d'autres organisations intergouvernementales, notamment dans le cadre des commissions économiques régionales existantes. Des arrangements de cette nature sont déjà en vigueur en ce qui concerne la Commission économique européenne. Des procédures similaires, sinon complètement analogues, pourraient être envisagées pour la Commission économique pour l'Asie et l'Extrême-Orient et pour la Commission économique pour l'Amérique Latine. Il conviendrait que vous nous fassiez connaître l'intérêt que vous portez à telle ou telle de nos réunions, dont la liste pourrait vous être communiquée périodiquement. Il appartiendrait alors au Secrétaire exécutif de la Commission intéressée de vous adresser une invitation. La pratique actuelle repose sur un certain pouvoir discrétionnaire reconnu en la matière au Secrétaire exécutif. Les modalités de votre participation comporteraient en tout état de cause des facilités d'accès aux réunions publiques et aux documents de distribution générale. Des sièges pourraient être réservés à vos représentants dans une zone distincte de celle du public aussi bien que de celle des délégations ; la présence de vos représentants pourrait être signalée dans les documents. Le point de savoir si une pancarte pourrait être placée au siège de votre représentant est peut-être un peu plus délicat et devrait être réglé selon les circonstances. L'autorisation de prendre la parole au cours des débats devrait évidemment être accordée par la Commission elle-même ou l'organe subsidiaire intéressé.

.....
.....

Le problème de la participation de la Communauté aux réunions du Conseil économique et social, du Conseil de Tutelle, du Comité des renseignements relatifs aux territoires non autonomes, des principales commissions de l'Assemblée générale ou des conférences convoquées sous l'égide des Nations Unies est moins aisé à résoudre, même sur le plan pratique, faute de précédents. L'initiative ne pourrait être laissée à la discrétion des fonctionnaires responsables du Secrétariat et, dans l'état actuel des choses, devrait résulter d'une décision explicite de l'organe intéressé.

.....
.....

Je vous prie de croire à l'expression de mes sentiments les meilleurs et très dévoués.

Philippe de Seynes
Sous-secrétaire aux
Affaires économiques et sociales

Bruxelles, le 9 décembre 1958

Cher Monsieur,

J'ai pris bonne note de votre Lettre du 28 novembre 1958, que j'ai reçue avec le plus grand plaisir et dont je vous remercie infiniment.

.....
.....

Je suis bien de votre avis que, pour le moment, il n'est pas urgent d'envisager des négociations en vue d'établir des relations formelles entre nos deux Organisations, mais il est possible d'envisager dès maintenant des mesures de collaboration pratiques mutuellement avantageuses.

Ces mesures pratiques telles que vous les énumérez, relatives à l'échange de documentation, aux consultations fréquentes et régulières entre les membres du Secrétariat des Nations Unies et le personnel de la Communauté Economique Européenne, aux modalités pour la participation des représentants de la Communauté à certaines réunions des Nations Unies, notamment dans le cadre des Commissions économiques régionales du Conseil économique et social, etc... représentent des arrangements appropriés sur lesquels il sera possible d'établir un accord préalable de liaison.

.....
.....

Je vous prie de bien vouloir agréer, Cher Monsieur, l'expression de ma parfaite considération.

Jean REY



ECONOMIC COMMISSION FOR EUROPE

(E C E)

DECISION L (XXX) - Participation of the European Economic Community and
the Council for Mutual Economic Assistance in the work
of the Commission

The Economic Commission for Europe

has decided to invite the European Economic Community and the Council for mutual Economic Assistance to participate in its work on conformity with Paragraph 12 of its mandate.

First session

15 April 1975

ARTICLE 12

of the Mandate of the Economic Commission for Europe

(United Nations - Geneva)

The Commission shall invite representatives of specialized agencies and may invite representatives of any intergovernmental organizations to participate in a consultative capacity in its consideration of any matter of particular concern to that agency or organization, following the practices of the Economic and Social Council.

Exchange of letters between the Executive Secretariat of the ECE and the Commission of the EEC.

30 septembre 1958

Monsieur Le Président,

Je tiens à vous remercier de votre lettre du 16 septembre, par laquelle vous me faites connaître le désir de la Commission de la Communauté Economique Européenne d'instituer des relations avec Le Secrétariat de la Commission Economique pour l'Europe. Je puis vous assurer que ce désir est partagé. Je suis persuadé comme vous que, grâce à cette collaboration, nous pourrons obtenir des résultats qui nous seront mutuellement avantageux.

A mon avis, la meilleure façon d'organiser cette coopération consisterait à adopter la même procédure que celle que nous avons suivie avec la Haute Autorité de la Communauté Européenne du Charbon et de l'Acier et avec - depuis bien des années - Le Secrétariat de l'OECE. Selon cette procédure, aucun accord formel de coopération ne serait nécessaire entre nos deux organisations ni entre votre Commission et Le Secrétariat de la CEE ; au lieu de cela, une collaboration pratique pourrait être instituée entre nos Secrétariats dans les domaines ci-après :

- a) échange de documentation ;
- b) représentation, sous une forme appropriée, aux réunions des organes techniques ;
- c) fréquents examens en commun des plans et programmes de travaux envisagés ;
- d) consultation sur des questions particulières d'intérêt commun.

Si cette méthode vous agréee, je donnerai des instructions pour que nos lettres mensuelles communiquant les listes de prochaines réunions et pour que les documents établis par la CEE vous soient adressés en autant d'exemplaires que vous le désirez, dans les langues française et anglaise. Je vous envoie sous ce pli notre dernière liste des réunions prévues. Vous voudrez bien considérer que l'envoi de nos listes des réunions constitue une invitation à vous faire représenter à toutes celles de nos réunions qui pourraient vous intéresser. Je vous serais reconnaissant de bien vouloir me faire savoir en combien d'exemplaires vous désireriez recevoir nos documents dans les langues française et anglaise respectivement.

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.....

Je vous remercie une fois encore de la proposition que vous nous faites et je tiens à vous donner l'assurance que, comme vous, je suis intimement persuadé de la valeur de la collaboration qui pourra être instituée dans les domaines d'intérêt commun.

Veillez croire, Monsieur le Président, à l'assurance de ma haute considération.

Sakari Tuomioja
Secrétaire Exécutif de la
Commission Economique pour l'Europe

Bruxelles, le 7 octobre 1958

Monsieur Le Secrétaire Exécutif,

Je vous remercie de votre lettre du 30 septembre, dans laquelle vous proposez la formule et les modalités de la collaboration pratique entre la Commission Economique pour l'Europe des Nations Unies et la Commission Economique Européenne.

La procédure de coopération que vous proposez et dont l'efficacité pratique s'est déjà largement révélée dans les relations entre votre organisation et la Haute Autorité de la Communauté Européenne du Charbon et de l'Acier, ainsi que le Secrétariat de l'OECE, a rencontré l'entière approbation de notre Commission qui apprécie hautement les avantages mutuels qu'elle représente pour nos deux organisations. En conséquence, notre Commission prend dès à présent les dispositions nécessaires pour l'initiation et le développement des divers aspects de cette collaboration, selon les termes de votre proposition :

- a) échange de documentation ;
- b) représentation, sous une forme appropriée, aux réunions des organes techniques ;
- c) fréquents examens en commun des plans et programmes de travaux envisagés ;
- d) consultation sur des questions particulières d'intérêt commun.

Je vous informerai dès que possible des décisions prises par notre Commission à cet effet.

Notre attention se porte, dans l'immédiat, sur la liste des réunions que vous avez bien voulu nous communiquer avec l'invitation à nous faire représenter à toutes celles susceptibles de nous intéresser particulièrement. Cette représentation fait l'objet d'un examen de la part de nos services directement concernés.

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Veillez croire, Monsieur Le Secrétaire Exécutif, à l'expression de ma haute considération.

J. REY
Président du Groupe
aux Relations Extérieures

ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC

(E S C A P)

Exchange of letters between the Executive Secretariat of the ECAFE and the
EEC Commission

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Bruxelles, le 24 janvier 1959

Monsieur le Secrétaire Exécutif,

En ma qualité de Président du Groupe chargé des Relations extérieures de la Commission de la Communauté Economique Européenne, je suis heureux d'être auprès de vous l'interprète de l'intérêt que notre Commission porte aux activités de la Commission Economique pour l'Asie et l'Extrême-Orient, des vœux qu'elle formule pour son plein succès dans l'oeuvre entreprise et son désir d'établir entre nos deux Organisations des relations de liaison et de collaboration.

La Communauté Economique Européenne a pour mission, par l'établissement d'un Marché Commun et par le rapprochement progressif des politiques économiques des Etats membres, de promouvoir le développement harmonieux des activités économiques dans l'ensemble de la Communauté ; une expansion continue et équilibrée, une stabilité accrue, un relèvement accéléré du niveau de vie et des relations plus étroites entre les Etats qu'elle réunit. Pleinement conscients de la portée de cette action et de ses répercussions internationales, les Etats membres se sont déclarés désireux de contribuer à la suppression progressive des restrictions aux échanges internationaux, de confirmer la solidarité qui lie les pays de la Communauté au reste du monde et d'affermir les sauvegardes de la paix et de la liberté, conformément aux principes de la Charte des Nations Unies.

C'est pour répondre à ces désirs et travailler à leur réalisation que notre Commission, conformément aux termes de l'article 229 du Traité, apprécierait de voir s'établir entre nos deux Organisations des contacts inspirés par leurs grands intérêts communs.

ESCAP : new denomination (Res. 1895 (LVII) ECOSOC) of the ECAFE (Economic Commission for Africa and the Far East).

L'existence de la Communauté Economique Européenne est devenue maintenant un élément de fait dans la vie internationale. L'étude des incidences de la création du Marché Commun Européen sur les échanges internationaux est inscrite à l'ordre du jour de la plupart des grandes organisations et nous savons que votre Commission s'y intéresse également. Ceci crée déjà, il me semble, un terrain sur lequel il serait extrêmement utile et mutuellement avantageux d'engager le dialogue entre nos deux Commissions. En effet, à de multiples occasions, les porte-parole de notre Communauté ont proclamé sa vocation de coopération internationale et son désir de participer à la discussion publique de ses objectifs et de leur incidence à l'échelle mondiale, afin de pouvoir harmoniser son action, dans toute la mesure du possible, avec les intérêts légitimes des autres nations et des autres continents.

Les Commissions économiques régionales des Nations Unies constituent pour la Communauté Européenne un précieux instrument du dialogue et de la compréhension mutuelle qu'elle recherche. C'est pourquoi nous aimerions voir s'instituer entre l'ECAFE et notre Commission une formule de relation conforme à nos intérêts mutuels.

Je vous serais très reconnaissant de bien vouloir me faire connaître votre avis à ce sujet ainsi que, dans l'affirmative, toute suggestion de votre part que vous jugeriez utile pour permettre aux relations entre nos deux Organisations de se développer conformément aux caractères particuliers à votre Commission et à ses pays membres.

C'est dans le même esprit que notre Commission a déjà établi ses relations avec la Commission Economique pour l'Europe, selon une formule de collaboration pratique qui se révèle des plus fructueuses. Cette collaboration porte sur les points suivants :

- a) échange de documentation ;
- b) représentation, sous une forme appropriée, aux réunions des organes techniques ;
- c) fréquents examens en commun des plans et programmes des travaux envisagés ;
- d) consultations sur des questions particulières d'intérêt commun.

D'autre part, vous êtes certainement déjà informé, par les soins de l'ECOSOC, de l'existence d'un accord de liaison entre l'Organisations Internationale du Travail et la Communauté Européenne.

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Je vous prie d'agréer, Monsieur Le Secrétaire Exécutif, l'assurance de ma parfaite considération.

Jean Rey,
Président du Groupe
aux Relations Extérieures

27 February 1959

Sir,

Thank you for your letter of 24 January 1959 (I-A-3-III/59).

As far as the secretariat of the Economic Commission for Asia and the Far East is concerned, I should like to assure you that we fully reciprocate the desire expressed by you for the establishment of relations beneficial to our two secretariats. I shall be glad to arrange for sending our documentation that may be of interest to you. My staff and I will be glad to engage in consultations on question of mutual interest with the staff of the Commission of the European Economic Community whenever the opportunity arises.

Regarding participation at meetings of subsidiary bodies, it would be up to the subsidiary body concerned to determine, subject to any guidance which the Commission may have given, whether it would wish to extend an invitation.

.....
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Accept, Sir, the assurances of my highest consideration.

C.V. Narasimhan
Executive Secretary

ECONOMIC COMMISSION FOR LATIN AMERICA

(E C L A)

MANDATE AND RULES OF PROCEDURE

of the

ECONOMIC COMMISSION FOR LATIN AMERICA

(Extract)

PARAGRAPH 7. a)

- a) The Commission shall invite representatives of specialized agencies to attend its meetings and to participate, without vote, in its deliberations with respect to items on its agenda relating to matters within the scope of their activities; and may invite observers from such other intergovernmental organizations as it may consider desirable in accordance with the practices of the Council.

Arrangement between the Executive Secretariat of the ECLA and the EEC Commission.

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Lors des entretiens qui ont eu lieu au siège de La Commission de la C.E.E. en juillet 1958, M. PREBISCH, Directeur Principal de la CEPAL, et M. le Ministre REY, Président du Groupe des Relations Extérieures, ont convenu les dispositions suivantes portant sur :

1. L'échange régulier d'informations et de documents. Il a été convenu notamment que la Commission de la CEE fasse parvenir au Secrétariat de la CEPAL son rapport annuel ;
2. La consultation réciproque en attendant que les modalités pratiques de cette collaboration soient institutionnalisées d'une manière à définir ultérieurement lorsque le problème d'ensemble des relations avec l'Organisation des Nations Unies aura fait l'objet d'une mise au point avec le Secrétaire Général de l'UNO ;
3. La participation de la Commission de la CEE sous une forme à définir aux sessions de la CEPAL ;
4. La possibilité de poursuivre l'étude en commun des problèmes intéressant plus spécialement les Etats de l'Amérique Latine sans cependant faire double emploi avec les groupes de travail constitués dans le cadre du GATT.

Suite à une consultation du Secrétaire Exécutif, Les Etats membres de la CEPAL ont marqué leur accord pour l'admission de la CEE aux sessions de la CEPAL au titre d'observateur officiel.

ECONOMIC COMMISSION FOR WESTERN ASIA

(E C W A)

I

RESOLUTION ADOPTED BY THE ECONOMIC AND SOCIAL COUNCIL

1818 (LV). Establishment of an economic commission for
Western Asia

(Extract)

7. The Commission shall invite representatives of specialized agencies and may invite representatives of any intergovernmental organizations to participate in a consultative capacity in its consideration of any matter of particular concern to those agencies or organizations, following the practice of the Council.

II

RULES OF PROCEDURE OF THE ECWA

(Extract)

Article 66

Representatives of intergovernmental organizations accorded permanent observer status by the General Assembly and of other intergovernmental organizations designated on an ad hoc or continuing basis by the Council or the Commission may participate, without the right to vote, in the deliberations of the Commission on questions within the scope of the activities of the organizations.



UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

(U N C T A D)

RESOLUTION 1995 (XIX). Establishment of the United Nations Conference on Trade and
Development as an organ of the General Assembly

(Extract)

II.11

The Board may make arrangements for representatives of the intergovernmental bodies referred to in paragraphs 18 and 19 below to participate, without vote, in its deliberations and in those of the subsidiary bodies and working groups established by it. Such participation may also be offered to non-governmental organizations concerned with matters of trade and of trade as related to development.

II.18

The Board shall, as required, make arrangements to obtain reports from and establish links with intergovernmental bodies whose activities are relevant to its functions. In order to avoid duplication it shall avail itself, whenever possible, of the relevant reports made to the Economic and Social Council and other United Nations bodies.

II.19

The Board shall establish close and continuous links with the regional economic commissions of the United Nations and may establish such links with other relevant regional intergovernmental bodies.

UNITED NATIONS DEVELOPMENT PROGRAMME

(U N D P)

RULES OF PROCEDURE OF THE UNDP

(Extract)

XI. Consultations with United Nations bodies, intergovernmental organizations and non-governmental organizations

RULE 36

The Governing Council may also, when it considers it appropriate, invite intergovernmental organizations, and non-governmental organizations in consultative status with the Economic and Social Council, to attend its meetings at which questions of concern to them are discussed.

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

(U N I D O)

I

RESOLUTION 2152 (XXI) OF THE GENERAL ASSEMBLY

(Extract)

II. 35

The Organization may establish appropriate working relationships with relevant intergovernmental organizations.

II

RULES OF PROCEDURE OF THE INDUSTRIAL DEVELOPMENT COUNCIL

(Extract)

XII. Participation of specialized agencies, the International Atomic Energy Agency, the United Nations Conference on Trade and Development, the United Nations Development Programme and other intergovernmental organizations

Rule 75

1. Representatives of specialized agencies, the International Atomic Energy Agency, the United Nations Conference on Trade and Development and the United Nations Development Programme, as well as of the intergovernmental organizations referred to in paragraph 35 of General Assembly resolution 2152 (XXI) which are designated for this purpose by the Board, may participate, without the right to vote, in the deliberations of the Board and its subsidiary organs, if any, upon the invitation of the President or Chairman, as the case may be, on questions within the scope of their activities.
2. Written statements provided by international non-governmental organizations referred to in paragraph 1 above, related to items on the agenda of the Board or of its subsidiary organs, shall be circulated by the Secretariat to members of the Board and the subsidiary organ concerned.

Exchange of letters between the UNIDO and the EC Commission.

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Bruxelles, le 25 novembre 1976

Monsieur le Directeur Exécutif,

Je suis heureux de constater que les conversations qui ont eu lieu récemment entre nos représentants pour déterminer les modalités de la coopération à établir entre nos deux institutions ont abouti aux conclusions suivantes que je vous propose de consacrer par un échange formel de lettres.

Les Communautés européennes qui, conformément à leurs engagements internationaux, contribuent au développement économique et social des pays en voie de développement, sont appelées à développer dans le domaine de la coopération industrielle, des politiques et des activités dont certains aspects recourent les tâches dont l'Organisation des Nations Unies pour le Développement Industriel a la charge au sein des Nations Unies. En vue de faciliter et d'harmoniser les efforts déployés de part et d'autre dans ce domaine pour une plus grande efficacité :

1. Des relations de travail seront établies entre la Commission des Communautés européennes et le Secrétariat de l'Organisation des Nations Unies pour le Développement Industriel.
2. Sous réserve des mesures qui pourront être nécessaires pour sauvegarder le caractère confidentiel de certains documents et informations, la Commission des Communautés européennes et le Secrétariat de l'Organisation des Nations Unies pour le Développement Industriel procéderont à un échange régulier de documents et d'informations concernant leur activité, leur programme de travail et toutes questions présentant un intérêt commun pour les deux parties.
3. Les services de la Commission des Communautés européennes et le Secrétariat de l'Organisation des Nations Unies pour le Développement Industriel procéderont chaque fois que nécessaire à des échanges de vues sur les questions considérées comme d'intérêt commun. A cet effet, des réunions de travail et de consultations pourront être organisées pour étudier certaines questions techniques ainsi que les sujets se prêtant à une coopération effective.

4. Les domaines qui, dans un premier stade, feront l'objet de cette coopération, sont énumérés en annexe à la présente lettre.
5. Les arrangements qui précèdent pourront être modifiés avec le consentement des deux parties intéressées. Ils pourront être dénoncés par l'une ou l'autre des deux parties moyennant préavis d'un an.

Si vous êtes disposé à établir et à entretenir avec la Commission des Communautés européennes des relations correspondant aux dispositions ci-dessus, je voudrais vous proposer que la présente lettre et la réponse que vous voudrez bien m'adresser, soient considérées comme constituant l'accord fixant les relations à établir entre la Commission des Communautés européennes et le Secrétariat de l'Organisation des Nations Unies pour le Développement Industriel, accord qui entrera en vigueur à partir de la date de votre réponse.

Je vous prie d'agréer, Monsieur le Directeur Exécutif, l'expression de ma haute considération.

C. CHEYSSON

A N N E X E

Domaines de coopération entre le Secrétariat de l'Organisation des Nations Unies pour le Développement Industriel et la Commission des Communautés européennes :

- Etudes industrielles
- Assistance technique
- Promotion et financement des investissements industriels
- Formation industrielle
- Technologie industrielle, en particulier problème des technologies appropriées
- Contribution à la coopération industrielle entre pays en voie de développement
- Activités sectorielles couvertes par l'Organisation des Nations Unies pour le Développement Industriel
- Contacts entre les représentants des deux institutions dans les pays où s'exercent des actions de coopération industrielle.

Le 25 novembre 1976

Monsieur Le Commissaire,

Je me réfère à votre lettre du 25 novembre 1976, ainsi qu'à son annexe, dont le texte suit :

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En conséquence, conformément à la suggestion faite dans le dernier paragraphe de la lettre précitée, cette dernière ainsi que la présente réponse seront considérées comme constituant l'accord fixant les relations entre la Commission des Communautés européennes et Le Secrétariat de l'Organisation des Nations Unies pour Le Développement Industriel, accord qui entrera en vigueur à dater de ce jour.

Je vous prie d'agréer, Monsieur Le Commissaire, l'expression de ma haute considération.

Abd-EL Rahman KHANE

UNITED NATIONS ENVIRONMENT PROGRAMME

(U N E P)

RESOLUTION 2997 (XXVII) OF THE GENERAL ASSEMBLY

Institutional and financial arrangements for inter-
national environmental cooperation

(Extract)

IV. ENVIRONMENT COORDINATION BOARD

5. Also invites other intergovernmental and those non-governmental organizations that have an interest in the field of the environment to lend their full support and collaboration to the United Nations with a view to achieving the largest possible degree of cooperation and coordination.

RULES OF PROCEDURE OF THE UNEP

(Extract)

ARTICLE 68

1. Des représentants des institutions spécialisées, de l'Agence internationale de l'énergie atomique et des organes compétents des Nations Unies, ainsi que des organisations intergouvernementales visées au paragraphe 5 de la Section IV de la résolution 2997 (XXVII) de l'Assemblée générale et désignées à cette fin par le Conseil d'administration, peuvent participer, sans droit de vote, aux délibérations du Conseil d'administration et de ses organes subsidiaires, sur l'invitation du Président de l'organe subsidiaire en cause, selon le cas pour ce qui est des questions qui sont de leur ressort.

2. Le Secrétariat distribue aux membres du Conseil d'administration et de l'organe subsidiaire en cause les exposés écrits qui émanent des institutions spécialisées, de l'Agence internationale de l'énergie atomique et des organes des Nations Unies, ainsi que des organisations intergouvernementales visées au paragraphe 1 ci-dessus et qui ont trait à des points de l'ordre du jour du Conseil d'administration ou de ses organes subsidiaires.

UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW

(U N C I T R A L)

RESOLUTION 2205 (XXI) OF THE GENERAL ASSEMBLY

Establishment of the United Nations Commission
On International Trade Law

(Extract)

II.12

The Commission may establish appropriate working relationships with intergovernmental organizations and non-governmental organizations concerned with the progressive harmonization and unification of the law of international trade.



UN/FAO INTERGOVERNMENTAL COMMITTEE ON THE
WORLD FOOD PROGRAMME

(W F P)

RESOLUTION 1714 (XVI) OF THE GENERAL ASSEMBLY

(Extract)

ANNEX

12. The administration of the proposed Programme will require close cooperation, particularly on development projects, between FAO and the United Nations, as well as with appropriate United Nations agencies, and other appropriate intergovernmental bodies.

WORLD FOOD COUNCIL

(W F C)

RULES OF PROCEDURE

(Extract)

XIII. Participation by non-members of the CouncilRule 60

Representatives designated by :

- a) Any State^{*} not a member of the Council;
- b) The European Economic Community;
- c) The Council for Mutual Economic Assistance;
- d) Other intergovernmental organizations accorded permanent observer status by the General Assembly or that are designated on an ad hoc or continuing basis by the Council;
- e) A national liberation movement granted observer status by the General Assembly,

shall be invited to the meetings of the Council and may, upon their request, participate, without the right to vote, in its deliberations on questions of concern to them. Such representatives may submit proposals which may be put to the vote at the request of any member.

* It is understood that the term "any State" will be interpreted by the Council in the light of the practice of the General Assembly in implementing an "all States" clause, and that whenever advisable the Council will request the opinion of the Assembly.

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES

(U N R W A)

CONVENTION

between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East

ARTICLE 1

With a view to continuing the aid to Palestine refugees in the countries of the Near East undertaken pursuant to the Convention of 18 December 1972, the European Economic Community, hereinafter referred to as "the Community", shall make available to the United Nations Relief and Works Agency for Palestine Refugees, hereinafter referred to as "UNRWA", supplies in kind and payments in cash needed to cover the entire operation of UNRWA's supplementary feeding programme, as well as contributions towards UNRWA's basic rations programme.

Supplementary feeding programmeARTICLE 2

The Community shall supply to UNRWA by way of gift amounts of wheat flour, husked rice, skimmed milk powder and white sugar under the supplementary feeding programme. The amounts to be supplied for the first period covered by this Convention are specified in paragraph 1 of the Annex, which forms an integral part of this Convention.

ARTICLE 3

1. The Community shall pay to UNRWA a cash contribution for use in the supplementary feeding programme. The sum payable in respect of the first period covered by this Convention is specified in paragraph 2 of the ANNEX. The contribution may be paid in several instalments.

2. Part of this contribution shall be used for the purchase by public tender on the market of the Community of certain quantities of foodstuffs as specified in paragraph 3 of the ANNEX.

Basic rations programme

ARTICLE 4

1. The Community shall supply to UNRWA by way of gift 6,000 metric tons of white sugar in respect of the first period covered by this Convention, under the basic rations programme.

2. The Community shall pay UNRWA a contribution of 18.50 units of account per metric ton in respect of the sugar delivered under paragraph 1, intended to cover the costs of inland transport and distribution.

Transport and distribution

ARTICLE 5

Deliveries shall be made port of unloading. Detailed arrangements and quality and packaging requirements shall be fixed by subsequent agreement between the two parties.

ARTICLE 6

UNRWA undertakes to take all measures necessary to transport the products from the ports of unloading to the places of destination and also to insure them to the extent that it considers this necessary.

If any loss of the products should occur, excepting losses caused by riots, armed conflicts or acts of war or losses against which insurance could not reasonably have been effected, UNRWA shall replace the products so as to restore the Community's contribution.

ARTICLE 7

UNRWA undertakes to distribute the products to the refugees in need covered by its programme, free of charge and for their own consumption.

Reporting and information

ARTICLE 8

UNRWA undertakes to draw up by 1 March and 1 September each year reports on the implementation of the programmes covered by this Convention, including reports on the distribution of the products mentioning the number of recipients, amounts distributed, and the places and manner of distribution, and a progress report on the use of the cash contributions in support of the supplementary feeding programme.

ARTICLE 9

UNRWA shall make all appropriate efforts to inform the recipients and the authorities of the host countries of the contributions towards UNRWA's programmes made by the Community.

General provisions

ARTICLE 10

This Convention shall cover an initial period from 1 July 1975 to 31 December 1976. It may be extended for subsequent periods with or without amendment by agreement between the two parties up to 30 June 1978.

ARTICLE 11

UNRWA and the Community shall consult each other on all questions concerning the application of this Convention, whenever one party so requests.

ARTICLE 12

This Convention is drawn up in two copies in Danish, Dutch, English, French, German and Italian, each version being equally authentic.

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

(U N H C R)

Formal exchange of letters between the Office of the United Nations High Commissioner for Refugees and the EEC Commission.

Le 27 avril 1960

Monsieur Le Président,

Ainsi que vous le savez, certaines questions relevant de la compétence de la Communauté économique européenne intéressent également l'activité du Haut Commissariat pour les réfugiés
..... J'ai été heureux d'apprendre que la Commission de la Communauté économique européenne serait disposée à instituer des relations avec le Haut Commissariat en vue d'une collaboration dans les domaines qui intéressent les deux organisations.

Les modalités d'un arrangement éventuelont été mises au point entretemps après consultations des services compétents du Secrétariat des Nations Unies dont le Haut Commissariat fait partie intégrante. Je pense qu'un arrangement pratique entre la Commission et le Haut Commissariat pourrait comporter un échange régulier de documentation entre les deux organisations, ainsi que des échanges de points de vue et des consultations réciproques sur des sujets d'intérêt commun. J'aimerais également suggérer l'invitation éventuelle d'observateurs aux réunions publiques des deux institutions.

Si cette procédure vous agréee, je vous ferai adresser régulièrement nos documents, communiqués de presse et autres publications. Par ailleurs, des dispositions pourraient être prises pour permettre à la Commission de se faire représenter par un observateur aux réunions du Comité exécutif du programme du Haut Commissaire.

Je suis certain que les mesures évoquées ci-dessus seraient de nature à établir de fructueux rapports de travail entre la Commission et le Haut Commissariat et je vous prie d'agréer, Monsieur Le Président, les assurances de ma haute considération.

James M. Read
Haut Commissaire adjoint

Bruxelles, Le 7 juin 1960

Monsieur Le Haut Commissaire adjoint,

J'ai bien reçu la lettre par laquelle vous faites savoir l'intérêt que votre Organisation aurait à instituer des relations avec La Commission de La Communauté Economique Européenne.

.....
.....
....., la Commission de la C.E.E. est pour sa part toute disposée à assurer de bonnes relations avec l'Office du Haut Commissaire pour Les Réfugiés.

Les modalités d'un tel arrangement, comme vous les suggérez - et telles qu'elles ont été acceptées par les services compétents du Secrétariat des Nations Unies - pourraient comporter un échange régulier de documentation entre nos deux Organisations, ainsi que des échanges de points de vue et des consultations réciproques sur des sujets d'intérêt commun.

Il nous serait évidemment agréable de pouvoir assister à titre d'observateur aux réunions du Comité Exécutif du Programme du Haut Commissaire. Toutefois, je me permets de vous rendre attentif au fait qu'il n'y a pas de séances publiques de la Commission de la Communauté Economique Européenne auxquelles des observateurs de l'Office du Haut Commissaire puissent assister au même titre. Cependant, les consultations au niveau des groupes de travail au sein des Services de la Commission pourront avoir lieu régulièrement.

En me félicitant de l'établissement de ces relations avec votre Organisation, je vous prie de croire, Monsieur Le Haut Commissaire adjoint, à l'expression de ma parfaite considération.

Jean Rey
Président du Groupe
aux Relations Extérieures

En outre, la C.E.E. a été admise par vote du Comité Exécutif aux sessions du H.C.R. au titre d'observateur officiel. (4e session - octobre 1960)

INTERNATIONAL LABOUR ORGANIZATION

(I L O)

CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION

and

STANDING ORDER OF THE INTERNATIONAL LABOUR CONFERENCE

(Extract)

ARTICLE 12 - Relations with international organizations

1. The International Labour Organization shall cooperate within the terms of this Constitution with any general international organization entrusted with the co-ordination of the activities of public international organizations having specialised responsibilities and with public international organizations having specialised responsibilities in related fields.

AGREEMENT

concerning the collaboration between
THE INTERNATIONAL LABOUR ORGANIZATION
and
THE EUROPEAN COAL AND STEEL COMMUNITY

La Communauté européenne du charbon et de l'acier représentée par la Haute Autorité et l'Organisation Internationale du Travail, désireuses d'asseoir sur une base satisfaisante le développement futur de la collaboration déjà existante entre leurs organisations respectives en vue de contribuer de leur mieux à l'expansion économique, au développement de l'emploi et au relèvement du niveau de vie, et reconnaissant qu'étant donné le caractère supranational de la Communauté européenne du charbon et de l'acier, une telle collaboration soulève des problèmes d'un ordre nouveau, dont les solutions doivent être progressivement trouvées à la lumière des faits, ont convenu de mettre en vigueur, à titre d'expérience, le présent accord, portant sur la consultation mutuelle et la coopération entre l'Organisation Internationale du Travail et la Communauté européenne du charbon et de l'acier :

Consultation mutuelle

1. L'Organisation Internationale du Travail et la Haute Autorité de la Communauté européenne du charbon et de l'acier entreprendront régulièrement des consultations sur les questions d'intérêt commun, en vue d'atteindre leurs objectifs dans le domaine social et en matière de travail et d'éliminer tous travaux faisant inutilement double emploi.

Consultations des organes de l'Organisation
Internationale du Travail et de la Communauté

2. Le Conseil d'administration du Bureau International du Travail pourra inviter la Haute Autorité de la Communauté européenne du charbon et de l'acier à nommer un représentant afin de procéder à des consultations sur toute question d'intérêt commun avec le Conseil d'administration du Bureau International du Travail ou tout autre organe ou réunion appropriés de l'Organisation Internationale du Travail.

De même, la Haute Autorité pourra inviter un représentant de l'Organisation Internationale du Travail à procéder à des consultations sur toute question d'intérêt commun avec la Haute Autorité ou tout autre organe ou réunion appropriés placés sous le contrôle de la Haute Autorité.

Informations d'ordre législatif et statistique

3. L'Organisation Internationale du Travail et la Communauté européenne du charbon et de l'acier combineront leurs efforts en vue d'obtenir la meilleure utilisation possible de leurs informations d'ordre législatif et statistique, et d'assurer l'usage le plus efficace de leurs ressources en matière de collection, analyse, publication et diffusion de telles informations, sous réserve des arrangements éventuellement nécessaires à la sauvegarde du caractère confidentiel de certaines de ces informations, réduisant ainsi la tâche des gouvernements ou des organisations qui fournissent ces informations.

Echange de documents et d'informations

4. Sous réserve des arrangements éventuellement nécessaires à la sauvegarde de leur caractère confidentiel, les documents et informations portant sur des questions sociales d'intérêt commun seront échangés d'une manière aussi rapide et complète que possible entre l'Organisation Internationale du Travail et la Communauté européenne du charbon et de l'acier.

5. La Haute Autorité de la Communauté européenne du charbon et de l'acier sera tenue informée par l'Organisation Internationale du Travail du développement des travaux de cette dernière, susceptibles d'intéresser la Communauté.

6. L'Organisation Internationale du Travail sera tenue informée par la Haute Autorité du développement des travaux de cette dernière, susceptibles d'intéresser l'Organisation Internationale du Travail.

Commissions d'industrie

7. Le Conseil d'Administration du Bureau International du Travail invitera la Haute Autorité à se faire représenter au titre d'observateur aux réunions de la Commission de l'industrie charbonnière et de la Commission du fer et de l'acier de l'Organisation Internationale du Travail ; il communiquera à la Haute Autorité, pour information ; les résolutions et conclusions adoptées par ces commissions, dont il aura donné la communication aux Membres de l'Organisation.

La Haute Autorité prendra en considération l'incidence éventuelle sur ses propres activités des résolutions et conclusions, qui lui seront ainsi communiquées pour son information.

Réunions de caractère consultatif

8. Lorsque le besoin de telles réunions se fera sentir, la Haute Autorité pourra consulter l'Organisation Internationale du Travail sur les modalités de leur collaboration mutuelle relative à toute réunion tripartite des représentants des Gouvernements, des employeurs et des travailleurs, qu'il pourrait y avoir éventuellement lieu de convoquer, afin d'examiner certains problèmes européens intéressant la Communauté européenne du charbon et de l'acier.

Assistance technique

9. La Haute Autorité de la Communauté européenne du charbon et de l'acier, chaque fois qu'elle l'estimera souhaitable pour la poursuite de ses travaux, pourra demander à l'Organisation Internationale du Travail une assistance technique sur des questions relevant de la compétence de cette dernière, y compris notamment l'amélioration des conditions de vie et de travail des ouvriers employés par les industries du charbon et de l'acier, la politique des salaires, la formation professionnelle, le réemploi des travailleurs déplacés par l'évolution du marché ou par les transformations d'ordre technique, la sécurité industrielle, la sécurité sociale, les statistiques du travail, et sur toutes autres questions d'un intérêt commun aux deux organisations.

10. L'Organisation Internationale du Travail s'efforcera, dans toute la mesure du possible, de procurer sur ces matières à la Communauté européenne du charbon et de l'acier toute l'assistance technique nécessaire, suivant une procédure à convenir pour chaque cas d'espèce.

Financement de travaux spéciaux

11. Si l'accomplissement par l'Organisation Internationale du Travail d'un travail d'assistance technique requis par la Haute Autorité de la Communauté européenne du Charbon et de l'Acier entraîne des dépenses de quelque importance de la part de l'Organisation Internationale du Travail, la Haute Autorité de la Communauté européenne du charbon et de l'acier sera prête à rembourser ces dépenses sur une base de règlement à établir, dans chaque cas, d'un commun accord.

Arrangements d'ordre administratif

12. Le Directeur général du Bureau International du Travail et Le Président de la Haute Autorité de la Communauté européenne du charbon et de l'acier prendront tous arrangements utiles d'ordre administratif, en vue d'assurer une collaboration et une liaison efficaces entre les fonctionnaires compétents des deux institutions.

Dispositions complémentaires

13. L'Organisation Internationale du Travail et la Communauté européenne du charbon et de l'acier passeront en revue, de temps à autre, par l'intermédiaire de leurs représentants respectifs, les progrès de la coopération effective entre l'Organisation Internationale du Travail et la Communauté européenne du charbon et de l'acier.

Elles examineront telles dispositions complémentaires qui pourront apparaître nécessaires à la lumière de l'application du présent accord par les deux organisations, ainsi que les modifications à y apporter selon le déroulement et les besoins des deux organisations.

Les propositions éventuelles de modifications ou de dispositions complémentaires seront soumises au Conseil d'Administration du Bureau Internationale du Travail et à la Haute Autorité de la Communauté européenne du charbon et de l'acier.

Date d'entrée en vigueur

14. Il est convenu que le présent accord entrera en vigueur dès que le Directeur général du Bureau International du Travail et Le Président de la Haute Autorité de la Communauté européenne du charbon et de l'acier se seront notifié réciproquement l'approbation de l'accord par le Conseil d'Administration du Bureau International du Travail et par la Haute Autorité de la Communauté.

Jean MONNET
Président de la Haute Autorité de la Communauté
européenne du charbon et de l'acier

David A. MORSE
Directeur général du Bureau International du Travail

FORMAL AGREEMENT BETWEEN THE ILO AND THE EEC

Agreement concerning the Liaison between the
International Labour Organization and the
European Economic Community

Attendu que l'Organisation Internationale du Travail a pour mission de promouvoir dans le domaine social et en matière de travail l'adoption des normes fondées sur les principes exposés dans la Constitution de l'O.I.T. et dans la Déclaration de Philadelphie, et que, tout en collaborant avec les Nations Unies au maintien de la paix et de la sécurité internationale, elle demeure à l'écart de toute controverse politique entre nations ou groupes de nations, et est à la disposition de toutes les Nations membres pour coopérer avec elles, soit séparément, soit par l'intermédiaire des organisations régionales dont elles sont membres, dans l'exécution des tâches qui sont celles en vue desquelles l'Organisation internationale du Travail existe ;

Attendu qu'aux termes des articles 117 et 229 du Traité instituant la Communauté économique européenne, la Communauté a pour mission de promouvoir l'amélioration des conditions de vie et de travail de la main-d'oeuvre permettant leur égalisation dans le progrès et qu'elle maintient toutes liaisons utiles avec les Nations Unies et les institutions spécialisées ;

Désireuses d'établir une base satisfaisante pour le développement de la collaboration entre l'Organisation internationale du Travail et la Communauté économique européenne, en vue de contribuer de leur mieux à l'expansion économique, au développement de l'emploi et à l'élévation du niveau de vie ;

Reconnaissant qu'une telle collaboration doit se développer à la lumière des faits et de l'action pratiques ;

L'Organisation internationale du Travail et la Commission de la Communauté économique européenne,

Ont convenu de mettre en vigueur le présent accord, portant sur la consultation mutuelle et la coopération entre l'Organisation internationale du Travail et la Communauté économique européenne.

Consultations mutuelles

1. L'Organisation internationale du Travail et la Communauté économique européenne entreprendront régulièrement des consultations sur des questions d'intérêt commun, en vue d'atteindre leurs objectifs dans le domaine social et en matière de travail et d'éliminer tous les travaux faisant inutilement double emploi.
2. La Commission de la Communauté économique européenne sera tenue informée par le Directeur général du Bureau international du Travail du développement des travaux et des programmes de l'Organisation internationale du Travail susceptibles d'intéresser la Communauté. L'Organisation internationale du Travail examinera toutes observations concernant ses travaux et programmes qui lui seraient communiqués par la Communauté économique européenne en vue d'établissement d'une coordination effective entre les deux organisations.
3. Le Directeur général du Bureau international du Travail sera tenu informé par la Commission de la Communauté économique européenne du développement des travaux et des programmes de la Communauté susceptibles d'intéresser l'Organisation internationale du Travail. La Commission de la Communauté économique européenne examinera toutes observations concernant ses travaux et programmes qui lui seraient communiquées par l'Organisation effective entre les deux organisations.
4. Le Conseil d'administration du Bureau international du Travail pourra inviter un représentant de la Communauté économique européenne à des échanges de vues avec lui ou avec tout autre organe approprié de l'Organisation internationale du Travail.
5. La Commission de la Communauté économique européenne pourra inviter un représentant de l'O.I.T. à des échanges de vues avec elle ou avec tout autre organe approprié de la Communauté économique européenne dépendant d'elle.

Echange d'informations

6. Le Directeur général du Bureau international du Travail et la Commission de la Communauté économique européenne combineront leurs efforts en vue d'obtenir la meilleure utilisation possible de leurs informations d'ordre législatif et statistique et d'assurer l'usage le plus efficace de leurs ressources en matière de collection, analyse, publication et diffusion de telles informations, sous réserve des arrangements éventuellement nécessaires à la sauvegarde du caractère confidentiel de certaines de ces informations, réduisant ainsi la tâche des gouvernements ou des organisations qui fournissent ces informations.

7. Sous réserve des arrangements éventuellement nécessaires à la sauvegarde de leur caractère confidentiel, les documents et les informations portant sur des questions sociales d'intérêt commun seront échangés de manière aussi rapide et complète que possible entre l'Organisation internationale du Travail et la Communauté économique européenne.

Assistance technique

8. La Commission de la Communauté économique européenne pourra demander au Directeur général du Bureau international du Travail une assistance technique sur des questions relevant de la compétence de cette dernière, chaque fois qu'elle l'estimera souhaitable pour la poursuite de ses travaux.

9. L'Organisation internationale du Travail s'efforcera, dans toute la mesure du possible, de procurer sur ces matières à la Communauté économique européenne toute l'assistance technique nécessaire suivant une procédure à convenir pour chaque cas d'espèce.

10. Si l'accomplissement par l'Organisation internationale du Travail d'un travail d'assistance technique requis par la Communauté économique européenne entraîne des dépenses d'une certaine importance de la part de l'Organisation internationale du Travail, la Communauté économique européenne remboursera ces dépenses sur une base de règlement à établir d'un commun accord dans chaque cas.

Mise en oeuvre de l'Accord

11. Le Directeur général du Bureau international du Travail et la Commission de la Communauté économique européenne prendront tous les arrangements nécessaires en leur pouvoir en vue d'assurer la mise en oeuvre efficace des dispositions du présent accord.

Dispositions complémentaires

12. Le Directeur général du Bureau international du Travail et le Président de la Commission de la Communauté économique européenne :

- a) prendront tous les arrangements utiles en vue d'assurer une collaboration et une liaison étroites entre les fonctionnaires compétents des deux institutions dans les domaines d'intérêt commun ;
- b) passeront en revue, par l'intermédiaire de leurs représentants respectifs, les progrès accomplis dans l'établissement d'une collaboration effective entre les deux organisations ;

- c) examineront telles dispositions complémentaires qui pourraient paraître nécessaires à la lumière de l'application du présent accord par les deux organisations, ainsi que les modifications à y apporter selon le déroulement des circonstances et les besoins pratiques des deux organisations.

13. Le présent accord pourra être complété après consultation des organes appropriés de l'Organisation internationale du Travail et de la Communauté économique européenne par des dispositions relatives à la représentation réciproque de l'Organisation internationale du Travail et de la Communauté aux réunions traitant de questions d'intérêt commun ou à toutes autres questions pour lesquelles une collaboration entre les deux organisations serait requise.

Date d'entrée en vigueur

14. Le présent accord entrera en vigueur dès que le Directeur général du Bureau international du Travail et le Président de la Commission de la Communauté économique européenne se seront notifié réciproquement l'approbation de l'accord par le Conseil d'administration du Bureau international du Travail et par la Commission de la Communauté économique européenne.

EN FOI DE QUOI, Le Directeur du Bureau International du Travail dûment autorisé par le Conseil d'administration du Bureau International du Travail et le Président de la Commission de la Communauté économique européenne, dûment autorisé par ladite Commission, signent le présent accord en langue française.

(s) Walter HALLSTEIN
Président de la
Commission de la Communauté
économique européenne

(s) David MORSE
Directeur général du
Bureau International
du Travail

Fait à Genève, en deux exemplaires, le sept juillet mil neuf cent cinquante huit.

EUROPEAN ATOMIC ENERGY COMMUNITY

Agreement concerning the cooperation between the
International Labour Organization and the
European Atomic Energy Community

L'Organisation internationale du travail (ci-après dénommée "Organisation") représentée par le directeur général du Bureau international du travail et la Communauté européenne de l'énergie atomique (ci-après dénommée la Communauté"), représentée par sa Commission (ci-après dénommée la "Commission") ;

attendu que l'Organisation a pour mission de promouvoir dans le domaine social et en matière de travail l'adoption de normes fondées sur les principes exposés dans la constitution de l'Organisation et dans la déclaration de Philadelphie et que, tout en collaborant avec les Nations Unies au maintien de la paix et de la sécurité internationales, elle demeure à l'écart de toute controverse politique entre les nations ou groupes de nations et est à la disposition de toutes les nations membres pour coopérer avec elles, soit séparément, soit par l'intermédiaire des organisations régionales dont elles sont membres, dans l'exécution des tâches qui sont celles en vue desquelles l'Organisation existe ;

attendu que la Communauté a pour mission de contribuer, par l'établissement des conditions nécessaires à la formation et à la croissance rapide des industries nucléaires, à l'élévation du niveau de vie dans les Etats membres et au développement des échanges avec les autres pays ;

attendu que la Communauté a institué des normes de sécurité uniformes pour la protection sanitaire de la population et des travailleurs et veille à leur application ;

attendu que l'Organisation a établi des normes de sécurité uniformes pour la protection de la santé des travailleurs, notamment pour la protection contre les radiations, et veille à leur application ;

désireuses d'établir entre elles une base satisfaisante de collaboration en vue de contribuer à l'expansion économique, au développement des ressources énergétiques, ainsi qu'à l'amélioration des conditions de vie et d'emploi de la population et des travailleurs ;

reconnaissant qu'une telle collaboration doit se développer à la lumière des faits et de l'action pratique ;

SONT CONVENUES DE CE QUI SUIT :

Article premier

L'Organisation et la Communauté entreprennent, chaque fois qu'il y a lieu, des consultations sur les questions d'intérêt commun, en vue d'atteindre leurs objectifs dans le domaine social, notamment en matière de travail et d'hygiène et d'éliminer tous les travaux faisant inutilement double emploi ; ces consultations portent en particulier sur les questions relatives à la protection de la population et des travailleurs contre les dangers résultant des radiations ionisantes.

ARTICLE II

L'Organisation peut inviter un représentant de la Communauté à procéder à des échanges de vues avec elle ou avec ses services compétents, ainsi qu'à assister, en qualité d'observateur, aux réunions organisées par elle traitant de la question de la protection des travailleurs contre les dangers résultant des radiations ionisantes.

La Commission peut inviter un représentant de l'Organisation à procéder à des échanges de vues avec elle ou avec ses services compétents ainsi qu'à assister, en qualité d'observateur, aux réunions organisées par elle traitant de la question de la protection des travailleurs contre les dangers résultant des radiations ionisantes.

ARTICLE III

L'Organisation et la Communauté combinent leurs efforts en vue d'obtenir la meilleure utilisation possible de leurs informations d'ordre législatif et statistique, et d'assurer l'usage le plus efficace de leurs ressources en matière de collection, analyse, publication et diffusion de telles informations, réduisant ainsi la tâche du gouvernement ou des organisations qui les fournissent, sous réserve des arrangements éventuellement nécessaires à la sauvegarde du caractère confidentiel de certaines de ces informations.

L'Organisation et la Communauté reconnaissent qu'il sera parfois nécessaire d'imposer certaines restrictions à l'exécution des dispositions de l'alinéa précédent afin de sauvegarder le caractère confidentiel des renseignements qui leur auront été communiqués. En conséquence, elles conviennent qu'aucune disposition du présent accord ne sera interprétée comme obligeant l'une d'entre elles à fournir des renseignements dont la diffusion, de l'avis de la partie contractante qui les détient, trahirait la confiance d'un de ses membres ou de quiconque aurait fourni lesdits renseignements ou compromettrait la bonne marche de ses travaux.

ARTICLE IV

L'Organisation et la Communauté, chaque fois qu'elles l'estiment souhaitable pour la poursuite de leurs travaux, peuvent solliciter l'une de l'autre une consultation technique sur les questions relevant de leur compétence, notamment la protection des travailleurs contre les dangers résultant des radiations ionisantes.

L'Organisation et la Communauté s'efforcent, dans toute la mesure du possible, de se procurer mutuellement sur ces matières, toute l'assistance technique nécessaire, suivant une procédure à convenir pour chaque cas d'espèce.

Si le fait de répondre à une telle demande de consultation doit entraîner des dépenses substantielles pour la partie contractante qui se conformerait à cette demande, les modalités d'engagement de ces dépenses font l'objet, dans chaque cas, d'un accord préalable.

ARTICLE V

L'Organisation et la Communauté prennent tous arrangements utiles d'ordre administratif en vue d'assurer la mise en oeuvre efficace des dispositions du présent accord.

ARTICLE VI

L'Organisation et la Communauté passent en revue, de temps à autre, par l'intermédiaire de leurs représentants respectifs, les progrès de la coopération effective entre l'Organisation et la Communauté. Elles examinent telles dispositions complémentaires qui pourront apparaître nécessaires à la lumière de l'application du présent accord ainsi que les modifications à y apporter selon le déroulement des circonstances et les besoins pratiques de l'Organisation et de la Communauté.

ARTICLE VII

Le présent accord entrera en vigueur dès que le directeur général du Bureau international du travail et le président de la Commission se seront notifié réciproquement l'approbation de l'accord par la Communauté et par le Conseil d'administration du Bureau international du travail.

en foi de quoi, le directeur général du Bureau international du travail, dûment autorisé par le Conseil d'administration du Bureau international du travail, et un membre de la Commission, dûment autorisé par celle-ci, ont signé le présent accord établi en langue française.

En vue des besoins respectifs des parties contractantes, l'Organisation établira pour sa part une traduction officielle du présent accord en langue anglaise et la Communauté des traductions officielles en langues allemande, italienne et néerlandaise.

Pour la Communauté européenne
de l'énergie atomique

Pour l'Organisation internationale
du travail

Heinz L. KREKELER

David A. MORSE

Fait à Genève, en deux exemplaires, le vingt-six janvier mil neuf cent soixante-et-un.

Exchange of letters between the International Labour Organization and the EEC Commission

Bruxelles, Le 5 octobre 1961

Monsieur Le Directeur Général,

Au cours des conversations qui ont eu lieu récemment, les représentants de nos deux Institutions ont estimé qu'il y aurait intérêt à établir entre elles, dans le cadre des dispositions prévues à l'article 13 de l'Accord du 15 juillet 1958, un système de consultations directes permettant la mise en oeuvre plus efficace des modalités de liaisons et de collaboration prévues par notre Accord.

A cette fin, la Commission de la Communauté Economique Européenne et le Bureau International du Travail conviennent :

1. qu'un Comité permanent de contact sera créé en vue de la coordination des liaisons et de la collaboration entre les deux Institutions ;
2. que la Commission de la Communauté Economique Européenne sera représentée dans ce Comité par le Président du Groupe des Relations extérieures et le Président du Groupe des Affaires sociales ; le Bureau International du Travail sera représenté par Monsieur Jef Rens, Directeur Général adjoint, et Monsieur C. Wilfred Jenks, Sous-Directeur Général ;
3. que les fonctionnaires de la Commission de la Communauté Economique Européenne et du Bureau International du Travail, compétents pour les questions d'intérêt réciproque, seront appelés à participer aux travaux de ce Comité ;
4. que le Comité pourra se réunir chaque fois que cela s'avérera nécessaire à la demande de l'une ou de l'autre des deux parties à l'Accord.

Convaincu que ces dispositions permettront de développer harmonieusement la collaboration existant entre nos deux organisations, je vous prie d'agréer, Monsieur Le Directeur Général, l'expression de ma plus haute considération.

Walter HALLSTEIN

2 novembre 1961

Monsieur Le Président,

Au cours des conversations qui ont eu lieu récemment les représentants de nos Institutions ont estimé qu'il y aurait intérêt à établir entre elles, dans le cadre de dispositions prévues à l'article 13 de l'Accord du 15 juillet 1958, un système de consultations directes permettant la mise en oeuvre plus efficace des modalités de liaisons et de collaboration prévues par notre Accord.

A cette fin, Le Bureau International du Travail et la Commission de La Communauté Economique Européenne Conviennent :

1. qu'un Comité permanent de contact sera créé en vue de la coordination des liaisons et de la collaboration entre les deux Institutions ;
2. que le Bureau International du Travail sera représenté dans ce Comité par M. Jef Rens, Directeur général adjoint, et M.C. Wilfred Jenks, Sous-Directeur général ; la Communauté Economique Européenne sera représentée par Le Président du Groupe des Relations extérieures et Le Président du Groupe des Affaires sociales ;
3. que les fonctionnaires du Bureau International du Travail et de la Commission de La Communauté Economique Européenne, compétents pour les questions d'intérêt réciproque, seront appelés à participer aux travaux de ce Comité ;
4. que le Comité pourra se réunir chaque fois que cela s'avérera nécessaire à la demande de l'une ou de l'autre des deux parties à l'Accord.

Convaincu que ces dispositions permettront de développer harmonieusement la collaboration existant entre nos deux organisations, je vous prie d'agréer, Monsieur Le Président, l'expression de ma plus haute considération.

David-A. Morse
Directeur Général

FOOD AND AGRICULTURAL ORGANIZATION OF THE UNITED NATIONS

(F A O)

Exchange of letters between the FAO and the EEC Commission

Bruxelles, le 25 octobre 1962

Monsieur le Directeur Général,

Au cours des conversations qui ont eu lieu récemment entre les représentants de nos deux Institutions, il a été reconnu opportun de régler, par un échange de lettres, les relations de travail déjà existantes entre la Commission de la CEE et la FAO, et d'établir ainsi une base satisfaisante pour le développement de leur collaboration.

Un tel échange de lettres ne préjugerait pas la conclusion ultérieure éventuelle d'un accord de relations formelles entre la Communauté Economique Européenne et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture.

Convaincu de l'intérêt qu'il y a de rendre plus étroite la liaison et la collaboration entre la Commission de la CEE et la FAO, je vous propose les arrangements pratiques suivants :

1. L'échange régulier d'informations et de documents ;
2. La consultation sur les questions d'intérêt commun dans le domaine de l'alimentation et de l'agriculture (y compris la pêche et la sylviculture ;
3. La participation, dans la mesure du possible et sur invitation d'observateurs aux réunions traitant des questions d'intérêt commun, ou de toutes autres questions pour lesquelles une collaboration entre les deux institutions apparaîtrait souhaitable ;
4. La possibilité de constituer éventuellement des Comités mixtes chargés d'examiner certaines questions d'intérêt commun.

Afin de faciliter la mise en oeuvre de ces dispositions, la Commission de la CEE chargera sa Direction Générale de l'Agriculture d'entretenir les liaisons directes nécessaires avec les services compétents désignés par la FAO, tant pour étudier les questions générales d'intérêt commun que les problèmes spécifiques, dans tous leurs aspects économiques, sociaux et techniques. Les invitations aux réunions de la FAO, prévues à l'alinéa 3-3° du présent échange de lettres, pourront être adressées directement, comme d'habitude, au Président du Groupe de l'Agriculture.

De même, il appartiendra à la FAO de déterminer l'organe auquel les invitations aux réunions des services de la Commission de la CEE prévues à l'alinéa 3-3° du présent échange de lettres, pourront être adressées.

L'ensemble de ces dispositions nous permettra, je l'espère, de développer harmonieusement la collaboration déjà existante dans les secteurs respectifs d'activité où les finalités économiques et sociales de nos deux Institutions semblent se rencontrer, voire même s'intégrer.

Je vous prie d'agréer, Monsieur le Directeur Général, l'expression de ma plus haute considération.

W. HALLSTEIN

Le 11 décembre 1962

Monsieur le Président,

J'ai l'honneur d'accuser réception de votre lettre du 25 octobre 1962 et de la lettre annexe concernant le règlement des relations de travail entre la FAO et la Commission de la Communauté Economique Européenne.

J'ai maintenant le plaisir de confirmer l'accord complet de la FAO au texte que vous m'avez soumis, énonçant les modalités de collaboration entre nos deux Organisations.

Afin d'éviter tout malentendu sur la portée exacte de cet échange de lettres, je me permets de reprendre l'énoncé des arrangements pratiques tels que vous les avez vous-même définis :

1. l'échange régulier d'informations et de documents ;
2. la consultation sur les questions d'intérêt commun dans le domaine de l'alimentation et de l'agriculture (y compris la pêche et la sylviculture) ;
3. la participation, dans la mesure du possible et sur invitation, d'observateurs aux réunions traitant des questions d'intérêt commun, ou de toutes autres questions pour lesquelles une collaboration entre les deux institutions apparaîtrait souhaitable ;
4. la possibilité de constituer éventuellement des Comités mixtes chargés d'examiner certaines questions d'intérêt commun.

J'ai pris bonne note qu'en vue de faciliter la mise en oeuvre de ces dispositions, la Commission de la CEE chargera sa Direction Générale de l'Agriculture d'entretenir les liaisons directes nécessaires avec les services compétents désignés par la FAO, tant pour étudier les questions générales d'intérêt commun que les problèmes spécifiques, dans tous leurs aspects économiques, sociaux et techniques.

J'ai également noté que les invitations aux réunions de la FAO prévues à l'alinéa 3-3° du présent échange de lettres, pourront être adressées directement, comme d'habitude, au Président du Groupe de L'Agriculture. De même, je vous serais reconnaissant de veiller à ce que toute invitation aux réunions des services de la CEE, prévues à l'alinéa 3-3° de présent échange de lettres, me soit adressée personnellement.

L'ensemble de ces dispositions nous permettra, en effet, je l'espère, de développer harmonieusement la collaboration déjà existante dans les secteurs respectifs d'activité où les finalités économiques et sociales de nos deux Institutions semblent se rencontrer, voire même s'intégrer. Il est bien entendu que cet échange de lettres ne préjugera pas la conclusion ultérieure éventuelle d'un accord de relations formelles entre la Communauté Economique Européenne et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture.

Augurant une coopération toujours plus fructueuse entre nos Organisations, je vous prie d'agréer, Monsieur le Président, l'expression de ma plus haute considération.

pour B.R. Son
Directeur Général

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

(I F A D)

AGREEMENT ESTABLISHING THE IFAD

ARTICLE 3 - Section 1 - Admission

- b) Membership shall also be open to any grouping of States whose members have delegated to it powers in fields falling within the competence of the Fund, and which is able to fulfil all the obligations of a Member of the Fund.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

(U N E S C O)

CONVENTION CREATING UNESCO

(Extract)

ARTICLE XI - Relations with other Specialized International Organizations and Agencies

1. This Organization may co-operate with other specialized intergovernmental organizations and agencies whose interests and activities are related to its purposes. To this end the Director-General, acting under the general authority of the Executive Board, may establish effective working relationships with such organizations and agencies and establish such joint committees as may be necessary to assure effective co-operation. Any formal arrangements entered into with such organizations or agencies shall be subject to the approval of the Executive Board.
2. Whenever the General Conference of this Organization and the competent authorities of any other specialized intergovernmental organizations or agencies whose purpose and functions lie within the competence of this Organization, deem it desirable to effect a transfer of their resources and activities to this Organization, the Director-General, subject to the approval of the Conference, may enter into mutually acceptable arrangements for this purpose.
3. This Organization may make appropriate arrangements with other intergovernmental organizations for reciprocal representation at meetings.
4. The United Nations Educational, Scientific and Cultural Organization may make suitable arrangements for consultation and co-operation with non-governmental organizations concerned with matters within its competence, and may invite them to undertake specific tasks. Such co-operation may also include appropriate participation by representatives of such organizations on advisory committees set up by the General Conference.

Exchange of Letters between UNESCO and the EEC Commission

Bruxelles, 2 septembre 1964

Monsieur Le Directeur Général,

Je suis heureux de constater que les conversations qui ont eu lieu récemment entre nos représentants pour déterminer les modalités de la coopération à établir entre nos deux institutions, ont abouti aux conclusions suivantes que je vous propose de consacrer par un échange de lettres.

La Communauté économique européenne qui s'est assigné pour but essentiel l'amélioration constante des conditions de vie et d'emploi des peuples qui la composent et qui a également pour objet d'assurer, conformément aux principes de la Charte des Nations Unies, le développement économique, social et culturel des pays et territoires qui lui sont associés, est appelée à entreprendre dans le domaine de l'éducation, de la science et de la culture certaines tâches qui sont en harmonie avec celles que l'UNESCO poursuit sur un plan universel.

En vue de coordonner les efforts des deux organisations dans la poursuite des buts qui leur sont communs, des relations de travail seront établies entre la Commission de la CEE et le Secrétariat de l'UNESCO.

Sous réserve des mesures qui pourront être nécessaires pour sauvegarder le caractère confidentiel de certains documents ou informations, la Commission de la CEE et le Secrétariat de l'UNESCO procéderont à un échange complet et rapide des documents et informations concernant les questions présentant un intérêt commun pour les deux organisations.

Le Directeur Général de l'UNESCO et Le Président de la Commission de la CEE ou leurs représentants dûment autorisés détermineront d'un commun accord à la requête de l'un d'eux les domaines d'activités respectifs considérés comme d'intérêt commun et donnant lieu à des échanges d'informations et de documents.

La Commission de la CEE et le Secrétariat de l'UNESCO se consulteront chaque fois que nécessaire sur les questions considérées comme d'intérêt commun.

Sous réserve de l'observation des dispositions réglementaires existantes, le Directeur Général de l'UNESCO adressera au Président de la Commission de la CEE des invitations à envoyer des observateurs de la Commission aux réunions et conférences de caractère technique organisées par l'UNESCO, lorsque des questions d'intérêt commun y seront examinées.

Dans les mêmes conditions, le Président de la Commission de la CEE adressera au Directeur Général de l'UNESCO des invitations à se faire représenter par des observateurs aux réunions et conférences de caractère technique organisées par la CEE, lorsque des questions d'intérêt commun y seront examinées.

Des groupes de travail mixtes pourront être constitués pour étudier certaines questions techniques présentant un intérêt commun pour le Secrétariat de l'UNESCO et pour la Commission de la CEE.

Les arrangements qui précèdent pourront être modifiés avec le consentement des deux parties intéressées. Ils pourront être dénoncés par l'une ou l'autre des deux parties moyennant préavis d'un an donné à l'autre partie.

Si vous êtes disposé à établir et à entretenir avec la Commission de la CEE des relations correspondant aux dispositions ci-dessus, je voudrais vous proposer que la présente lettre et la réponse que vous voudrez bien m'adresser, soient considérées avec celle-ci comme constituant l'accord fixant les relations à établir entre la Commission de la CEE et le Secrétariat de l'UNESCO, accord qui entrera en vigueur à partir de la date de votre réponse.

Je vous prie d'agréer, Monsieur le Directeur Général, l'expression de ma haute considération.

Jean REY
Membre de la Commission

Paris, le 15 septembre 1964

Monsieur Le Président,

Je me réfère à la lettre n° S/I/014606/64 du 2 septembre, qui m'a été adressée par Monsieur Jean REY, membre de la Commission de la Communauté Economique Européenne et dont le texte suit :

.....
.....
.....

Je suis heureux de vous informer que j'ai soumis le texte de cette communication au Conseil exécutif de l'UNESCO qui m'a autorisé à accepter les propositions qui y sont contenues.

En conséquence, conformément à la suggestion faite dans le dernier paragraphe de la lettre précitée, cette dernière ainsi que la présente réponse seront considérées comme un accord fixant les relations entre la Commission de la CEE et le Secrétariat de l'UNESCO, lequel accord entrera en vigueur à dater de ce jour.

Je vous prie d'agréer, Monsieur Le Président, l'expression de ma haute considération.

René Maheu
Directeur général

Le 12 décembre 1972

Monsieur Le Président,

De retour à Paris je ne veux pas tarder davantage à vous remercier de votre aimable accueil et à vous exprimer la satisfaction que ma cause l'accord auquel nous sommes arrivés concernant les domaines d'action d'intérêt commun et les mécanismes et modalités de coopération dans et par lesquels peut s'exprimer en termes pratiques, avec le plus grand profit pour nos Etats membres, la collaboration de la Commission de la Communauté Economique Européenne et le Secrétariat de l'UNESCO dans le cadre de l'Accord conclu en septembre 1964 entre nos deux Organisations.

Les domaines d'action d'intérêt commun que nous avons retenus comme étant ceux où cette collaboration apparaît la plus importante et la plus opportune sont :

- a) les problèmes relatifs à l'environnement ;
- b) l'organisation d'un système mondial d'information scientifique et technique ;
- c) les problèmes de l'enseignement supérieur, y compris la promotion d'un régime d'équivalence des diplômes universitaires ;
- d) la lutte contre l'analphabétisme en Afrique ;
- e) l'aide au développement dans les domaines de l'éducation, de la science, de la culture et des moyens d'information.

Quant aux mécanismes et aux modalités de coopération, nous sommes tombés d'accord pour organiser aussitôt que possible en 1973 des échanges d'informations et des consultations à deux niveaux, visant, d'une part, à favoriser et promouvoir l'adoption de programmes ou de projets particuliers et traitant, d'autre part, de questions générales intéressant la Commission et l'UNESCO.

Dans le premier cas, le mécanisme le plus approprié nous a paru être fourni par des groupes de travail mixtes tels que prévus par l'Accord de 1964. Ces groupes de travail devraient être constitués le plus tôt possible dans chacun des domaines d'action énumérés ci-dessus. Ils seront composés par des fonctionnaires responsables des services compétents. Ils pourraient se réunir alternativement à Bruxelles et à Paris suivant une fréquence qu'ils détermineront eux-mêmes, qui pourrait être par exemple de deux sessions par an. Ils devront éviter dans leurs méthodes de travail tout vain formalisme et il va de soi que leur fonctionnement ne saurait dispenser en aucune manière des consultations individuelles que le traitement ordinaire des affaires peut requérir sous des formes diverses entre les techniciens des deux parties.

Dans le second cas, je pense comme vous que le mieux est de prévoir des rencontres entre le Président de la Commission et le Directeur Général où seraient évoquées librement dans une atmosphère aussi formelle que possible les questions générales intéressant la Commission et l'UNESCO.

Si, comme je me plais à le croire, les considérations et propositions formulées ci-dessus reflètent avec suffisamment de fidélité les conclusions de notre entretien du 7 décembre je vous demanderais de vouloir bien considérer cette lettre et votre réponse comme définissant les modalités pratiques de coopération entre la Commission et le Secrétariat de L'UNESCO conformément à l'accord par échange de lettres en date des 2 et 15 septembre 1964.

Je vous prie d'agréer, Monsieur le Président, l'expression de ma haute considération.

René Maheu

Bruxelles, le 14 février 1973

Monsieur le Directeur Général,

J'ai pris connaissance de votre lettre du 12 décembre 1972 adressée à Monsieur le Président MANSHOLT, par laquelle vous avez bien voulu préciser l'accord de principe auquel vous étiez parvenus à l'occasion de votre visite à Bruxelles, en ce qui concerne les domaines d'intérêt commun entre la Commission des Communautés Européennes et l'Organisation des Nations Unies pour l'éducation, la science et la culture, ainsi que les modalités de coopération susceptibles de donner davantage d'efficacité à l'accord conclu en 1964.

Avant tout, je vous prie de bien vouloir excuser et mon prédécesseur et moi-même de n'avoir pas été en mesure de répondre plus tôt à votre lettre. Cela s'explique par les retards inhérents au départ de la Commission présidée par Monsieur MANSHOLT et à l'entrée en charge de celle qui lui a succédé.

Je suis pleinement d'accord avec l'énumération des domaines d'intérêt commun repris sous les points a) à e) de votre lettre et avec l'idée d'organiser des réunions alternativement à Bruxelles et à Paris avec les fonctionnaires des services compétents dans les domaines considérés. Il appartiendrait aux hauts fonctionnaires compétents de part et d'autre d'établir le cadre de ces travaux. Quant aux questions d'intérêt général, je pense qu'elles pourraient être examinées en commun par le Directeur Général de l'UNESCO et le ou les membres de la Commission compétents pour les matières en cause. Il est bien entendu que, dans ce contexte, le Directeur Général de l'UNESCO et le Président de la Commission pourront toujours se rencontrer s'ils l'estiment utile dans l'intérêt des deux Parties.

En vous remerciant encore de votre lettre si aimable, je vous prie d'agréer, Monsieur le Directeur Général, l'expression de ma haute considération.

François-Xavier ORTOLI

WORLD HEALTH ORGANIZATION

(W H O)

Exchange of letters between WHO and the EEC Commission

29 mai 1972

Monsieur Le Président,

J'ai l'honneur de me référer aux contacts qui ont eu lieu entre les services compétents de la Commission des Communautés européennes et le représentant du Bureau régional de l'Europe de l'Organisation Mondiale de la Santé en vue d'examiner les possibilités de resserrer les liens existant entre les deux Institutions.

Je vous propose pour réaliser cette collaboration l'adoption des modalités suivantes :

- Echange d'informations mutuelles sur les programmes d'activité élaborés par la Commission des Communautés européennes et le Bureau régional de l'Europe de l'O.M.S dans les domaines d'intérêt commun ;
- Cet échange d'informations se fera normalement par l'envoi de documents et de publications relatifs aux activités affectant les domaines ci-dessus mentionnés ;
- Il sera complété par des contacts périodiques entre les fonctionnaires de la Commission des Communautés européennes et du Bureau régional de l'Europe de l'Organisation Mondiale de la Santé au cours desquels seront examinés les projets et les activités d'intérêt commun.

Si ces propositions rencontrent votre agrément, je suggère que la présente lettre et la réponse que vous voudrez bien m'adresser soient considérées comme constituant un accord entre la Commission des Communautés européennes et le Bureau régional de l'Europe de l'Organisation Mondiale de la Santé, accord qui se substituera à l'Arrangement existant entre le Bureau régional de l'Europe de l'O.M.S et la Haute Autorité de la Communauté européenne du charbon et de l'acier.

Veillez agréer, Monsieur Le Président, l'assurance de ma considération distinguée.

Dr. Leo A. Kaprio
Directeur régional

Bruxelles, Le 19 juin 1972

Monsieur Le Directeur,

J'ai l'honneur d'accuser réception de votre lettre du
29 mai 1972 dont les termes suivent :

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.....
.....

Il m'est agréable de vous donner par la présente lettre
mon accord sur les dispositions énoncées ci-dessus.

Je vous prie d'agréer, Monsieur le Directeur, l'assurance
de ma considération très distinguée.

Sicco L. Mansholt

INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

(I M C O)

Formal exchange of Letters between the IMCO and the EEC Commission

11 February 1974

Dear Mr President,

I have the honour to inform you that the Assembly of the Intergovernmental Maritime Consultative Organization has endorsed the decision of the Council of the Organization authorizing the conclusion of an Arrangement for Cooperation and Collaboration between the Intergovernmental Maritime Consultative Organization (hereinafter "IMCO") and the Commission of the European Communities (hereinafter "the Commission") on matters of mutual interest to the two parties.

On the side of the Commission I understand that Article 229 of the EEC Treaty is the basis for establishing such relations. Therefore, I should like to propose the following arrangements which will serve as a basis for cooperation between the two parties.

1. The Secretariat of IMCO and the Commission will cooperate and consult with each other on matters of common interest to the two parties in accordance with arrangements to be made from time to time between them.
2. Subject to such arrangements as may be necessary for safeguarding confidential information, the Secretariat of IMCO and the Commission will exchange information and keep each other fully informed of all projected activities and programmes of work which may be of interest to either party.
3. The Secretariat of IMCO will invite the Commission to send observers to conferences convened by IMCO and to meetings of IMCO organs which may have a bearing on subjects of interest to the European Communities. Similarly the Commission will invite IMCO to send observers to attend conferences of a public nature organized by the Commission, dealing with subjects of concern to IMCO, in accordance with the applicable provisions of the EEC Treaty.

4. The Secretariat of IMCO and the Commission may consult, where appropriate, on the use of personnel, material, services, equipment and facilities for joint undertakings in fields of common interest.

5. This arrangement shall be subject to revision by agreement between IMCO and the Commission.

6. IMCO or the Commission may denounce this arrangement by giving six months' notice to the other party.

I should be grateful if you would indicate whether these arrangements are acceptable to you as the basis of cooperation between IMCO and the Commission. It is my understanding that this letter and your reply thereto will together constitute the Agreement of Cooperation between the Inter-Governmental Maritime Consultative Organization and the Commission of the European Communities. This Agreement will come into force on the date of your reply to this letter.

Yours sincerely,

C.P. Srivastava
Secretary-General

28 June 1974

Dear Sir,

I am in receipt of your letter dated 7 March 1974 concerning the relationship between the Inter-Governmental Maritime Consultative Organization and the Commission of the European Communities, the text of which is as follows :

.....
.....
.....

I am pleased to inform you that these proposals are acceptable to the Commission. In consequence, in accordance with the suggestion in the final paragraph of your letter, that letter and my reply shall be considered as constituting the Agreement governing the relationship between the Commission of the European Communities and IMCO, the said Agreement will come into force as from today.

Yours sincerely

François-Xavier ORTOLI
President

WORLD INTELLECTUAL PROPERTY ORGANIZATION

(W I P O)

Exchange of Letters between the WIPO and the EEC Commission.

14 juillet 1977

Monsieur le Directeur Général,

J'ai l'honneur de me référer à votre lettre du 9 janvier 1976, par laquelle vous suggérez la conclusion d'un accord de travail destiné à renforcer la coopération entre l'Organisation Mondiale de La Propriété Intellectuelle et la Commission des communautés européennes.

A la suite des consultations qui ont eu lieu depuis lors entre nos représentants respectifs, j'ai le plaisir de vous proposer que notre future coopération soit fondée sur les dispositions suivantes :

1. La Commission et l'Organisation échangeront selon les nécessités tous renseignements et toute documentation pertinents dans le domaine de la protection de la propriété intellectuelle.
2. Des consultations périodiques auront lieu entre la Commission et l'Organisation en vue de déterminer à l'avance les réunions d'intérêt commun auxquelles chacune des deux institutions pourra participer sur invitation de l'autre.
3. La Commission et l'Organisation se consulteront également sur la possibilité de la convocation conjointe de séminaires et de symposiums ainsi que, le cas échéant, de la coopération dans d'autres activités d'intérêt commun.

Pour sa part, la Commission est prête à envisager d'inviter des représentants de l'Organisation, dans les cas appropriés, à contribuer aux travaux préparatoires que la Commission entreprend dans le domaine de la protection de la propriété intellectuelle avant qu'elle n'établisse ses propositions formelles ou n'arrête ses décisions.

Il est entendu que toute participation des Communautés européenne aux négociations de Traités ou autres instruments internationaux se déroulant dans les conférences diplomatiques convoquées par l'Organisation fera l'objet de décisions appropriées des instances compétentes de l'Organisation ou des unions administrées par l'Organisation ou des dites conférences.

Au cas où les dispositions mentionnées aux points 1, 2 et 3 ci-dessus rencontreraient votre agrément, je propose que lesdites dispositions constituent l'accord de coopération dans le domaine de la protection de la propriété intellectuelle entre la Commission des Communautés européennes et l'Organisation Mondiale de la Propriété Intellectuelle.

Veillez agréer, Monsieur le Directeur Général, les assurances de ma considération distinguée.

Roy Jenkins

July 15, 1977

Dear Mr. President,

I have the honor to acknowledge receipt of your letter of July 5, 1977, in which you propose that the future cooperation between the Commission of the European Communities and the World Intellectual Property Organization be based on the following provisions :

1. The Commission and the Organization will exchange, as necessary, any relevant information and documentation in the field of the protection of intellectual property.
2. Periodic consultations will take place between the Commission and the Organization in order to determine in advance the meetings of mutual interest in which each may participate upon the invitation of the other.
3. The Commission and the Organization will also consult on the possibility of convening jointly seminars and symposia and, where appropriate, cooperating in other activities of mutual interest.

I have taken due note that the Commission for its part is prepared to consider inviting representatives of the Organization, in appropriate cases, to contribute to the preparatory work that the Commission undertakes in the field of the protection of intellectual property before the Commission draws up its formal proposals or takes its decisions.

It is understood that any participation of the European Communities in the negotiation of treaties or other international instruments taking place in diplomatic conferences convened by the Organization will be the subject of appropriate decisions taken by the competent bodies of the Organization or of the Unions administered by the Organization or of the said conferences.

The provisions under 1 to 3, above, are agreeable to me and, subject to approval of the Coordination Committee of the World Intellectual Property Organization, which I shall seek to obtain next September, they constitute the agreement on cooperation in the field of the protection of intellectual property between the Commission of the European Communities and the World Intellectual Property Organization.

In the interim, I shall apply the said provisions on a provisional basis. I shall inform you next October of the decision of the Coordination Committee of the World Intellectual Property Organization.

Sincerely yours,

Arpad Bogsch
Director General

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

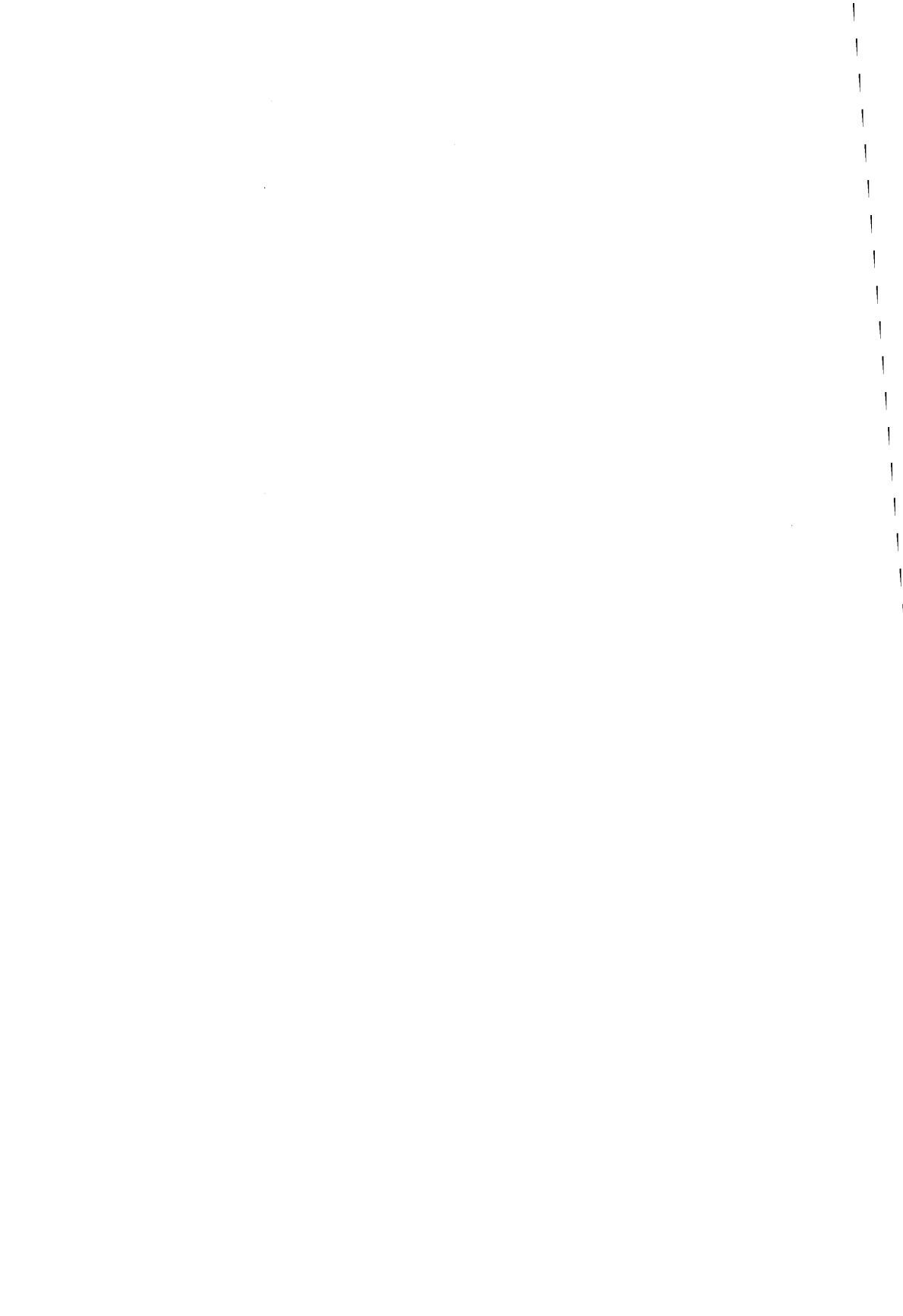
(I B R D)

STATUTE OF THE BANK

(extract)

Section 8 - Relations with other international organizations

- a) The Bank shall cooperate within the terms of this Agreement with any general international organizations and with public international organizations having specialized responsibilities in related fields. Any arrangements of such cooperation which would involve a modification of any provision of this Agreement may be effected only after amendment to this Agreement under Article VIII.



INTERNATIONAL MONETARY FUND

(I M F)

AGREEMENT ESTABLISHING THE IMF

(Extract)

ARTICLE X : Relations with Other International Organizations

The Fund shall cooperate within the terms of this Agreement with any general international organizations having specialized responsibilities in related fields. Any arrangements for such cooperation which would involve a modification of any provision of this Agreement may be effected only after amendment to this Agreement under Article XVII.

Exchange of letters between the IMF and the EEC Commission

Bruxelles, le 20 janvier 1972

Cher Monsieur Schweitzer,

A la suite de la conversation que nous avons eue à Washington, j'ai l'honneur de vous faire savoir que la Commission m'a chargé de prendre avec vous les dispositions nécessaires pour assurer un échange d'informations et des contacts appropriés entre le Fonds Monétaire International et la Communauté économique européenne.

La dernière réunion annuelle à Washington a fourni aux représentants de nos services l'occasion de discuter des arrangements informels possibles qui pourraient intervenir pour un échange d'informations concernant des sujets d'intérêt commun. Ceci pourrait inclure un échange officieux d'informations sur des questions générales ainsi que sur la situation économique et financière des pays membres communs aux deux organisations.

Nous espérons que des discussions de ce genre entre représentants de la Communauté et du FMI pourront avoir lieu fréquemment.

A la suite de nos discussions, je souhaiterais, en outre, demander au FMI de rendre possible un échange de documentation sur des bases régulières. La documentation que nous souhaiterions recevoir du Fonds comprend les documents préparés en vue des consultations découlant de l'article VIII avec les pays membres de la Communauté ainsi que les autres documents concernant ces mêmes pays membres de la Communauté. De notre côté, nous transmettrions au FMI la documentation que la Commission élabore de temps à autre concernant la situation économique et financière des pays membres.

Il est entendu que le FMI nous fournira cette documentation d'après la pratique générale du Fonds, c'est-à-dire après que les documents aient été pris en considération par les Directeurs Exécutifs du Fonds. Les documents transmis à la Commission seront considérés comme confidentiels et ne seront par conséquent ni cités ni rendus publics. Nous vous demandons, en particulier, copie des rapports de vos services sur les consultations de l'article VIII et les autres documents concernant les pays membres de la CEE en vue d'une diffusion limitée aux membres de la Commission et au personnel qualifié de nos services. Je vous

serais reconnaissant de bien vouloir nous confirmer l'accord du FMI concernant les arrangements indiqués ci-dessus. J'ai confiance qu'à l'avenir il s'établira une collaboration prolongée et féconde entre la Communauté économique européenne et le FMI sur cette question d'intérêt commun.

Je vous prie d'agréer, Cher Monsieur Schweitzer, les assurances de ma très haute considération.

Raymond BARRE

March 20, 1972

Dear Mr. Barre,

I refer to your letter of January 20, 1972 regarding exchange of information between the European Economic Community and the International Monetary Fund.

I am pleased to advise you that the Executive Directors of the Fund have approved the arrangements for exchange of information and appropriate contacts which were proposed in your letter. I am confident that these arrangements will enhance the cooperation that already exists between the Fund's staff and that of your organization.

Henceforth, on a regular basis we will be sending you documents covering matters of common interest. The undertaking of the EEC in this context to refrain from quoting the documents or making them public is appreciated. The Fund will continue to send members of its staff to Brussels for briefings, and we will welcome visits to our offices by members of the staff of the EEC.

The Fund will treat documents received from the EEC with the same measure of confidentiality as will be accorded under your letter to the documentation made available by the Fund.

I, too, look forward to a mutually beneficial collaboration on the many interests shared by our two organizations.

Sincerely yours,

P.P. Schweitzer
Managing Director



INTERNATIONAL ATOMIC ENERGY AGENCY

(I A E A)

AGENCY STATUTE

(Extract)

ARTICLE XVI - Relationship with other organizations

- A. The Board of Governors, with the approval of the General Conference, is authorized to enter into an agreement or agreements establishing an appropriate relationship between the Agency and the United Nations and any other organizations the work of which is related to that of the Agency.

AGREEMENT BETWEEN THE KINGDOM OF BELGIUM, THE KINGDOM OF DENMARK,
THE FEDERAL REPUBLIC OF GERMANY, IRELAND, THE ITALIAN REPUBLIC,
THE GRAND DUCHY OF LUXEMBOURG, THE KINGDOM OF THE NETHERLANDS,
THE EUROPEAN ATOMIC ENERGY COMMUNITY AND THE
INTERNATIONAL ATOMIC ENERGY AGENCY IN IMPLEMENTATION
OF ARTICLE III, (1) and (4) OF THE TREATY ON THE
NON-PROLIFERATION OF NUCLEAR WEAPONS

WHEREAS the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands (hereinafter referred to as "the States") are signatories of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Treaty") [2] opened for signature at London, Moscow and Washington on 1 July 1968 and which entered into force on 5 March 1970;

RECALLING that pursuant to Article IV(1) of the Treaty nothing in the Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty;

RECALLING that according to Article IV(2) of the Treaty all the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy;

RECALLING further that under the terms of the same paragraph the Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty;

WHEREAS Article III(1) of the Treaty provides that each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency (hereinafter referred to as "the Agency") in accordance with the Statute of the Agency (hereinafter referred to as "the Statute") and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices;

WHEREAS Article III(4) provides that non-nuclear-weapon States Party to the Treaty shall conclude agreements with the Agency to meet the requirements of the said Article either individually or together with other States in accordance with the Statute;

WHEREAS the States are Members of the European Atomic Energy Community (EURATOM) (hereinafter referred to as "the Community") and have assigned to institutions common to the European Communities regulatory, executive and judicial powers which these institutions exercise in their own right in those areas for which they are competent and which may take effect directly within the legal systems of the Member States;

WHEREAS within this institutional framework, the Community has in particular the task of ensuring, through appropriate safeguards, that nuclear materials are not diverted to purposes other than those for which they were intended, and will, from the time of the entry into force of the Treaty within the territories of the States, thus be required to satisfy itself through the system of safeguards established by the EURATOM Treaty, that source and special fissionable material in all peaceful nuclear activities within the territories of the States is not diverted to nuclear weapons or other nuclear explosive devices;

WHEREAS these safeguards include notification to the Community of the basic technical characteristics of nuclear facilities, maintenance and submission of operating records to permit nuclear materials accounting for the Community as a whole, inspections by officials of the Community, and a system of sanctions;

WHEREAS the Community has the task of establishing with other countries and with international organisations relations which may promote progress in the use of nuclear energy for peaceful purposes and is expressly authorised to assume special safeguard obligations in an agreement with a third State or an international organisation;

WHEREAS the Agency's international safeguards system referred to in the Treaty comprises, in particular, provisions for the submission of design information to the Agency, the maintenance of records, the submission of reports on all nuclear material subject to safeguards to the Agency, inspections carried out by the Agency's inspectors, requirements for the establishment and maintenance of a system of accounting for and control of nuclear material by a State, and measures in relation to verification of non-diversion;

WHEREAS the Agency, in the light of its statutory responsibilities and its relationship to the General Assembly and the Security Council of the United Nations, has the responsibility to assure the international community that effective safeguards are being applied under the Treaty;

NOTING that the States which were Members of the Community when they signed the Treaty, made it known on that occasion that safeguards provided for in Article III(1) of the Treaty would have to be set out in a verification agreement between the Community, the States and the Agency and defined in such a way that the rights and obligations of the States and the Community would not be affected;

WHEREAS the Board of Governors of the Agency (hereinafter referred to as "the Board") has approved a comprehensive set of model provisions for the structure and content of agreements between the Agency and States required in connection with the Treaty to be used as the basis for negotiating safeguards agreements between the Agency and non-nuclear-weapon States Party to the Treaty;

WHEREAS the Agency is authorised under Article III, A, 5 of the Statute, to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy;

WHEREAS it is the desire of the Agency, the Community and the States to avoid unnecessary duplication of safeguards activities;

NOW, THEREFORE, the Agency, the Community and the States have agreed as follows:

PART I

BASIC UNDERTAKING

Article 1

The States undertake, pursuant to Article III(1) of the Treaty, to accept safeguards, in accordance with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within their territories, under their jurisdiction or carried out under their control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

APPLICATION OF SAFEGUARDS

Article 2

The Agency shall have the right and the obligation to ensure that safeguards will be applied, in accordance with the terms of this Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territories of the States, under their jurisdiction or carried out under their control anywhere for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

Article 3

- (a) The Community undertakes, in applying its safeguards on source and special fissionable material in all peaceful nuclear activities within the territories of the States, to co-operate with the Agency, in accordance with the terms of this Agreement, with a view to ascertaining that such source and special fissionable material is not diverted to nuclear weapons or other nuclear explosive devices.
- (b) The Agency shall apply its safeguards, in accordance with the terms of this Agreement, in such a manner as to enable it to verify, in ascertaining that there has been no diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of the Community's system of safeguards. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency in accordance with the procedures specified in this Agreement. The Agency, in its verification, shall take due account of the effectiveness of the Community's system of safeguards in accordance with the terms of this Agreement.

CO-OPERATION BETWEEN THE AGENCY, THE COMMUNITY
AND THE STATES

Article 4

The Agency, the Community and the States shall co-operate, in so far as each Party is concerned, to facilitate the implementation of the safeguards provided for in this Agreement and shall avoid unnecessary duplication of safeguards activities.

IMPLEMENTATION OF SAFEGUARDS

Article 5

The safeguards provided for in this Agreement shall be implemented in a manner designed:

- (a) To avoid hampering the economic and technological development in the Community or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material;
- (b) To avoid undue interference in the peaceful nuclear activities in the Community, and in particular in the operation of facilities; and
- (c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

Article 6

- (a) The Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of this Agreement.
- (b)
 - (i) The Agency shall not publish or communicate to any State, organisation or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing this Agreement;
 - (ii) Summarised information on nuclear material subject to safeguards under this Agreement may be published upon decision of the Board if the States directly concerned or the Community, in so far as either Party is individually concerned, agree thereto.

Article 7

- (a) In implementing safeguards under this Agreement, full account shall be taken of technological development in the field of safeguards, and every effort shall be made to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of nuclear material subject to safeguards under this Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits.
- (b) In order to ensure optimum cost-effectiveness, use shall be made, for example, of such means as:
 - (i) Containment as a means of defining material balance areas for accounting purposes;
 - (ii) Statistical techniques and random sampling in evaluating the flow of nuclear material; and
 - (iii) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimisation of verification procedures in respect of other nuclear material, on condition that this does not hamper the implementation of this Agreement.

PROVISION OF INFORMATION TO THE AGENCY

Article 8

- (a) In order to ensure the effective implementation of safeguards under this Agreement, the Community shall, in accordance with the provisions set out in this Agreement, provide the Agency with information concerning nuclear material subject to such safeguards and the features of facilities relevant to safeguarding such material.
- (b)
 - (i) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.
 - (ii) Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.

- (c) If the Community so requests, the Agency shall be prepared to examine on premises of the Community design information which the Community regards as being of particular sensitivity. Such information need not be physically transmitted to the Agency provided that it remains readily available for further examination by the Agency on premises of the Community.

AGENCY INSPECTORS

Article 9

- (a) (i) The Agency shall secure the consent of the Community and the States to the designation of Agency inspectors to the States.
- (ii) If the Community, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to the Community and the States an alternative designation or designations.
- (iii) If, as a result of the repeated refusal of the Community to accept the designation of Agency inspectors, inspections to be conducted under this Agreement would be impeded, such refusal shall be considered by the Board, upon referral by the Director General of the Agency (hereinafter referred to as "the Director General"), with a view to its taking appropriate action.
- (b) The Community and the States concerned shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under this Agreement.
- (c) The visits and activities of Agency inspectors shall be so arranged as:
- (i) To reduce to a minimum the possible inconvenience and disturbance to the Community and the States and to the peaceful nuclear activities inspected; and
- (ii) To ensure protection of industrial secrets or any other confidential information coming to the knowledge of Agency inspectors.

PRIVILEGES AND IMMUNITIES

Article 10

Each State shall apply to the Agency, including its property, funds and assets, and to its inspectors and other officials, performing functions under this Agreement, the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency [3].

CONSUMPTION OR DILUTION OF NUCLEAR MATERIAL

Article 11

Safeguards under this Agreement shall terminate on nuclear material upon determination by the Community and the Agency that the material has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practically irrecoverable.

[3] INFCIRC/9/Rev. 2.

TRANSFER OF NUCLEAR MATERIAL OUT OF THE STATES

Article 12

The Community shall give the Agency notification of transfers of nuclear material subject to safeguards under this Agreement out of the States, in accordance with the provisions of this Agreement. Safeguards under this Agreement shall terminate on nuclear material when the recipient State has assumed responsibility therefor as provided for in this Agreement. The Agency shall maintain records indicating each transfer and, where applicable, the re-application of safeguards to the transferred nuclear material.

PROVISIONS RELATING TO NUCLEAR MATERIAL TO BE USED
IN NON-NUCLEAR ACTIVITIES

Article 13

Where nuclear material subject to safeguards under this Agreement is to be used in non-nuclear activities, such as the production of alloys or ceramics, the Community shall agree with the Agency, before the material is so used, on the circumstances under which the safeguards under this Agreement on such material may be terminated.

NON-APPLICATION OF SAFEGUARDS TO NUCLEAR MATERIAL
TO BE USED IN NON-PEACEFUL ACTIVITIES

Article 14

If a State intends to exercise its discretion to use nuclear material which is required to be safeguarded under this Agreement in a nuclear activity which does not require the application of safeguards under this Agreement, the following procedures shall apply:

- (a) The Community and the State shall inform the Agency of the activity, and the State shall make it clear:
 - (i) That the use of the nuclear material in a non-proscribed military activity will not be in conflict with an undertaking the State may have given and in respect of which Agency safeguards apply, that the material will be used only in a peaceful nuclear activity; and
 - (ii) That during the period of non-application of safeguards under this Agreement the nuclear material will not be used for the production of nuclear weapons or other nuclear explosive devices;
- (b) The Agency and the Community shall make an arrangement so that, only while the nuclear material is in such an activity, the safeguards provided for in this Agreement will not be applied. The arrangement shall identify, to the extent possible, the period or circumstances during which such safeguards will not be applied. In any event, the safeguards provided for in this Agreement shall apply again as soon as the nuclear material is reintroduced into a peaceful nuclear activity. The Agency shall be kept informed of the total quantity and composition of such material in the State or in the States concerned and of any transfer of such material out of that State or those States; and
- (c) Each arrangement shall be made in agreement with the Agency. Such agreement shall be given as promptly as possible and shall relate only to such matters as, inter alia, temporal and procedural provisions and reporting arrangements, but shall not involve any approval or classified knowledge of the military activity or relate to the use of the nuclear material therein.

FINANCE

Article 15

The Agency, the Community and the States will bear the expenses incurred by each of them in implementing their respective responsibilities under this Agreement. However, if the Community, the States or persons under their jurisdiction, incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case, the Agency shall bear the cost of any additional measuring or sampling which Agency inspectors may request.

THIRD PARTY LIABILITY FOR NUCLEAR DAMAGE

Article 16

The Community and the States shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security which may be available under their laws or regulations shall apply to the Agency and its officials for the purpose of the implementation of this Agreement, in the same way as that protection applies to nationals of the States.

INTERNATIONAL RESPONSIBILITY

Article 17

Any claim by the Community or a State against the Agency or by the Agency against the Community or a State in respect of any damage resulting from the implementation of safeguards under this Agreement, other than damage arising out of a nuclear incident, shall be settled in accordance with international law.

MEASURES IN RELATION TO VERIFICATION
OF NON-DIVERSION

Article 18

If the Board, upon report of the Director General, decides that an action by the Community or a State, in so far as either Party is individually concerned, is essential and urgent in order to ensure verification that nuclear material subject to safeguards under this Agreement is not diverted to nuclear weapons or other nuclear explosive devices, the Board may call upon the Community or that State to take the required action without delay, irrespective of whether procedures have been invoked pursuant to Article 22 for the settlement of a dispute.

Article 19

If the Board, upon examination of relevant information reported to it by the Director General, finds that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded under this Agreement, to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in Article XII(C) of the Statute and may also take, where applicable, the other measures provided for in that paragraph. In taking such action, the Board shall take account of the degree of assurance provided by the safeguards measures that have been applied and shall offer the Community or the State, in so far as either Party is individually concerned, every reasonable opportunity to furnish the Board with any necessary reassurance.

INTERPRETATION AND APPLICATION OF THE AGREEMENT
AND SETTLEMENT OF DISPUTES

Article 20

At the request of the Agency, the Community or a State, there shall be consultations about any question arising out of the interpretation or application of this Agreement.

Article 21

The Community and the States shall have the right to request that any question arising out of the interpretation or application of this Agreement be considered by the Board. The Board shall invite the Community and the State concerned to participate in the discussion of any such question by the Board.

Article 22

Any dispute arising out of the interpretation or application of this Agreement except a dispute with regard to a finding by the Board under Article 19 or an action taken by the Board pursuant to such a finding, which is not settled by negotiation or another procedure agreed to by the Agency, the Community and the States shall, at the request of any one of them, be submitted to an arbitral tribunal composed of five arbitrators. The Community and the States shall designate two arbitrators and the Agency shall also designate two arbitrators, and the four arbitrators so designated shall elect a fifth, who shall be the Chairman. If, within thirty days of the request for arbitration, the Community and the States, or the Agency, have not designated two arbitrators each, the Community or the Agency may request the President of the International Court of Justice to appoint these arbitrators. The same procedure shall apply if, within thirty days of the designation or appointment of the fourth arbitrator, the fifth arbitrator has not been elected. A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall require the concurrence of at least three arbitrators. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal shall be binding on the Agency, the Community, and the States concerned.

ACCESSION

Article 23

- (a) This Agreement shall come into force for non-nuclear-weapon States Party to the Treaty which become Members of the Community, upon:
- (i) Notification to the Agency by the State concerned that its procedures with respect to the coming into force of this Agreement have been completed; and
 - (ii) Notification to the Agency by the Community that it is in a position to apply its safeguards in respect of that State for the purposes of this Agreement.
- (b) Where the State concerned has concluded other agreements with the Agency for the application of Agency safeguards, upon the coming into force of this Agreement for that State, the application of Agency safeguards under such agreements shall be suspended while this Agreement is in force; provided, however, that the State's undertaking in those agreements not to use items which are subject thereto in such a way as to further any military purpose shall continue to apply.

AMENDMENT OF THE AGREEMENT

Article 24

- (a) The Agency, the Community and the States shall, at the request of any one of them, consult on amendment to this Agreement.
- (b) All amendments shall require the agreement of the Agency, the Community and the States.
- (c) The Director General shall promptly inform all Member States of the Agency of any amendment to this Agreement.

ENTRY INTO FORCE AND DURATION

Article 25

- (a) This Agreement shall enter into force on the date upon which the Agency receives from the Community and the States written notification that their own requirements for entry into force have been met. The Director General shall promptly inform all Member States of the Agency of the entry into force of this Agreement.
- (b) This Agreement shall remain in force as long as the States are Parties to the Treaty.

PROTOCOL

Article 26

The Protocol attached to this Agreement shall be an integral part thereof. The term "Agreement" as used in this instrument means the Agreement and the Protocol together.

PART II

INTRODUCTION

Article 27

The purpose of this part of the Agreement is to specify, as required, the procedures to be applied in the implementation of the safeguards provisions of Part I.

OBJECTIVE OF SAFEGUARDS

Article 28

The objective of the safeguards procedures set forth in this Agreement is the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.

Article 29

For the purpose of achieving the objective set forth in Article 28, material accountancy shall be used as a safeguards measure of fundamental importance, with containment and surveillance as important complementary measures.

Article 30

The technical conclusion of the Agency's verification activities shall be a statement, in respect of each material balance area, of the amount of material unaccounted for over a specific period, and giving the limits of accuracy of the amounts stated.

THE COMMUNITY'S SYSTEM OF SAFEGUARDS

Article 31

Pursuant to Article 3, the Agency, in carrying out its verification activities, shall make full use of the Community's system of safeguards.

Article 32

The Community's system of accounting for and control of nuclear material under this Agreement shall be based on a structure of material balance areas. The Community, in applying its safeguards, will make use of and, to the extent necessary, make provision for, as appropriate and specified in the Subsidiary Arrangements such measures as:

- (a) A measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;
- (b) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
- (c) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;
- (d) Procedures for taking a physical inventory;
- (e) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;
- (f) A system of records and reports showing, for each material balance area, the inventory of nuclear material and the changes in that inventory including receipts into and transfers out of the material balance area;
- (g) Provisions to ensure that the accounting procedures and arrangements are being operated correctly; and
- (h) Procedures for the provision of reports to the Agency in accordance with Articles 59 to 65 and 67 to 69.

Article 33

Safeguards under this Agreement shall not apply to material in mining or ore processing activities.

Article 34

- (a) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in paragraph (c) is directly or indirectly exported to a non-nuclear-weapon State not Party to this Agreement, the Community shall inform the Agency of its quantity, composition and destination, unless the material is exported for specifically non-nuclear purposes;

- (b) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in paragraph (c) is imported into the States, the Community shall inform the Agency of its quantity and composition, unless the material is imported for specifically non-nuclear purposes; and
- (c) When any nuclear material of a composition and purity suitable for fuel fabrication or for isotopic enrichment leaves the plant or the process stage in which it has been produced, or when such nuclear material, or any other nuclear material produced at a later stage in the nuclear fuel cycle, is imported into the States, the nuclear material shall become subject to the other safeguards procedures specified in this Agreement.

TERMINATION OF SAFEGUARDS

Article 35

- (a) Safeguards under this Agreement shall terminate on nuclear material, under the conditions set forth in Article 11. Where the conditions of that Article are not met, but the Community considers that the recovery of nuclear material subject to safeguards under this Agreement from residues is not for the time being practicable or desirable, the Agency and the Community shall consult on the appropriate safeguards measures to be applied.
- (b) Safeguards under this Agreement shall terminate on nuclear material, under the conditions set forth in Article 13, provided that the Agency and the Community agree that such nuclear material is practicably irrecoverable.

EXEMPTIONS FROM SAFEGUARDS

Article 36

At the request of the Community, the Agency shall exempt nuclear material from safeguards under this Agreement, as follows:

- (a) Special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;
- (b) Nuclear material, when it is used in non-nuclear activities in accordance with Article 13, if such nuclear material is recoverable; and
- (c) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

Article 37

At the request of the Community the Agency shall exempt from safeguards under this Agreement nuclear material that would otherwise be subject to such safeguards, provided that the total quantity of nuclear material which has been exempted in the States in accordance with this Article may not at any time exceed:

- (a) One kilogram in total of special fissionable material, which may consist of one or more of the following:
 - (i) Plutonium;
 - (ii) Uranium with an enrichment of 0,2 (20%) and above, taken account of by multiplying its weight by its enrichment; and
 - (iii) Uranium with an enrichment below 0,2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its enrichment;

- (b) Ten metric tons in total of natural uranium and depleted uranium with an enrichment above 0,005 (0,5%);
- (c) Twenty metric tons of depleted uranium with an enrichment of 0,005 (0,5%) or below; and
- (d) Twenty metric tons of thorium;

or such greater amounts as may be specified by the Board for uniform application.

Article 38

If exempted nuclear material is to be processed or stored together with nuclear material subject to safeguards under this Agreement, provision shall be made for the re-application of such safeguards thereto.

SUBSIDIARY ARRANGEMENTS

Article 39

The Community shall make Subsidiary Arrangements with the Agency which shall specify in detail, to the extent necessary to permit the Agency to fulfil its responsibilities under this Agreement in an effective and efficient manner, how the procedures laid down in this Agreement are to be applied. The Subsidiary Arrangements may be extended or changed by agreement between the Agency and the Community without amendment of this Agreement.

Article 40

The Subsidiary Arrangements shall enter into force at the same time as, or as soon as possible after, the entry into force of this Agreement. The Agency, the Community and the States shall make every effort to achieve their entry into force within ninety days of the entry into force of this Agreement; an extension of that period shall require agreement between the Agency, the Community and the States. The Community shall provide the Agency promptly with the information required for completing the Subsidiary Arrangements. Upon the entry into force of this Agreement, the Agency shall have the right to apply the procedures laid down therein in respect of the nuclear material listed in the inventory provided for in Article 41, even if the Subsidiary Arrangements have not yet entered into force.

INVENTORY

Article 41

On the basis of the initial report referred to in Article 62, the Agency shall establish a unified inventory of all nuclear material in the States subject to safeguards under this Agreement, irrespective of its origin, and shall maintain this inventory on the basis of subsequent reports and of the results of its verification activities. Copies of the inventory shall be made available to the Community at intervals to be agreed.

DESIGN INFORMATION

General provisions

Article 42

Pursuant to Article 8, design information in respect of existing facilities shall be provided to the Agency by the Community during the discussion of the Subsidiary Arrangements. The time limits for the provision of design information in respect of the new facilities shall be specified in the Subsidiary Arrangements and such information shall be provided as early as possible before nuclear material is introduced into a new facility.

Article 43

The design information to be provided to the Agency shall include, in respect of each facility, when applicable:

- (a) The identification of the facility, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;
- (b) A description of the general arrangement of the facility with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;
- (c) A description of features of the facility relating to material accountancy, containment and surveillance; and
- (d) A description of the existing and proposed procedures at the facility for nuclear material accountancy and control, with special reference to material balance areas established by the operator, measurements of flow and procedures for physical inventory taking.

Article 44

Other information relevant to the application of safeguards under this Agreement shall also be provided to the Agency in respect of each facility, if so specified in the Subsidiary Arrangements. The Community shall provide the Agency with supplementary information on the health and safety procedures which the Agency shall observe and with which Agency inspectors shall comply at the facility.

Article 45

The Agency shall be provided by the Community with design information in respect of a modification relevant for purposes of safeguards under this Agreement, for examination, and shall be informed of any change in the information provided to it under Article 44, sufficiently in advance for the safeguards procedures to be applied under this Agreement to be adjusted when necessary.

Article 46

Purpose of examination of design information

The design information provided to the Agency shall be used for the following purposes:

- (a) To identify the features of facilities and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;
- (b) To determine material balance areas to be used for accounting purposes under this Agreement and to select those strategic points which are key measurement points and which will be used to determine flow and inventory of nuclear material; in determining such material balance areas the following criteria shall, inter alia, be used:
 - (i) The size of the material balance area shall be related to the accuracy with which the material balance can be established;

- (ii) In determining the material balance area advantage shall be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby to simplify the application of safeguards and to concentrate measurement efforts at key measurement points;
- (iii) A special material balance area may be established at the request of the Community or of the State concerned around a process step involving commercially sensitive information;
- (c) To establish the nominal timing and procedures for taking of physical inventory of nuclear material for accounting purposes under this Agreement;
- (d) To establish the records and reports requirements and records evaluation procedures;
- (e) To establish requirements and procedures for verification of the quantity and location of nuclear material; and
- (f) To select appropriate combinations of containment and surveillance methods and techniques and the strategic points at which they are to be applied.

The results of the examination of the design information, as agreed upon between the Agency and the Community, shall be included in the Subsidiary Arrangements.

Article 47

Re-examination of design information

Design information shall be re-examined in the light of changes in operating conditions, of developments in safeguards technology or of the experience in the application of verification procedures, with a view to modifying action taken pursuant to Article 46.

Article 48

Verification of design information

The Agency, in co-operation with the Community and the State concerned may send inspectors to facilities to verify the design information provided to the Agency pursuant to Articles 42 to 45 for the purposes stated in Article 46.

INFORMATION IN RESPECT OF NUCLEAR MATERIAL OUTSIDE FACILITIES

Article 49

The Agency shall be provided by the Community with the following information when nuclear material is to be customarily used outside facilities, as applicable:

- (a) A general description of the use of the nuclear material, its geographic location, and the user's name and address for routine business purposes; and
- (b) A general description of the existing and proposed procedures for nuclear material accountancy and control, as specified in the Subsidiary Arrangements.

The Agency shall be informed by the Community, on a timely basis, of any change in the information provided to it under this Article.

Article 50

The information provided to the Agency pursuant to Article 49 may be used, to the extent relevant, for the purposes set out in Article 46 (b) to (f).

RECORDS SYSTEM

General provisions

Article 51

The Community shall arrange that records are kept in respect of each material balance area. The records to be kept shall be described in the Subsidiary Arrangements.

Article 52

The Community shall make arrangements to facilitate the examination of records by Agency inspectors, particularly if the records are not kept in English, French, Russian or Spanish.

Article 53

Records shall be retained for at least five years.

Article 54

Records shall consist, as appropriate, of:

- (a) Accounting records of all nuclear material subject to safeguards under this Agreement; and
- (b) Operating records for facilities containing such nuclear material.

Article 55

The system of measurements on which the records used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

Accounting records

Article 56

The accounting records shall set forth the following in respect of each material balance area:

- (a) All inventory changes, so as to permit a determination of the book inventory at any time;
- (b) All measurement results that are used for determination of the physical inventory; and
- (c) All adjustments and corrections that have been made in respect of inventory changes, book inventories and physical inventories.

Article 57

For all inventory changes and physical inventories the records shall show, in respect of each batch of nuclear material: material identification, batch data and source data. The records shall account for uranium, thorium and plutonium separately in each batch of nuclear material. For each inventory change, the date of the inventory change and, when appropriate, the originating material balance area and the receiving material balance area or the recipient, shall be indicated.

Article 58

Operating records

The operating records shall set forth, as appropriate, in respect of each material balance area:

- (a) Those operating data which are used to establish changes in the quantities and composition of nuclear material;
- (b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) A description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, in order to ensure that it is correct and complete; and
- (d) A description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

REPORTS SYSTEM

General provisions

Article 59

The Community shall provide the Agency with reports as detailed in Articles 60 to 65 and 67 to 69 in respect of nuclear material subject to safeguards under this Agreement.

Article 60

Reports shall be made in English, French, Russian or Spanish, except as otherwise specified in the Subsidiary Arrangements.

Article 61

Reports shall be based on the records kept in accordance with Articles 51 to 58 and shall consist, as appropriate, of accounting reports and special reports.

Accounting reports

Article 62

The Agency shall be provided by the Community with an initial report on all nuclear material subject to safeguards under this Agreement. The initial report shall be dispatched to the Agency within thirty days of the last day of the calendar month in which this Agreement enters into force, and shall reflect the situation as of the last day of that month.

Article 63

The Community shall provide the Agency with the following accounting reports for each material balance area:

- (a) Inventory change reports showing all changes in the inventory of nuclear material. The reports shall be dispatched as soon as possible and in any event within the time limits specified in the Subsidiary Arrangements; and
- (b) Material balance reports showing the material balance based on a physical inventory of nuclear material actually present in the material balance area. The reports shall be dispatched as soon as possible and in any event within the time limits specified in the Subsidiary Arrangements.

The reports shall be based on data available as of the date of reporting and may be corrected at a later date, as required.

Article 64

Inventory change reports shall specify identification and batch data for each batch of nuclear material, the date of the inventory change and, as appropriate, the originating material balance area and the receiving material balance area or the recipient. These reports shall be accompanied by concise notes:

- (a) Explaining the inventory changes, on the basis of the operating data contained in the operating records provided for under Article 58(a); and
- (b) Describing, as specified in the Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a physical inventory.

Article 65

The Community shall report each inventory change, adjustment and correction, either periodically in a consolidated list or individually. Inventory changes shall be reported in terms of batches. As specified in the Subsidiary Arrangements, small changes in inventory of nuclear material, such as transfers of analytical samples, may be combined in one batch and reported as one inventory change.

Article 66

The Agency shall provide the Community, for the use of the interested parties, with semi-annual statements of book inventory of nuclear material subject to safeguards under this Agreement, for each material balance area, as based on the inventory change reports for the period covered by each such statement.

Article 67

Material balance reports shall include the following entries unless otherwise agreed by the Agency and the Community:

- (a) Beginning physical inventory;
- (b) Inventory changes (first increases, then decreases);
- (c) Ending book inventory;
- (d) Shipper/receiver differences;
- (e) Adjusted ending book inventory;

- (f) Ending physical inventory; and
- (g) Material unaccounted for.

A statement of the physical inventory, listing all batches separately and specifying material identification and batch data for each batch, shall be attached to each material balance report.

Article 68

Special reports

The Community shall make special reports without delay:

- (a) If any unusual incident or circumstances lead the Community to believe that there is or may have been loss of nuclear material that exceeds the limits specified for this purpose in the Subsidiary Arrangements; or
- (b) If the containment has unexpectedly changed from that specified in the Subsidiary Arrangements to the extent that unauthorized removal of nuclear material has become possible.

Article 69

Amplification and clarification of reports

If the Agency so requests, the Community shall provide it with amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards under this Agreement.

INSPECTIONS

Article 70

General provisions

The Agency shall have the right to make inspections as provided for in this Agreement.

Purpose of inspections

Article 71

The Agency may make ad hoc inspections in order to:

- (a) Verify the information contained in the initial report on the nuclear material subject to safeguards under this Agreement and identify and verify changes in the situation which have occurred between the date of the initial report and the date of the entry into force of the Subsidiary Arrangements in respect of a given facility; and
- (b) Identify, and if possible verify the quantity and composition of nuclear material subject to safeguards under this Agreement in accordance with Articles 93 and 96, before its transfer out of or upon its transfer into the States except for transfers within the Community.

Article 72

The Agency may make routine inspections in order to:

- (a) Verify that reports are consistent with records;
- (b) Verify the location, identity, quantity and composition of all nuclear material subject to safeguards under this Agreement; and
- (c) Verify information on the possible causes of material unaccounted for, shipper / receiver differences and uncertainties in the book inventory.

Article 73

Subject to the procedures laid down in Article 77, the Agency may make special inspections:

- (a) In order to verify the information contained in special reports; or
- (b) If the Agency considers that information made available by the Community including explanations from the Community and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under this Agreement.

An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in this Agreement or involves access to information or locations in addition to the access specified in Article 76 for ad hoc and routine inspections, or both.

Scope of inspections

Article 74

For the purposes specified in Articles 71 to 73, the Agency may:

- (a) Examine the records kept pursuant to Articles 51 to 58;
- (b) Make independent measurements of all nuclear material subject to safeguards under this Agreement;
- (c) Verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) Apply and make use of surveillance and containment measures; and
- (e) Use other objective methods which have been demonstrated to be technically feasible.

Article 75

Within the scope of Article 74, the Agency shall be enabled:

- (a) To observe that samples at key measurement points for material balance accountancy are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;

- (b) To observe that the measurements of nuclear material at key measurement points for material balance accountancy are representative, and to observe the calibration of the instruments and equipment involved;
- (c) To make arrangements with the Community and to the extent necessary with the State concerned that, if necessary:
 - (i) Additional measurements are made and additional samples taken for the Agency's use;
 - (ii) The Agency's standard analytical samples are analysed;
 - (iii) Appropriate absolute standards are used in calibrating instruments and other equipment; and
 - (iv) Other calibrations are carried out;
- (d) To arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the Subsidiary Arrangements to arrange to install such equipment;
- (e) To apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
- (f) To make arrangements with the Community or the State concerned for the shipping of samples taken for the Agency's use.

Access for inspections

Article 76

- (a) For the purposes specified in Article 71(a) and until such time as the strategic points have been specified in the Subsidiary Arrangements, the Agency inspectors shall have access to any location where the initial report or any inspections carried out in connection with it indicate that nuclear material subject to safeguards under this Agreement is present;
- (b) For the purposes specified in Article 71(b) the Agency inspectors shall have access to any location of which the Agency has been notified in accordance with Articles 92(d)(iii) or 95(d)(iii);
- (c) For the purposes specified in Article 72 the inspectors shall have access only to the strategic points specified in the Subsidiary Arrangements and to the records maintained pursuant to Articles 51 to 58; and
- (d) In the event of the Community concluding that any unusual circumstances require extended limitations on access by the Agency, the Community and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations. The Director General shall report each such arrangement to the Board.

Article 77

In the circumstances which may lead to special inspections for the purposes specified in Article 73 the Community and the Agency shall consult forthwith. As a result of such consultations the Agency may:

- (a) Make inspections in addition to the routine inspection effort provided for in this Agreement; and

- (b) Obtain access, in agreement with the Community, to information or locations in addition to those specified in Article 76. Any disagreement shall be resolved in accordance with Articles 21 and 22. In case action by the Community or a State, in so far as either Party is individually concerned, is essential and urgent, Article 18 shall apply.

Frequency and intensity of routine inspections

Article 78

The number, intensity and duration of routine inspections, applying optimum timing, shall be kept to the minimum consistent with the effective implementation of the safeguards procedures set forth in this Agreement, and optimum and most economical use of available inspection resources under the Agreement shall be made.

Article 79

The Agency may carry out one routine inspection per year in respect of facilities and material balance areas outside facilities with a content or annual throughput, whichever is greater, of nuclear material not exceeding five effective kilograms.

Article 80

The number, intensity, duration, timing and mode of routine inspections in respect of facilities with a content or annual throughput of nuclear material exceeding five effective kilograms shall be determined on the basis that in the maximum or limiting case the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of nuclear material, and the maximum routine inspection effort in respect of such facilities shall be determined as follows:

- (a) For reactors and sealed storage installations the maximum total of routine inspection per year shall be determined by allowing one sixth of a man-year of inspection for each such facility;
- (b) For facilities, other than reactors or sealed storage installations, involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such facility $30 \times \sqrt{E}$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms. The maximum established for any such facility shall not, however, be less than 1.5 man-years of inspection; and
- (c) For facilities not covered by paragraphs (a) or (b), the maximum total of routine inspection per year shall be determined by allowing for each such facility one third of a man-year of inspection plus $0.4 \times E$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms.

The Parties to this Agreement may agree to amend the figures for the maximum inspection effort specified in this Article, upon determination by the Board that such amendment is reasonable.

Article 81

Subject to Articles 78 to 80 the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections in respect of any facility shall include:

- (a) The form of the nuclear material, in particular, whether the nuclear material is in bulk form or contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high enrichment; and its accessibility;
- (b) The effectiveness of the Community's safeguards, including the extent to which the operators of facilities are functionally independent of the Community's safeguards; the extent to which the measures specified in Article 32 have been implemented by the Community; the promptness of reports provided to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the material unaccounted for, as verified by the Agency;
- (c) Characteristics of the nuclear fuel cycle in the States, in particular, the number and types of facilities containing nuclear material subject to safeguards under this Agreement, the characteristics of such facilities relevant to safeguards under this Agreement, notably the degree of containment; the extent to which the design of such facilities facilitates verification of the flow and inventory of nuclear material; and the extent to which information from different material balance areas can be correlated;
- (d) International interdependence, in particular, the extent to which nuclear material is received from or sent to other States for use or processing; any verification activities by the Agency in connection therewith; and the extent to which the nuclear activities in each State are interrelated with those in other States; and
- (e) Technical developments in the field of safeguards, including the use of statistical techniques and random sampling in evaluating the flow of nuclear material.

Article 82

The Agency and the Community shall consult if the latter considers that the inspection effort is being deployed with undue concentration on particular facilities.

Notice of inspections

Article 83

The Agency shall give advance notice to the Community and to the States concerned before arrival of Agency inspectors at facilities or material balance areas outside facilities, as follows:

- (a) For ad hoc inspections pursuant to Article 71(b), at least 24 hours; for those pursuant to Article 71(a) as well as the activities provided for in Article 48, at least one week;
- (b) For special inspections pursuant to Article 73, as promptly as possible after the Agency and the Community have consulted as provided for in Article 77, it being understood that notification of arrival normally will constitute part of the consultations; and
- (c) For routine inspections pursuant to Article 72, at least 24 hours in respect of the facilities referred to in Article 80(b) and sealed storage installations containing plutonium or uranium enriched to more than 5%, and one week in all other cases.

Such notice of inspections shall include the names of the Agency inspectors and shall indicate the facilities and the material balance areas outside facilities to be visited and the period during which they will be visited. If the Agency inspectors are to arrive from outside the States, the Agency shall also give advance notice of the place and time of their arrival in the States.

Article 84

Notwithstanding the provisions of Article 83, the Agency may, as a supplementary measure, carry out without advance notification a portion of the routine inspections pursuant to Article 80 in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided to it pursuant to Article 64(b). Moreover, whenever practicable, and on the basis of the operational programme it shall advise the Community and the State concerned periodically of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections, the Agency shall make every effort to minimize any practical difficulties for the Community and the State concerned and for facility operators, bearing in mind the relevant provisions of Articles 44 and 89. Similarly the Community and the State concerned shall make every effort to facilitate the task of Agency inspectors.

Designation of Agency inspectors

Article 85

The following procedures shall apply to the designation of Agency inspectors:

- (a) The Director General shall inform the Community and the States in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an Agency inspectors for the States;
- (b) The Community shall inform the Director General within thirty days of the receipt of such a proposal whether the proposal is accepted;
- (c) The Director General may designate each official who has been accepted by the Community and the States as one of the Agency inspectors for the States, and shall inform the Community and the States of such designations; and
- (d) The Director General, acting in response to a request by the Community or on his own initiative, shall immediately inform the Community and the States of the withdrawal of the designation of any official as an Agency inspector for the States.

However, in respect of Agency inspectors needed for the activities provided for in Article 48 and to carry out ad hoc inspections pursuant to Article 71(a) the designation procedures shall be completed if possible within thirty days after the entry into force of this Agreement. If such designation appears impossible within this time limit, Agency inspectors for such purposes shall be designated on a temporary basis.

Article 86

The States shall grant or renew as quickly as possible appropriate visas, where required, for each Agency inspector designated pursuant to Article 85.

Conduct and visits of Agency inspectors

Article 87

Agency inspectors, in exercising their functions under Articles 48 and 71 to 75, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of facilities, or affecting their safety. In particular, Agency inspectors shall not operate any facility themselves or direct the staff of a facility to carry out any operation. If Agency inspectors consider that in pursuance of Articles 74 and 75, particular operations in a facility should be carried out by the operator, they shall make a request therefor.

Article 88

When Agency inspectors require services available in a State, including the use of equipment, in connection with the performance of inspections, the State concerned and the Community shall facilitate the procurement of such services and the use of such equipment by Agency inspectors.

Article 89

The Community and the States concerned shall have the right to have Agency inspectors accompanied during their inspections by its inspectors and their representatives respectively, provided that Agency inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

STATEMENT ON THE AGENCY'S VERIFICATION ACTIVITIES

Article 90

The Agency shall inform the Community for the use of the interested parties of:

- (a) The results of its inspections, at intervals to be specified in the Subsidiary Arrangements; and
- (b) The conclusions it has drawn from its verification activities.

TRANSFERS INTO OR OUT OF THE STATES

Article 91

General provisions

Nuclear material subject or required to be subject to safeguards under this Agreement which is transferred into or out of the States shall, for purposes of this Agreement, be regarded as being the responsibility of the Community and of the State concerned:

- (a) In the case of transfers into the States, from the time that such responsibility ceases to lie with the State from which the material is transferred, and no later than the time at which the material reaches its destination; and
- (b) In the case of transfers out of the States up to the time at which the recipient State has such responsibility, and no later than the time at which the nuclear material reaches its destination.

The point at which the transfer of responsibility will take place shall be determined in accordance with suitable arrangements to be made by the Community and the State concerned, on the one hand, and the State to which or from which the nuclear material is transferred, on the other hand. Neither the Community nor a State shall be deemed to have such responsibility for nuclear material merely by reason of the fact that the nuclear material is in transit on or over a State's territory, or that it is being transported on a ship under a State's flag or in the aircraft of a State.

Transfers out of the States

Article 92

- (a) The Community shall notify the Agency of any intended transfer out of the States of nuclear material subject to safeguards under this Agreement if the shipment exceeds

one effective kilogram, or, for facilities which normally transfer significant quantities to the same State in shipments each not exceeding one effective kilogram, if so specified in the Subsidiary Arrangements.

- (b) Such notification shall be given to the Agency after the conclusion of the contractual arrangements leading to the transfer and within the time limit specified in the Subsidiary Arrangements.
- (c) The Agency and the Community may agree on different procedures for advance notification.
- (d) The notification shall specify:
 - (i) The identification and, if possible, the expected quantity and the composition of the nuclear material to be transferred, and the material balance area from which it will come;
 - (ii) The State for which the nuclear material is destined;
 - (iii) The dates on and locations at which the nuclear material is to be prepared for shipping;
 - (iv) The approximate dates of dispatch and arrival of the nuclear material; and
 - (v) At what point of the transfer the recipient State will assume responsibility for the nuclear material for the purpose of this Agreement, and the probable date on which that point will be reached.

Article 93

The notification referred to in Article 92 shall be such as to enable the Agency to make, if necessary, an ad hoc inspection to identify, and if possible verify the quantity and composition of the nuclear material before it is transferred out of the States, except for transfers within the Community and, if the Agency so wishes or the Community so requests, to affix seals to the nuclear material when it has been prepared for shipping. However, the transfer of the nuclear material shall not be delayed in any way by any action taken or contemplated by the Agency pursuant to such a notification.

Article 94

If nuclear material will not be subject to Agency safeguards in the recipient State the Community shall make arrangements for the Agency to receive within three months of the time when the recipient State accepts responsibility for the nuclear material, confirmation by the recipient State of the transfer.

Transfers into the States

Article 95

- (a) The Community shall notify the Agency of any expected transfer into the States of nuclear material required to be subject to safeguards under this Agreement if the shipment exceeds one effective kilogram, or, for facilities to which significant quantities are normally transferred from the same State in shipments each not exceeding one effective kilogram, if so specified in the Subsidiary Arrangements.
- (b) The Agency shall be notified as much in advance as possible of the expected arrival of the nuclear material, and in any case within the time limits specified in the Subsidiary Arrangements.

- (c) The Agency and the Community may agree on different procedures for advance notification.
- (d) The notification shall specify:
 - (i) The identification and, if possible, the expected quantity and composition of the nuclear material;
 - (ii) At what point of the transfer the Community and the State concerned will have responsibility for the nuclear material for the purpose of this Agreement, and the probable date on which that point will be reached; and
 - (iii) The expected date of arrival, the location where, and the date on which, the nuclear material is intended to be unpacked.

Article 96

The notification referred to in Article 95 shall be such as to enable the Agency to make, if necessary, an ad hoc inspection to identify, and if possible verify the quantity and composition of, the nuclear material transferred into the States, except for transfers within the Community, at the time the consignment is unpacked. However, unpacking shall not be delayed by any action taken or contemplated by the Agency pursuant to such a notification.

Article 97

Special reports

The Community shall make a special report as envisaged in Article 68 if any unusual incident or circumstances lead the Community to believe that there is or may have been loss of nuclear material, including the occurrence of significant delay, during a transfer into or out of the States.

DEFINITIONS

Article 98

For the purposes of this Agreement:

1. A. Community means both:
 - (a) The legal person created by the Treaty establishing the European Atomic Energy Community (EURATOM), Party to this Agreement; and
 - (b) The territories to which the EURATOM Treaty applies.
- B. States means the non-nuclear-weapon States Members of the Community, Party to this Agreement.
2. A. Adjustment means an entry into an accounting record or a report showing a shipper/receiver difference or material unaccounted for.
- B. Annual throughput means, for the purposes of Articles 79 and 80, the amount of nuclear material transferred annually out of a facility working at nominal capacity.
- C. Batch means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of specifications or measurements. The nuclear material may be in bulk form or contained in a number of separate items.

- D. Batch data means the total weight of each element of nuclear material and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:
- (a) Grams of contained plutonium;
 - (b) Grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
 - (c) Kilograms of contained thorium, natural uranium or depleted uranium.
- For reporting purposes the weights of individual items in the batch shall be added together before rounding to the nearest unit.
- E. Book inventory of a material balance area means the algebraic sum of the most recent physical inventory of that material balance area and of all inventory changes that have occurred since that physical inventory was taken.
- F. Correction means an entry into an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.
- G. Effective kilogram means a special unit used in safeguarding nuclear material. The quantity in effective kilograms is obtained by taking:
- (a) For plutonium, its weight in kilograms;
 - (b) For uranium with an enrichment of 0.01 (1%) and above, its weight in kilograms multiplied by the square of its enrichment;
 - (c) For uranium with an enrichment below 0.01 (1%) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
 - (d) For depleted uranium with an enrichment of 0.005 (0.5%) or below, and for thorium, its weight in kilograms multiplied by 0.00005.
- H. Enrichment means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.
- I. Facility means:
- (a) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
 - (b) Any location where nuclear material in amounts greater than one effective kilogram is customarily used.
- J. Inventory change means an increase or decrease, in terms of batches, of nuclear material in a material balance area; such a change shall involve one of the following:
- (a) Increases:
 - (i) Import;
 - (ii) Domestic receipt: receipts from within the States: from other material balance areas; from a non-safeguarded (non-peaceful) activity; at the starting point of safeguards;

- (iii) Nuclear production: production of special fissionable material in a reactor; and
 - (iv) De-exemption: reapplication of safeguards on nuclear material previously exempted therefrom on account of its use or quantity.
- (b) Decreases:
 - (i) Export;
 - (ii) Domestic shipment: shipments within the States to other material balance areas or for a non-safeguarded (non-peaceful) activity;
 - (iii) Nuclear loss: loss of nuclear material due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;
 - (iv) Measured discard: nuclear material which has been measured, or estimated on the basis of measurements, and disposed of in such a way that it is not suitable for further nuclear use;
 - (v) Retained waste: nuclear material generated from processing or from an operational accident, which is deemed to be unrecoverable for the time being but which is stored;
 - (vi) Exemption: exemption of nuclear material from safeguards on account of its use or quantity; and
 - (vii) Other loss: for example, accidental loss (that is, irretrievable and inadvertent loss of nuclear material as the result of an operational accident) or theft.
- K. Key measurement point means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. Key measurement points thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in material balance areas.
- L. Man-year of inspection means, for the purposes of Article 80, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a facility at any time for a total of not more than eight hours.
- M. Material balance area means an area in or outside of a facility such that:
 - (a) The quantity of nuclear material in each transfer into or out of each material balance area can be determined; and
 - (b) The physical inventory of nuclear material in each material balance area can be determined when necessary in accordance with specified procedures,in order that the material balance for Agency safeguards purposes can be established.
- N. Material unaccounted for means the difference between book inventory and physical inventory.
- O. Nuclear material means any source or any special fissionable material as defined in Article XX of the Statute. The term "source material" shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by the Community and the States.

- P. Physical inventory means the sum of all the measured or derived estimates of batch quantities of nuclear material on hand at a given time within a material balance area, obtained in accordance with specified procedures.
- Q. Shipper/receiver difference means the difference between the quantity of nuclear material in a batch as stated by the shipping material balance area and as measured at the receiving material balance area.
- R. Source data means those data, recorded during measurement or calibration or used to derive empirical relationships, which identify nuclear material and provide batch data. Source data may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.
- S. Strategic point means a location selected during examination of design information where, under normal conditions and when combined with the information from all strategic points taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a strategic point may include any location where key measurements related to material balance accountability are made and where containment and surveillance measures are executed.

PROTOCOL

Article 1

This Protocol amplifies certain provisions of the Agreement and, in particular, specifies the conditions and means according to which co-operation in the application of the safeguards provided for under the Agreement shall be implemented in such a way as to avoid unnecessary duplication of the Community's safeguards activities.

Article 2

The Community shall collect the information on facilities and on nuclear material outside facilities to be provided to the Agency under the Agreement on the basis of the agreed indicative questionnaire annexed to the Subsidiary Arrangements.

Article 3

The Agency and the Community shall carry out jointly the examination of design information provided for in Article 46(a) to (f) of the Agreement and shall include the agreed results thereof in the Subsidiary Arrangements. The verification of design information provided for in Article 48 of the Agreement shall be carried out by the Agency in co-operation with the Community.

Article 4

When providing the Agency with the information referred to in Article 2 of this Protocol, the Community shall also transmit information on the inspection methods which it proposes to use and the complete proposals, including estimates of inspection efforts for the routine inspection activities, for Attachments to the Subsidiary Arrangements for facilities and material balance areas outside facilities.

Article 5

The preparation of the Attachments to the Subsidiary Arrangements shall be performed together by the Community and the Agency.

Article 6

The Community shall collect the reports from the operators, keep centralised accounts on the basis of these reports and proceed with the technical and accounting control and analysis of the information received.

Article 7

Upon completion of the tasks referred to in Article 6 of this Protocol the Community shall, on a monthly basis, produce and provide the Agency with the inventory change reports within the time limits specified in the Subsidiary Arrangements.

Article 8

Further, the Community shall transmit to the Agency the material balance reports and physical inventory listings with frequency depending on the frequency of physical inventory taking as specified in the Subsidiary Arrangements.

Article 9

The form and format of reports referred to in Articles 7 and 8 of this Protocol, as agreed between the Agency and the Community, shall be specified in the Subsidiary Arrangements.

Article 10

The routine inspection activities of the Community and of the Agency, including the inspections referred to in Article 84 of the Agreement, for the purposes of the Agreement, shall be co-ordinated pursuant to the provisions of Articles 11 to 23 of this Protocol.

Article 11

Subject to Articles 79 and 80 of the Agreement, in determining the actual number, intensity, duration, timing and mode of the Agency inspections in respect of each facility, account shall be taken of the inspection effort carried out by the Community in the framework of its multinational system of safeguards pursuant to the provisions of this Protocol.

Article 12

Inspection efforts under the Agreement for each facility shall be determined by the use of the criteria of Article 81 of the Agreement. Such criteria shall be implemented by using the rules and methods set forth in the Subsidiary Arrangements which have been used for the calculation of the inspection efforts in respect of specific examples attached to the Subsidiary Arrangements. These rules and methods shall be reviewed from time to time, pursuant to Article 7 of the Agreement, to take into account new technological developments in the field of safeguards and experience gained.

Article 13

Such inspection efforts, expressed as agreed estimates of the actual inspection efforts to be applied, shall be set out in the Subsidiary Arrangements together with relevant descriptions of verification approaches and scopes of inspections to be carried out by the Community and by the Agency. These inspection efforts shall constitute, under normal operating conditions and under the conditions set out below, the actual maximum inspection efforts at the facility under the Agreement:

- (a) The continued validity of the information on Community safeguards provided for in Article 32 of the Agreement, as specified in the Subsidiary Arrangements;
- (b) The continued validity of the information provided to the Agency in accordance with Article 2 of this Protocol;
- (c) The continued provision by the Community of the reports pursuant to Articles 60 and 61, 63 to 65 and 67 to 69 of the Agreement, as specified in the Subsidiary Arrangements;
- (d) The continued application of the co-ordination arrangements for inspections pursuant to Articles 10 to 23 of this Protocol, as specified in the Subsidiary Arrangements; and
- (e) The application by the Community of its inspection effort with respect to the facility, as specified in the Subsidiary Arrangements, pursuant to this Article.

Article 14

- (a) Subject to the conditions of Article 13 of this Protocol, the Agency inspections shall be carried out simultaneously with the inspection activities of the Community. Agency inspectors shall be present during the performance of certain of the Community inspections.
- (b) Subject to the provisions of paragraph (a), whenever the Agency can achieve the purposes of its routine inspections set out in the Agreement, the Agency inspectors shall implement the provisions of Articles 74 and 75 of the Agreement through the observation of the inspection activities of the Community inspectors, provided, however, that:

- (i) With respect to inspection activities of Agency inspectors to be implemented other than through the observation of the inspection activities of the Community inspectors, which can be foreseen, these shall be specified in the Subsidiary Arrangements; and
- (ii) In the course of an inspection, Agency inspectors may carry out inspection activities other than through the observation of the inspection activities of the Community inspectors where they find this to be essential and urgent, if the Agency could not otherwise achieve the purposes of its routine inspections and this was unforeseeable.

Article 15

The general scheduling and planning of the Community inspections under the Agreement shall be established by the Community in co-operation with the Agency.

Article 16

Arrangements for the presence of Agency inspectors during the performance of certain of the Community inspections shall be agreed in advance by the Agency and the Community for each type of facility, and to the extent necessary, for individual facilities.

Article 17

In order to enable the Agency to decide, based on requirements for statistical sampling, as to its presence at a particular Community inspection, the Community shall provide the Agency with an advance statement of the numbers, types and contents of items to be inspected according to the information available to the Community from the operator of the facility.

Article 18

Technical procedures in general for each type of facility and, to the extent necessary, for individual facilities, shall be agreed in advance by the Agency and the Community, in particular with respect to:

- (a) The determination of techniques for random selection of statistical samples; and
- (b) The checking and identification of standards.

Article 19

The co-ordination arrangements for each type of facility set out in the Subsidiary Arrangements shall serve as a basis for the co-ordination arrangements to be specified in each Facility Attachment.

Article 20

The specific co-ordination actions on matters specified in the Facility Attachments pursuant to Article 19 of this Protocol shall be taken between Community and Agency officials designated for that purpose.

Article 21

The Community shall transmit to the Agency its working papers for those inspections at which Agency inspectors were present and inspection reports for all other Community inspections performed under the Agreement.

Article 22

The samples of nuclear material for the Agency shall be drawn from the same randomly selected batches of items as for the Community and shall be taken together with Community samples, except when the maintenance of or reduction to the lowest practical level of the Agency inspection effort requires independent sampling by the Agency, as agreed in advance and specified in the Subsidiary Arrangements.

Article 23

The frequencies of physical inventories to be taken by facility operators and to be verified for safeguards purposes will be in accordance with those laid down as guidelines in the Subsidiary Arrangements. If additional activities under the Agreement in relation to physical inventories are considered to be essential, they will be discussed in the Liaison Committee provided for in Article 25 of this Protocol and agreed before implementation.

Article 24

Whenever the Agency can achieve the purposes of its ad hoc inspections set out in the Agreement through observation of the inspection activities of Community inspectors, it shall do so.

Article 25

- (a) With a view to facilitating the application of the Agreement and of this Protocol, a Liaison Committee shall be established, composed of representatives of the Community and of the Agency.
- (b) The Committee shall meet at least once a year:
 - (i) To review, in particular, the performance of the co-ordination arrangements provided for in this Protocol, including agreed estimates of inspection efforts;
 - (ii) To examine the development of safeguards methods and techniques; and
 - (iii) To consider any questions which have been referred to it by the periodic meetings referred to in paragraph (c).
- (c) The Committee shall meet periodically at a lower level to discuss, in particular and to the extent necessary, for individual facilities, the operation of the co-ordination arrangements provided for in this Protocol, including, in the light of technical and operational developments, up-dating of agreed estimates of inspection efforts with respect to changes in throughput, inventory and facility operational programmes, and the application of inspection procedures in different types of routine inspection activities and, in general terms, statistical sampling requirements. Any questions which could not be settled would be referred to the meetings mentioned in paragraph (b).
- (d) Without prejudice to urgent actions which might be required under the Agreement, should problems arise in the application of Article 13 of this Protocol, in particular when the Agency considered that the conditions specified therein had not been met, the Committee would meet as soon as possible at the suitable level in order to assess the situation and to discuss the measures to be taken. If a problem could not be settled, the Committee may make appropriate proposals to the Parties, in particular with the view to modifying the estimates of inspection efforts for routine inspection activities.
- (e) The Committee shall elaborate proposals, as necessary, with respect to questions which require the agreement of the Parties.

DONE at Brussels in duplicate, on the fifth day of April in the year one thousand nine hundred and seventy-three in the English and French languages, both texts being equally authentic.

For the GOVERNMENT OF THE KINGDOM OF BELGIUM:

(signed) J. van der Meulen
Ambassador
Permanent Representative to
the European Communities

For the GOVERNMENT OF THE KINGDOM OF DENMARK:

(signed) Niels Ersbøll
Ambassador
Permanent Representative to
the European Communities

For the GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY:

(signed) Hans-Georg Sachs
Ambassador
Permanent Representative to
the European Communities

For the GOVERNMENT OF IRELAND:

(signed) Sean P. Kennan
Ambassador
Permanent Representative to
the European Communities

For the GOVERNMENT OF THE ITALIAN REPUBLIC:

(signed) Bombassei de Vettor
Ambassador
Permanent Representative to
the European Communities

For the GOVERNMENT OF THE GRAND DUCHY OF LUXEMBOURG:

(signed) J. Dondelinger
Ambassador
Permanent Representative
to the European Communities

For the GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS:

(signed) Sassen
Ambassador
Permanent Representative to
the European Communities

For the EUROPEAN ATOMIC ENERGY COMMUNITY:

(signed) Ralf Dahrendorf
Member of the Commission of
the European Communities

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(signed) Sigvard Eklund
Director General

COMMISSION

AGREEMENT OF COOPERATION BETWEEN THE EUROPEAN ATOMIC
ENERGY COMMUNITY AND THE INTERNATIONAL
ATOMIC ENERGY AGENCY

Article premierCoopération et consultation

L'Agence internationale de l'énergie atomique (ci-après dénommée "Agence") et la Communauté européenne de l'énergie atomique (ci-après dénommée "Communauté") conviennent que, en vue de faciliter la réalisation des fins définies par le statut de l'Agence et le traité instituant la Communauté, elles agiront en coopération étroite. Les parties contractantes se consulteront régulièrement en ce qui concerne les questions présentant un intérêt commun, en vue d'harmoniser leurs efforts dans la mesure du possible, compte tenu de leurs natures et de leurs missions respectives.

Article IIReprésentation

1. La Communauté sera invitée à se faire représenter aux sessions ordinaires annuelles de la conférence de l'Agence et ses représentants pourront participer, sans droit de vote, aux délibérations de cet organe et, s'il y a lieu, de ses commissions, en ce qui concerne les questions à l'ordre du jour qui intéressent la Communauté.
2. L'Agence et la Communauté prendront en outre les dispositions nécessaires en vue d'assurer une représentation réciproque aux réunions appropriées convoquées sous leurs auspices respectifs.

Article III

Echange de renseignements et de documents

L'Agence et la Communauté procéderont à un large échange de renseignements et de documents, sous réserve des restrictions et des arrangements que chaque partie contractante pourrait juger nécessaires pour sauvegarder le caractère confidentiel de certains renseignements et documents.

Article IV

Coopération administrative et technique

Si la coopération proposée par l'une des parties contractantes à l'autre conformément au présent accord entraîne des dépenses qui dépassent celles d'administration courante, il sera procédé entre l'Agence et la Communauté à des consultations en vue de déterminer la manière la plus équitable de faire face à de telles dépenses.

Article V

Exécution de l'accord

Le directeur général de l'Agence et la Commission des Communautés européennes pourront conclure des arrangements nécessaires afin d'assurer la bonne exécution de présent accord.

Article VI

Notification à l'Organisation des Nations Unies

Classement et inscription au répertoire

1. Conformément à l'accord qu'elle a conclu avec l'Organisation des Nations Unies, l'Agence informera celle-ci sans délai des termes du présent accord.

2. Dès l'entrée en vigueur du présent accord conformément aux dispositions de l'article VIII, l'Agence le communique au secrétaire général de l'Organisation des Nations Unies, aux fins de classement et d'inscription au répertoire.

Article VII

Dénonciation de l'accord

Chacun des parties contractantes pourra dénoncer le présent accord, en donnant un préavis de six mois à l'autre partie.

Article VIII

Entrée en vigueur

Le présent accord entrera en vigueur le premier jour du mois suivant la date à laquelle les parties contractantes se seront notifiées l'accomplissement des procédures internes prévues à cet effet (1).

Article IX

Langues

Le présent accord a été rédigé, en double exemplaire, en langues anglaise et française, les deux textes faisant également foi.

En vue des besoins respectifs des parties contractantes, l'Agence établira des traductions officielles du présent accord en langues espagnole et russe, et la Communauté des traductions officielles en langues allemande, danoise, italienne et néerlandaise.

Pour la Communauté européenne
de l'énergie atomique

Pour l'Agence internationale de
l'énergie atomique

Guido BRUNNER

Sigvard EKLUND

Fait à Vienne, Le 1er décembre 1975.

(1) Cette notification ayant eu lieu le 1er décembre 1975, l'accord entre en vigueur le 1er janvier 1976.

AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND, THE EUROPEAN ATOMIC ENERGY COMMUNITY
AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE
APPLICATION OF SAFEGUARDS IN THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF
NUCLEAR WEAPONS

WHEREAS the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom") is party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as "the Treaty") which was opened for signature at London, Moscow and Washington on 1 July 1968 and which entered into force on 5 March 1970;

WHEREAS States party to the Treaty have undertaken to co-operate in facilitating the application of the safeguards of the International Atomic Energy Agency (hereinafter referred to as "the Agency") to peaceful nuclear activities;

WHEREAS non-nuclear-weapon States party to the Treaty have undertaken to accept safeguards, as set forth in agreements to be negotiated and concluded with the Agency, on all source or special fissionable material in all peaceful nuclear activities within their territories, under their jurisdiction or carried out under their control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices;

WHEREAS the United Kingdom, as a nuclear-weapon State within the meaning of the Treaty, has throughout desired to encourage widespread adherence to the Treaty by demonstrating to non-nuclear-weapon States that they would not be placed at a commercial disadvantage by reason of the application of safeguards pursuant to the Treaty;

WHEREAS the United Kingdom, to this end, has stated that at such time as international safeguards are put into effect in non-nuclear-weapon States in implementation of the provisions of the Treaty, it would be prepared to offer an opportunity for the application of similar safeguards in the United Kingdom subject to exclusions for national reasons only;

WHEREAS the United Kingdom is a party to the Treaty establishing the European Atomic Energy Community (hereinafter referred to as "the Community"), by virtue of which Treaty institutions of that Community exercise in their own right, in those areas for which they are competent, regulatory, executive and judicial powers which may take effect directly within the legal systems of the Member States;

WHEREAS, within this institutional framework, the Community has in particular the task of ensuring, through appropriate safeguards, that civil nuclear materials are not diverted to uses other than those for which they were intended;

WHEREAS these safeguards include declaration to the Community of the basic technical characteristics of civil nuclear facilities, maintenance and submission of operating records to permit nuclear materials accounting for the Community as a whole, inspections by officials of the Community, and a system of sanctions;

WHEREAS the Community has the task of establishing with other countries and international organizations such relations as will foster progress in the peaceful uses of nuclear energy and is expressly authorized to assume particular safeguarding obligations in an agreement concluded with a third State or an international organization;

WHEREAS the Agency's international safeguards system referred to in the Treaty comprises, in particular, provisions for the submission of design information to the Agency, and keeping of records, the submission to the Agency of reports on all nuclear material subject to safeguards, inspections carried out by the Agency's inspectors, requirements for the establishment and maintenance of a system of accounting for and control of nuclear material by a State, and measures in relation to verification of non-diversion;

WHEREAS the Agency is authorized under Article III.A.5 of the Statute of the Agency (hereinafter referred to as 'the Statute'), to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy;

NOTING that the United Kingdom has declared its intention to negotiate with the Agency a pattern according to its circumstances for the application of safeguards in the United Kingdom;

WHEREAS the Community has welcomed this declaration of intention and, having regard to the need to avoid unnecessary duplication of safeguards activity, has recognized that it is important to co-operate with the Agency in such application, and has associated itself with the United Kingdom in these negotiations;

NOTING the nature of the Agreement of 5 April 1973 and of the Protocol thereto between Belgium, Denmark, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, the Community and the Agency in connection with the Treaty;

NOW, THEREFORE, the United Kingdom, the Community and the Agency have agreed as follows :

P A R T I

BASIC UNDERTAKING

Article 1

- (a) The United Kingdom shall accept the application of safeguards, in accordance with the terms of this Agreement, on all source or special fissionable material in facilities or parts thereof within the United Kingdom, subject to exclusions for national security reasons only, with a view to enabling the Agency to verify that such material is not, except as provided for in this Agreement, withdrawn from civil activities.
- (b) The United Kingdom shall provide the Community and the Agency with a list (hereinafter referred to as "the Facilities List") of the facilities or parts thereof which contain the nuclear material referred to in paragraph (a) of this Article. The United Kingdom shall keep the Facilities List up to date and may at any time make deletions from it for national security reasons. The United Kingdom shall give the Community and the Agency advance notice of any additions or deletions.

- (c) Whenever the United Kingdom withdraws nuclear material referred to in paragraph (a) of this Article from the scope of this Agreement for national security reasons, it shall notify the Community and the Agency in accordance with the provisions of this Agreement.
- (d) The Community shall, in accordance with the provisions of this Agreement, provide the Agency with information in respect of international transfers of nuclear material from or to any facility or part thereof on the Facilities List.

APPLICATION OF SAFEGUARDS

Article 2

The Agency shall have the right and the obligation to ensure that safeguards are applied, in accordance with the terms of this Agreement, on all source or special fissionable material in those facilities or parts of facilities within the United Kingdom which are both on the Facilities List and designated pursuant to Article 78(a), with a view to enabling the Agency to verify that such material is not, except as provided for in this Agreement, withdrawn from civil activities. In respect of such facilities or parts thereof which are on the Facilities List but not so designated the Agency shall have the rights provided for in this Agreement.

Article 3

- (a) The Community shall, in applying its safeguards on the source or special fissionable material described in Article 1(a), co-operate with the Agency in accordance with the terms of this Agreement, with a view to ascertaining that such material is not, except as provided for in this Agreement, withdrawn from civil activities.
- (b) The Agency shall apply its safeguards, in accordance with the terms of this Agreement, in such a manner as to enable it to verify, in ascertaining that there has been no withdrawal of nuclear material from civil activities, except as provided for in this Agreement, findings of the Community's system of safeguards. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency in accordance with the procedures specified in this Agreement. The Agency, in its verification, shall take due account of the effectiveness of the Community's system of safeguards in accordance with the terms of this Agreement.

CO-OPERATION BETWEEN THE UNITED KINGDOM, THE COMMUNITY
AND THE AGENCY

Article 4

The United Kingdom, the Community and the Agency shall co-operate, in so far as each party is concerned, to facilitate the implementation of the safeguards provided for in this Agreement and shall avoid unnecessary duplication of safeguards activities.

IMPLEMENTATION OF SAFEGUARDS

Article 5

The safeguards provided for in this Agreement shall be implemented in a manner designed :

- (a) to avoid hampering economic and technological development in the United Kingdom or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material;
- (b) to avoid undue interference in peaceful nuclear activities in the United Kingdom and in particular in the operation of facilities; and
- (c) to be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

Article 6

- (a) The Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of this Agreement.
- (b) (i) The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board of Governors of the Agency (hereinafter referred to as "the Board") and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing this Agreement.
- (ii) Summarized information on nuclear material subject to safeguards under this Agreement may be published upon decision of the Board if the United Kingdom or the Community, in so far as either party is individually concerned, agrees thereto.

Article 7

- (a) In implementing safeguards under this Agreement, full account shall be taken of technological development in the field of safeguards, and every effort shall be made to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of nuclear material subject to safeguards under this Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits.
- (b) In order to ensure optimum cost-effectiveness, use shall be made, for example, of such means as :
 - (i) containment as a means of defining material balance areas for accounting purposes;
 - (ii) statistical techniques and random sampling in evaluating the flow of nuclear material; and
 - (iii) concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other nuclear material, on condition that this does not hamper the implementation of this Agreement.

PROVISIONS OF INFORMATION TO THE AGENCY

Article 8

- (a) In order to ensure the effective implementation of safeguards under this Agreement, the Community shall, in accordance with the provisions set out in this Agreement, provide the Agency with information concerning nuclear material subject to such safeguards and features of facilities or parts thereof relevant to safeguarding such material.
- (b)
 - (i) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.
 - (ii) Information pertaining to facilities or parts thereof shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.
- (c) If the Agency wishes to examine design information which the United Kingdom regards as being of particular sensitivity, the Agency shall, if the United Kingdom so requests, conduct the examination on premises of the Community or of the United Kingdom. Such information need not be physically transmitted to the Agency provided that it remains readily available for examination by the Agency on such premises.

AGENCY INSPECTORS

Article 9

- (a)
 - (i) The Agency shall secure the consent of the United Kingdom and the Community to the designation of Agency inspectors to the United Kingdom.
 - (ii) If the United Kingdom or the Community, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to the United Kingdom and the Community an alternative designation or designations.
 - (iii) If, as a result of the repeated refusal of the United Kingdom or the Community to accept the designation of Agency inspectors, inspections to be conducted under this Agreement would be impeded, such refusal shall be considered by the Board, upon referral by the Director General of the Agency (hereinafter referred to as "the Director General"), with a view to its taking appropriate action.
- (b) The United Kingdom and the Community shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under this Agreement.
- (c) The visit and activities of Agency inspectors shall be so arranged as :
 - (i) to reduce to a minimum the possible inconvenience and disturbance to the United Kingdom and the Community and to the peaceful nuclear activities subject to inspection; and
 - (ii) to ensure protection of industrial secrets or any other confidential information coming to the knowledge of Agency inspectors.

PRIVILEGES AND IMMUNITIES

Article 10

The United Kingdom shall apply to the Agency, including its property, funds and assets, and to its inspectors and other officials performing functions under this Agreement, the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency.

CONSUMPTION OR DILUTION OF NUCLEAR MATERIAL

Article 11

Safeguards under this Agreement shall terminate on nuclear material upon determination by the Community and the Agency that the material has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or that its recovery has become impracticable.

TRANSFER OF NUCLEAR MATERIAL OUT OF THE UNITED KINGDOM

Article 12

The Community shall provide the Agency with information with respect to transfers of nuclear material subject to safeguards under this Agreement out of the United Kingdom, in accordance with Article 91. The Agency shall keep records of each such transfer and, where applicable, of the re-application of safeguards to the transferred nuclear material.

PROVISIONS RELATING TO NUCLEAR MATERIAL TO BE USED IN
NON-NUCLEAR ACTIVITIES

Article 13

If the United Kingdom wishes to use nuclear material subject to safeguards under this Agreement in non-nuclear activities, such as the production of alloys or ceramics, the Community shall agree with the Agency, before the material is so used, on the circumstances under which safeguards under this Agreement on such material may be terminated.

EXCLUSIONS ON GROUNDS OF NATIONAL SECURITY

Article 14

If the United Kingdom intends to make any withdrawals of nuclear material from the scope of this Agreement for national security reasons in accordance with Article 1(c), it shall give the Community and the Agency advance notice of such withdrawal. If any nuclear material becomes available for inclusion within the scope of this Agreement because its exclusion for national security reasons is no longer required, the United Kingdom shall inform the Community and the Agency thereof in accordance with Article 62(c).

FINANCE

Article 15

Each party shall bear its own expenses incurred in implementing its responsibilities under this Agreement. However, if the United Kingdom, the Community, or persons under the jurisdiction of either of them, incur extraordinary expenses as a result of a specific

request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case, the Agency shall bear the cost of any additional measuring or sampling which Agency inspectors may request.

THIRD PARTY LIABILITY FOR NUCLEAR DAMAGE

Article 16

The United Kingdom and the Community shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security which may be available under their laws or regulations, shall apply to the Agency and its officials for the purpose of the implementation of this Agreement, in the same way as that protection applies to nationals of the United Kingdom.

INTERNATIONAL RESPONSIBILITY

Article 17

Any claim by the United Kingdom or the Community against the Agency or by the Agency against the United Kingdom or the Community in respect of any damage arising from the implementation of safeguards under this Agreement, other than damage arising out of a nuclear incident, shall be settled in accordance with international law.

MEASURES IN RELATION TO VERIFICATION

Article 18

If the Board, upon report of the Director General, decides that an action by the United Kingdom or the Community is essential and urgent in order to ensure verification that nuclear material which is being safeguarded in facilities or parts thereof designated in accordance with Article 78(a) is not withdrawn, except as provided for in this Agreement, from civil activities, the Board may call upon the United Kingdom or the Community, in so far as either party is individually concerned, to take the required action without delay, irrespective of whether procedures have been invoked pursuant to Article 22 for the settlement of a dispute.

Article 19

If the Board, upon examination of relevant information reported to it by the Director General, finds that the Agency is not able to verify that nuclear material which is being safeguarded in facilities or parts thereof designated in accordance with Article 78(a) is not withdrawn, except as provided for in this Agreement, from civil activities the Board may call upon the United Kingdom or the Community, in so far as either party is individually concerned, to remedy the situation forthwith. If the United Kingdom or the Community fail to take remedial action within a reasonable time, the Board may make the reports provided for in Article XII(C) of the Statute and may also take, where applicable, the other measures provided for in that paragraph.

INTERPRETATION AND APPLICATION OF THE AGREEMENT AND SETTLEMENT OF DISPUTES

Article 20

At the request of the United Kingdom, the Community or the Agency, there shall be consultation about any question arising out of the interpretation or application of this Agreement.

Article 21

The United Kingdom and the Community shall have the right to request that any question arising out of the interpretation or application of this Agreement be considered by the Board. The Board shall invite the United Kingdom and the Community to participate in the discussion of any such question by the Board.

Article 22

Any dispute arising out of the interpretation or application of this Agreement (except a dispute with regard to a finding of the Board under Article 19 or an action taken by the Board pursuant to such a finding) which is not settled by negotiations or another procedure agreed to by the United Kingdom, the Community and the Agency shall, at the request of any one of them, be submitted to an arbitral tribunal composed of five arbitrators. The United Kingdom and the Community shall each designate one arbitrator, the Agency shall designate two arbitrators, and the four arbitrators so designated shall elect a fifth, who shall be the Chairman. If within thirty days of the request for arbitration, the United Kingdom, the Community or the Agency shall have failed to make such a designation, the United Kingdom, the Community or the Agency may request the President of the International Court of Justice to make the designation. The same procedure shall apply if, within thirty days of the designation or appointment of the fourth arbitrator, the fifth arbitrator has not been elected. A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall require the concurrence of at least three arbitrators. The arbitral procedure shall be fixed by the tribunal. The decision of the tribunal shall be binding on the United Kingdom, the Community and the Agency.

Article 23

- (a) The United Kingdom and the Agency shall institute steps to suspend the application of Agency safeguards in the United Kingdom under other safeguards agreements with the Agency while this Agreement is in force. However, the United Kingdom and the Agency shall ensure that nuclear material being safeguarded under this Agreement shall be at all times at least equivalent in amount and composition to that which would be subject to safeguards in the United Kingdom under the agreements in question. The detailed arrangements for the implementation of this provision shall be specified in the Subsidiary Arrangements provided for in Article 39.
- (b) If the United Kingdom notifies the Community and the Agency of further agreements relating to the application of safeguards in connection with the supply of nuclear material to the United Kingdom, the United Kingdom, the Community and the Agency shall consult together in order to arrange for the extension, in such circumstances, of the arrangements described in paragraph (a).

AMENDMENT OF THE AGREEMENT

Article 24

- (a) The United Kingdom, the Community and the Agency shall, at the request of any one of them, consult about any proposal for amendment of this Agreement.
- (b) All amendments shall require the agreement of the United Kingdom, the Community and the Agency.
- (c) The Director General shall promptly inform all Member States of the Agency of any amendment to this Agreement.

ENTRY INTO FORCE AND DURATION

Article 25

- (a) This Agreement shall enter into force one month after the Agency has received notification from both the United Kingdom and the Community that their respective internal requirements for entry into force have been met, and the Director General shall promptly notify the United Kingdom and the Community of the date on which it is to enter into force. The Director General shall also promptly inform all Member States of the Agency of the entry into force of this Agreement.
- (b) This Agreement shall remain in force so long as the United Kingdom is party to the Treaty. However, any party to this Agreement may, upon giving six months' notice to the other parties, terminate this Agreement if after consultation with them that party considers that the purpose for which this Agreement was intended can no longer be served. Termination of this Agreement in accordance with this paragraph shall be effective for, and as between, all parties to this Agreement.

PROTOCOL

Article 26

The Protocol attached to this Agreement shall be an integral part thereof. The term "Agreement" as used in this instrument means the Agreement and the Protocol together.

P A R T II

INTRODUCTION

Article 27

The purpose of this part of the Agreement is to specify, as required, the procedures to be applied in the implementation of the safeguards provisions of Part I.

OBJECTIVE OF SAFEGUARDS

Article 28

The objective of the safeguards procedures set forth in this part of the Agreement is the timely detection of withdrawal from civil activities, except as provided for in this Agreement, of significant quantities of nuclear material which is being safeguarded in facilities or parts thereof designated pursuant to Article 78(a).

Article 29

For the purpose of achieving the objectives set forth in Article 28, material accountancy shall be used as a safeguards measure of fundamental importance, with surveillance and containment as important complementary measures.

Article 30

The technical conclusion of the Agency's verification activities shall be a statement, in respect of each material balance area containing material which is being safeguarded in facilities or parts thereof designated pursuant to Article 78(a), of the amount of material unaccounted for over a specific period, and giving the limits of accuracy of the amounts stated.

THE COMMUNITY'S SYSTEM OF SAFEGUARDS

Article 31

In accordance with Article 3, the Agency, in carrying out its verification activities, shall make full use of the Community's system of safeguards.

Article 32

The Community's system of accounting for and control of nuclear material under this Agreement shall be based on a structure of material balance areas. The Community, in applying its safeguards, will make use of and, to the extent necessary, make provision for, as appropriate and specified in the Subsidiary Arrangements, such measures as :

- (a) a measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;
- (b) the evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
- (c) procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;
- (d) procedures for taking a physical inventory;
- (e) procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;
- (f) a system of records and reports showing, for each material balance area, the inventory of nuclear material and the changes in that inventory including receipts into and transfers out of the material balance area;
- (g) provisions to ensure that the accounting procedures and arrangements are being operated correctly; and
- (h) procedures for the provision of reports to the Agency in accordance with Articles 59 to 65 and 67 to 69.

STARTING POINT OF SAFEGUARDS

Article 33

Safeguards under this Agreement shall not apply to material in mining or ore processing activities,

Article 34

Safeguards under this Agreement shall not apply to uranium or thorium until they have reached the stage of the nuclear fuel cycle where they are of a composition and purity suitable for fuel fabrication or isotopic enrichment.

TERMINATION OF SAFEGUARDS

Article 35

- (a) Safeguards under this Agreement shall terminate on nuclear material under the conditions set forth in Article 11. When the conditions of that Article are not met but the United Kingdom considers that the recovery of nuclear material subject to safeguards under this Agreement from residues is not for the time being practicable or desirable, the Community and the Agency shall consult on the appropriate safeguards measures to be applied.
- (b) Safeguards under this Agreement shall terminate on nuclear material in the circumstances referred to in Article 13, provided that the United Kingdom, the Community and the Agency agree that the recovery of such material is impracticable.

EXEMPTIONS FROM SAFEGUARDS

Article 36

At the request of the Community, who shall make such a request if so required by the United Kingdom, the Agency shall exempt nuclear material from safeguards under this Agreement as follows :

- (a) special fissionable material, when it is used in gram quantities or less as a sensing component in instrument;
- (b) nuclear material, when it is used in non-nuclear activities in accordance with Article 13, if such nuclear material is recoverable; and
- (c) plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

Article 37

At the request of the Community, who shall make such a request if so required by the United Kingdom, the Agency shall exempt from safeguards under this Agreement nuclear material that would otherwise be subject to such safeguards, provided that the total quantity of nuclear material which has been exempted in the United Kingdom in accordance with this Article may not at any time exceed :

- (a) one kilogram in total of special fissionable material, which may consist of one or more of the following :
 - (i) plutonium;
 - (ii) uranium, with an enrichment of 0.2 (20%) and above, taken account of by multiplying its weight by its enrichment; and
 - (iii) uranium with an enrichment below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its enrichment.

- (b) ten metric tons in total of natural uranium and depleted uranium with an enrichment above 0.005 (0.5%);
- (c) twenty metric tons of depleted uranium with an enrichment of 0.005 (0.5%) or below; and
- (d) twenty metric tons of thorium;

or such greater amounts as may be specified by the Board for uniform application.

Article 38

If nuclear material exempted in accordance with Article 36 and 37 is to be processed or stored together with nuclear material subject to safeguards under this Agreement, provision shall be made for the re-application of such safeguards thereto.

SUBSIDIARY ARRANGEMENTS

Article 39

- (a) In furtherance of this Agreement, the Community, represented by a delegation comprising representatives of the Commission of the European Communities and the United Kingdom, shall make with the Agency Subsidiary Arrangements which shall specify in detail, to the extent necessary to permit the Agency to fulfil its responsibilities under this Agreement in an effective and efficient manner, how the procedures laid down in this Agreement are to be applied. The entry into force of the Subsidiary Arrangements shall be subject to the agreement of the United Kingdom.
- (b) The Subsidiary Arrangements may be extended or changed in the same manner without amendment of this Agreement.

Article 40

Subject to the provisions of Article 39(a) the Subsidiary Arrangements shall enter into force within 90 days of the entry into force of this Agreement. The Community shall provide the Agency promptly with the information required for completing the Subsidiary Arrangements. Upon entry into force of this Agreement, the Agency shall have the right to apply the procedures laid down therein in respect of the nuclear material listed in the inventory provided for in Article 41, even if the Subsidiary Arrangements have not yet entered into force.

INVENTORY

Article 41

On the basis of the initial report referred to in Article 62(a), the Agency shall establish a unified inventory of all nuclear material in the United Kingdom, subject to safeguards under this Agreement, irrespective of its origin, and shall maintain this inventory on the basis of subsequent reports and the results of its verification activities. Copies of the inventory shall be made available to the United Kingdom and to the Community at intervals to be agreed.

DESIGN INFORMATION

General provisions

Article 42

In accordance with Article 8, design information (as defined in Article 43) in respect of facilities or parts thereof identified in the Facilities List shall be provided to the Agency by the Community during the discussion of the Subsidiary Arrangements. The time limits for provision of design information in respect of facilities or parts thereof added to that List shall be specified in the Subsidiary Arrangements and, in the case of a new facility or part thereof, such information shall be provided as early as possible before nuclear material is introduced into that facility or part.

Article 43

The design information to be provided to the Agency shall include, in respect of each facility or part thereof containing or to contain nuclear material subject to safeguards under this Agreement, when applicable :

- (a) the identification of the facility or part, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;
- (b) a description of the general arrangement of the facility or part with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of the important items of equipment which use, produce or process nuclear material;
- (c) a description of features of the facility or part relating to material accountancy, containment and surveillance; and
- (d) a description of the existing and proposed procedures at the facility or part for nuclear material accountancy and control, with special reference to material balance areas established by the operator, measurements of flow and procedures for physical inventory taking.

Article 44

Other information relevant to the application of safeguards under this Agreement shall also be provided to the Agency in respect of each facility or part in respect of which design information is provided in accordance with Articles 42 and 43, if so specified in the Subsidiary Arrangements. The United Kingdom shall provide the Community and the Agency with supplementary information on the health and safety procedures which the Agency shall observe and with which Agency inspectors shall comply at the facility or part.

Article 45

The Agency shall be provided by the Community with design information in respect of a modification relevant for purposes of safeguards under this Agreement, and shall be informed by the Community of any change in the information provided to it under Article 44, sufficiently in advance for the safeguards procedures to be applied under this Agreement to be adjusted when necessary.

Purpose of examination of design information

Article 46

The design information provided to the Agency shall be used for the following purposes :

- (a) to identify the features of facilities or parts thereof and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;
- (b) to determine material balance areas to be used for accounting purposes under this Agreement and to select those strategic points which are key measurement points and which will be used to determine the flow and inventory of nuclear material; in determining such material balance areas the following criteria shall, inter alia, be used :
 - (i) the size of the material balance area shall be related to the accuracy with which the material balance can be established;
 - (ii) in determining the material balance area advantage shall be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby to simplify the application of safeguards and to concentrate measurement efforts at key measurement points;
 - (iii) a number of material balance areas in use at a facility, in parts of a facility or at distinct sites may be combined in one material balance area to be used for Agency accounting purposes when the Agency determines that this is consistent with its verification requirements; and
 - (iv) a special material balance area may be established at the request of the United Kingdom or the Community around a process step involving commercially sensitive information;
- (c) to establish the nominal timing and procedures for taking of physical inventory of nuclear material for accounting purposes under this Agreement;
- (d) to establish the records and reports requirements and records evaluation;
- (e) to establish requirements and procedures for verification of the quantity and location of nuclear material; and
- (f) to select appropriate combinations of containment and surveillance methods and techniques and the strategic points at which they are to be applied.

Article 47

The results of the examination of the design information shall be included in the Subsidiary Arrangements.

Re-examination of design information

Article 48

Design information shall be re-examined by the Community, represented as prescribed in Article 39(a), and the Agency at the request of any of the parties to this Agreement in the light of any changes in operating conditions, of developments in safeguards technology or of experience in the application of verification procedures.

Article 49

The results of the re-examination shall be considered by all parties to this Agreement with a view to modifying the action the Agency has taken in accordance with Article 46.

Verification of design information

Article 50

The Agency, in co-operation with the United Kingdom and the Community, may send inspectors to facilities or parts thereof to verify the design information provided to the Agency in accordance with Articles 42 to 45 for the purposes stated in Article 46.

RECORDS SYSTEM

General provisions

Article 51

Records shall be kept, in accordance with Articles 52 to 58, in respect of each material balance area. The records to be kept and the person responsible for them shall be specified in the Subsidiary Arrangements.

Article 52

The United Kingdom shall make arrangements to facilitate the examination of the records by Agency inspectors.

Article 53

The records shall be retained for at least five years.

Article 54

The records shall consist, as appropriate, of :

- (a) accounting records of all nuclear material subject to safeguards under this Agreement; and
- (b) operating records for facilities or parts thereof containing such nuclear material.

Article 55

The system of measurements on which the records used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

Accounting records

Article 56

Accounting records shall set forth the following in respect of each material balance area :

- (a) all inventory changes, so as to permit a determination of the book inventory at any time;
- (b) all measurement results that are used for determination of the physical inventory; and
- (c) all adjustments and corrections that have been made in respect of inventory changes, book inventories and physical inventories.

Article 57

For all inventory changes and physical inventories the records shall show, in respect of each batch of nuclear material, material identification, batch data and source data. The records shall account for uranium, thorium and plutonium separately in each batch of nuclear material. For each inventory change, the date of the inventory change and, when appropriate, the originating material balance area and the receiving material balance area or the recipient shall be indicated.

Operating records

Article 58

Operating records shall set forth, as appropriate, in respect of each material balance area :

- (a) those operating data which are used to establish changes in the quantities and composition of nuclear material;
- (b) the data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) a description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, in order to ensure that it is correct and complete; and
- (d) a description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

REPORTS SYSTEM

General provisions

Article 59

The Community shall provide the Agency with reports in accordance with Articles 60 to 65 and 67 to 69 in respect of nuclear material subject to safeguards under this Agreement.

Article 60

Reports shall be made in English,

Article 61

Reports shall be based on the records kept in accordance with Articles 51 to 58 and shall consist, as appropriate, of accounting reports and special reports.

Accounting reports

Article 62

- (a) The Agency shall be provided by the Community with an initial report on all nuclear material in facilities or parts thereof on the Facilities List which is subject to safeguards under this Agreement. The initial report shall be despatched to the Agency by the Community within thirty days of the last day of the calendar month in which this Agreement enters into force, and shall reflect the situation as at the last day of that month.
- (b) When facilities or parts thereof are added or restored to the Facilities List, the Agency shall be provided by the Community with an initial report on the nuclear material therein subject to safeguards under this Agreement. Such report shall be despatched to the Agency by the Community within thirty days of the last day of the calendar month in which the facility or part thereof is added or restored to that List and shall reflect the situation as at the day on which it is added or restored.
- (c) When any nuclear material becomes subject to safeguards under this Agreement as foreseen in Article 14, an inventory change report on such material shall be despatched to the Agency by the Community in accordance with Article 63(a).

Article 63

The Community shall provide the Agency with the following accounting reports for each material balance area :

- (a) inventory change reports showing all changes in the inventory of nuclear material. The reports shall be despatched as soon as possible and in any event within the time limits specified in the Subsidiary Arrangements; and
- (b) material balance reports showing the material balance based on a physical inventory of nuclear material actually present in the material balance area. The reports shall be despatched as soon as possible and in any event within the time limits specified in the Subsidiary Arrangements.

The reports shall be based on the data available as of the date of reporting and may be corrected at a later date, as required.

Article 64

Inventory change reports shall specify identification and batch data for each batch of nuclear material, the date of inventory change and, as appropriate, the originating material balance area and the receiving material balance area or the recipient. These reports shall be accompanied by concise notes :

- (a) explaining the inventory changes, on the basis of the operating data contained in the operating records provided for under Article 58(a); and
- (b) describing, as specified in the Subsidiary Arrangement, the anticipated operational programme, particularly the taking of a physical inventory.

Article 65

The Community shall report each inventory change, adjustment and correction, either periodically in a consolidated list or individually. Inventory changes shall be reported in terms of batches. As specified in the Subsidiary Arrangements, small changes in inventory of nuclear material, such as transfers of analytical samples, may be combined in one batch and reported as one inventory change.

Article 66

The Agency shall provide the Community and the United Kingdom with half-yearly statements of book inventory of nuclear material subject to safeguards under this Agreement, for each material balance area, as based on the inventory change reports for the period covered by each such statement.

Article 67

Material balance reports shall include the following entries unless otherwise agreed in the Subsidiary Arrangements :

- (a) beginning physical inventory;
- (b) inventory changes (first increases, then decreases);
- (c) ending book inventory;
- (d) shipper/receiver differences;
- (e) adjusted ending book inventory;
- (f) ending physical inventory; and
- (g) material unaccounted for.

A statement of the physical inventory, listing all batches separately and specifying material identification and batch data for each batch, shall be attached to each material balance report.

Special reports

Article 68

The Community shall make special reports without delay :

- (a) if any unusual incident or circumstances lead the Community to believe that there is or may have been loss of nuclear material that exceeds the limits specified for this purpose in the Subsidiary Arrangement; or
- (b) if the containment of nuclear material subject to safeguards under this Agreement has unexpectedly changed from that specified in the Subsidiary Arrangements to the extent that its unauthorized removal has become possible.

Amplification and clarification of reports

Article 69

If the Agency so requests, the Community shall provide it with amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards under this Agreement.

INSPECTIONS

General provisions

Article 70

The Agency shall have the right to make inspections as provided for in this Agreement.

Purpose of inspections

Article 71

The Agency may make ad hoc inspections in order to:

- (a) verify the information contained in the initial reports on the nuclear material subject to safeguards under this Agreement provided in accordance with Articles 62(a) and (b);
- (b) identify and verify changes in the situation with respect to nuclear material subject to safeguards under this Agreement which have occurred between the date of the initial report and the date of entry into force of the Subsidiary Arrangements in respect of a given facility or part thereof; and
- (c) identify and if possible verify the quantity and composition of nuclear material subject to safeguards under this Agreement in respect of which the information referred to in Article 91 has been provided to the Agency, before the transfer of such material from the last facility or part thereof on the Facilities List in which it is held before it is transferred out of the United Kingdom, or upon its first being received into such a facility or part thereof.

Article 72

With respect to facilities or parts thereof designated in accordance with Article 78(a) the Agency may make routine inspections in order to :

- (a) verify that reports are consistent with records;
- (b) verify the location, identity, quantity and composition of all nuclear material subject to safeguards under this Agreement; and
- (c) verify information on the possible causes of material unaccounted for, shipper/receiver differences and uncertainties in the book inventory.

Article 73

Subject to the procedures laid down in Article 77, the Agency may make special inspections :

- (a) in order to verify the information contained in special reports; or
- (b) if the Agency considers that information made available by the Community and the United Kingdom, including explanations from the Community and the United Kingdom, and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under this Agreement.

An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in this Agreement, or involves access in addition to that specified in Article 76 for ad hoc routine inspections, or both.

Scope of inspections

Article 74

For the purposes specified in Articles 71 to 73 the Agency may :

- (a) examine the records kept in accordance with Articles 51 to 58;
- (b) make independent measurements of all nuclear material subject to safeguards under this Agreement;
- (c) verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) apply and make use of surveillance and containment measures; and
- (e) use other objective methods which have been demonstrated to be technically feasible.

Article 75

Within the scope of Article 74 the Agency shall be enabled :

- (a) to observe that samples at key measurement points for material balance accountancy are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;

- (b) to observe that the measurements of nuclear material at key measurement points for material balance accountancy are representative and to observe the calibration of the instruments and equipment involved;
- (c) to make any necessary arrangements with the Community and, to the extent necessary, with the United Kingdom to provide for :
 - (i) additional measurements to be made and additional samples taken for the Agency's use;
 - (ii) the Agency's standard analytical samples to be analysed;
 - (iii) appropriate absolute standards to be used in calibrating instruments and other equipment; and
 - (iv) other calibrations to be carried out;
- (d) to arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the Subsidiary Arrangements to arrange to install such equipment;
- (e) to apply its seals and other identifying and tamper-indicating devices to containments, if so specified in the Subsidiary Arrangements; and
- (f) to make arrangements with the United Kingdom or the Community for the shipping of samples taken for the Agency's use.

Access for inspections

Article 76

- (a) For the purposes specified in Article 71(a) and (b) and until such time as the strategic points have been specified in the Subsidiary Arrangements, Agency inspectors shall have access to any facility or part thereof on the Facilities List where the initial report or any inspections carried out in connection with it indicate that nuclear material subject to safeguards under this Agreement is present.
- (b) For the purposes specified in Article 71(c), Agency inspectors shall have access to any facility or part thereof on the Facilities in which any nuclear material referred to in Article 71(c) is present.
- (c) For the purposes specified in Article 72 Agency inspectors shall have access only to the strategic points specified in the Subsidiary Arrangements and to the records maintained in accordance with Articles 51 to 58.
- (d) In the event of the United Kingdom or the Community concluding that any unusual circumstances require extended limitations on access by the Agency, the United Kingdom, the Community and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations. The Director General shall report each such arrangement to the Board.

Article 77

In the circumstances which may lead to special inspections for the purposes specified in Article 73 the United Kingdom, the Community and the Agency, shall consult forthwith. As a result of such consultations the Agency may :

- (a) make inspections in addition to the routine inspection effort provided in this Agreement; and
- (b) obtain, on terms agreed with the United Kingdom and the Community, information or access additional to that specified in Article 76. Any disagreement shall be resolved in accordance with Articles 21 and 22. In case action by the United Kingdom or the Community, in so far as either party is individually concerned, is essential and urgent, Article 18 shall apply.

Frequency and intensity of routine inspections

Article 78

- (a) In view of the nature of the offer made by the United Kingdom, the Agency shall from time to time select from the Facilities List and designate to the Community and the United Kingdom those facilities or parts thereof to which it wishes to apply routine inspections in accordance with paragraph (b) of this Article and with Articles 79 to 82. In respect of facilities or parts thereof not at any given time so designated, the United Kingdom and the Community will continue to provide the Agency with all information necessary for the implementation of safeguards.
- (b) The number, intensity and duration of routine inspections, applying optimum timing, shall be kept to the minimum consistent with the effective implementation of the safeguards procedures set forth in this Agreement, and the optimum and most economical use of available inspection resources under this Agreement shall be made.

Article 79

The Agency may carry out one routine inspection per year in respect of each facility or part thereof designated in accordance with Article 78(a) which has a content or annual throughput, whichever is greater, of nuclear material not exceeding five effective kilograms.

Article 80

The number, intensity, duration, timing and mode of routine inspections in respect of facilities or parts thereof designated in accordance with Article 78(a) and with a content or annual throughput of nuclear material exceeding five effective kilograms shall be determined on the basis that the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of nuclear material, and the maximum routine inspection effort in respect of such facilities or parts thereof shall be determined as follows :

- (a) for reactors and sealed storage installations the maximum total of routine inspection per year shall be determined by allowing one sixth of a man-year of inspection for each such facility;

- (b) for facilities or parts of facilities where such parts have been separately designated, other than reactors or sealed storage installations, involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such facility or part $30 \times \sqrt{E}$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms. The maximum established for any such facility or part shall not, however, be less than 1.5 man-years of inspection; and
- (c) for facilities or parts of facilities separately designated which are not covered by paragraphs (a) or (b), the maximum total of routine inspection per year shall be determined by allowing for each such facility or part one third of a man-year of inspection plus $0.4 \times E$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms.

The Parties to this Agreement may agree to amend the figures for the maximum inspection effort specified in this Article, upon determination by the Board that such amendment is reasonable.

Article 81

Subject to Articles 78 to 80 the criteria used to determine the actual number, intensity duration, timing and mode of routine inspections in respect of any facility or part thereof, designated in accordance with Article 78(a) shall include :

- (a) the form of the nuclear material, in particular, whether the nuclear material is in bulk form or contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high enrichment, and its accessibility;
- (b) the effectiveness of the Community's safeguards, including the extent to which the operators of facilities are functionally independent of the Community's safeguards; the extent to which the measures specified in Article 32 have been implemented by the Community; the promptness of reports provided to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the material unaccounted for, as verified by the Agency;
- (c) characteristics of that part of the United Kingdom's fuel cycle which is on the Facilities List; in particular, the number and types of facilities, the characteristics of such facilities relevant to safeguards under this Agreement, notably the degree of containment; the extent to which the design of such facilities facilitates verification of the flow and inventory of nuclear material; and the extent to which information from different material balance areas can be correlated;
- (d) international interdependence, in particular, the extent to which nuclear material is received from or sent to other States for use or processing; any verification activities by the Agency in connection therewith; and the extent to which nuclear activities in the United Kingdom are interrelated with those in other States; and
- (e) technical developments in the field of safeguards, including the use of statistical techniques and random sampling in evaluating the flow of nuclear material.

Article 82

The United Kingdom, the Community and the Agency shall consult if the United Kingdom or the Community consider that inspection effort is being deployed with undue concentration on particular facilities or parts thereof.

Notice of inspections

Article 83

The Agency shall give advance notice to the Community and to the United Kingdom before the arrival of Agency inspectors at facilities or parts of facilities as follows :

- (a) for ad hoc inspections in accordance with Article 71(c) at least 24 hours; for those in accordance with Article 71(a) and (b) and for verifications in accordance with Article 50, at least one week;
- (b) for special inspections in accordance with Article 73, notice shall be given as promptly as possible after the United Kingdom, the Community and the Agency have consulted in accordance with Article 77, it being understood that the date of inspection will normally have been considered during those consultations; and
- (c) for routine inspections in accordance with Article 72, at least 24 hours in respect of the facilities or parts of facilities referred to in Article 80(b) and sealed storage installations containing plutonium or uranium enriched to more than 5%, and one week in all other cases.

Such notice of inspections shall include the names of the Agency inspectors and shall indicate the facilities or parts thereof to be visited, and the period during which they will be visited. If the Agency inspectors are to arrive from outside the United Kingdom, the Agency shall also give advance notice of the place and time of their arrival in the United Kingdom.

Article 84

Notwithstanding the provisions of Article 83, the Agency may, as a supplementary measure, carry out without advance notification a portion of the routine inspections pursuant to Article 80 in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided to it in accordance with Article 64(b). Moreover, whenever practicable, and on the basis of the operational programme, it shall advise the United Kingdom and the Community periodically of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections the Agency shall make every effort to minimize any practical difficulties for the Community, for the United Kingdom and for facility operators bearing in mind the relevant provisions of Articles 44 and 89. Similarly the United Kingdom and the Community shall make every effort to facilitate the task of Agency inspectors.

Designation of Agency inspectors

Article 85

The following procedures shall apply to the designation of Agency inspectors in accordance with Article 9 :

- (a) the Director General shall inform the United Kingdom and the Community in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an Agency inspector for the United Kingdom;
- (b) the United Kingdom and the Community shall inform the Director General within thirty days of the receipt of such a proposal whether the proposal is accepted;
- (c) the Director General may designate each official who has been accepted by the United Kingdom and the Community as one of the Agency inspectors for the United Kingdom, and shall inform the United Kingdom and the Community of such designations; and
- (d) the Director General, acting in response to a request by the United Kingdom or the Community, or on his own initiative, shall immediately inform the United Kingdom and the Community of the withdrawal of the designation of any official as an Agency inspector for the United Kingdom.

However, in respect of Agency inspectors needed for verifications in accordance with Article 50 and to carry out ad hoc inspections in accordance with Article 71(a) and (b) designation procedures shall be completed if possible within thirty days after the entry into force of this Agreement. If such designation appears impossible within this time limit, Agency inspectors for such purposes shall be designated on a temporary basis.

Article 86

The United Kingdom shall grant or renew as quickly as possible appropriate visas, where required, for each Agency inspector designated in accordance with Article 85.

Conduct and visits of Agency inspectors

Article 87

Agency inspectors, in exercising their functions under Articles 50 and 71 to 75, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of facilities or parts thereof or affecting their safety. In particular, Agency inspectors shall not operate any facility or part thereof themselves or direct the staff of a facility to carry out any operation. If Agency inspectors consider that in accordance with Articles 74 and 75 particular operations in a facility or part thereof should be carried out by the operator, they shall make a request therefor.

Article 88

When Agency inspectors require services available in the United Kingdom, including the use of equipment, in connection with the performance of inspections, the United Kingdom and the Community shall, subject to the provisions of Article 15 facilitate the procurement of such services and the use of such equipment by Agency inspectors.

Article 89

The Community and the United Kingdom shall have the right to have Agency inspectors accompanied during their inspections by Community inspectors and by representatives of the United Kingdom provided that Agency inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

STATEMENT ON THE AGENCY'S VERIFICATION ACTIVITIES

Article 90

The Agency shall inform the United Kingdom and the Community of :

- (a) the results of its inspections, at intervals to be specified in the Subsidiary Arrangements; and
- (b) the conclusions it has drawn from its verification activities.

TRANSFERS OF NUCLEAR MATERIAL INTO OR OUT OF
THE UNITED KINGDOM

Article 91

- (a) The Community shall provide the Agency with the information specified in the Letter dated 10 July 1974 from the United Kingdom Resident Representative to the Agency to the Director General of the Agency (reproduced as Agency document INFCIRC/207 dated 26 July 1974) with respect to international transfers of nuclear material of the kind specified in that letter from or to a facility or part thereof on the Facilities List. Any modification of the scope of the information specified in that letter shall require the agreement of the Agency, the Community and the United Kingdom.
- (b) The information referred to in paragraph (a) of this Article shall be provided.
 - (i) in the case of exports, normally not less than 10 days before the material in question is due to leave the last facility or part thereof on the Facilities List in which it will be held before it is transferred out of the United Kingdom;
 - (ii) in the case of imports, as soon as possible after the material in question is first received into such a facility or part thereof.
- (c) Where information has been provided to the Agency in accordance with paragraph (a) of this Article with respect to an international transfer of nuclear material from or to a facility or part thereof on the Facilities List, the Community shall make a Special Report as envisaged in Article 68 if any unusual circumstances lead the Community to believe that there is or may have been loss of nuclear material or the occurrence of significant delay during the transfer.

DEFINITIONS

Article 92

For the purposes of this Agreement :

- (1) "Community" means the legal person created by the Treaty establishing the European Atomic Energy Community (EURATOM), Party to this Agreement. Where by virtue of this Agreement notice has to be given or any communication sent to the Community, it shall be sufficiently given or sent if given or sent to the Commission of the European Communities.

- (2) A "Adjustment" means an entry made in an accounting record or a report showing a shipper/receiver difference or material unaccounted for.
- B "Annual throughput" means, for the purposes of Articles 79 and 80, the amount of nuclear material transferred annually out of a facility working at nominal capacity.
- C "Batch" means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of specifications or measurements. The nuclear material may be in bulk form or contained in a number of separate items.
- D "Batch data" means the total weight of each element of nuclear material and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows :
- (a) grams of contained plutonium;
 - (b) grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
 - (c) kilograms of contained thorium, natural uranium or depleted uranium.
- For reporting purposes the weights of individual items in the batch shall be added together before rounding to the nearest unit.
- E "Book inventory" of a material balance area means the algebraic sum of the most recent physical inventory of that material balance area and of all inventory changes that have occurred since that physical inventory was taken.
- F "Correction" means an entry made in an accounting record or report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered in a record or report. Each correction must identify the entry to which it pertains.
- G "Effective kilogram" means a special unit used in safeguarding nuclear material. The quantity in effective kilograms is obtained by taking :
- (a) for plutonium, its weight in kilograms;
 - (b) for uranium with an enrichment of 0.01 (1%) and above, its weight in kilograms multiplied by the square of its enrichment;
 - (c) for uranium with an enrichment below 0.01 (1%) and above 0.0005 (0.5%), its weight in kilograms multiplied by 0.0001; and
 - (d) for depleted uranium with an enrichment of 0.005 (0.5%) or below, and for thorium, its weight in kilograms multiplied by 0.00005.
- H "Enrichment" means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

I "Facility" means :

- (a) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
- (b) any location where nuclear material in amounts greater than one effective kilogram is customarily used.

J "Inventory change" means an increase or decrease, in terms of batches, of nuclear material in a material balance area; such a change shall involve one of the following :

(a) Increases :

- (i) Import;
- (ii) Domestic receipt : receipts within the United Kingdom from other material balance areas; from an activity not subject to safeguards under this Agreement; at the starting point of safeguards;
- (iii) Nuclear production : production of special fissionable material in a reactor; and
- (iv) De-exemption : re-application of safeguards on nuclear material previously exempted therefrom on account of its use or quantity.

(b) Decreases :

- (i) Export;
- (ii) Domestic shipment : shipments within the United Kingdom to other material balance areas or for an activity not subject to safeguards under this Agreement;
- (iii) Nuclear loss : loss of nuclear material due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;
- (iv) Measured discard : nuclear material which has been measured, or estimated on the basis of measurements, and disposed of in such a way that it is not suitable for further nuclear use;
- (v) Retained waste : nuclear material generated from processing or from an operational accident, which is deemed to be irrecoverable for the time being but which is stored;
- (vi) Exemption : exemption of nuclear material from safeguards on account of its use or quantity; and
- (vii) Other loss : for example, accidental loss (that is, irretrievable and inadvertent loss of nuclear material as the result of an operational accident) or theft.

- K "Key measurement point" means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. Key measurement points thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in material balance areas.
- L "Man-year of inspection" means, for the purposes of Article 80, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a facility at any time for a total of not more than eight hours.
- M "Material balance area" means an area in a facility such that :
- (a) the quantity of nuclear material in each transfer into or out of each material balance area can be determined; and
 - (b) the physical inventory of nuclear material in each material balance area can be determined when necessary in accordance with specified procedures.
- In order that the material balance for Agency safeguards purposes can be established.
- N "Material unaccounted for" means the difference between book inventory and physical inventory.
- O "Nuclear material" means any source or any special fissionable material as defined in Article XX of the Statute. The term "source material" shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by the United Kingdom and the Community.
- P "Physical inventory" means the sum of all the measured or derived estimates of batch quantities of nuclear material on hand at a given time within a material balance area, obtained in accordance with specified procedures.
- Q "Shipper/receiver difference" means the difference between the quantity of nuclear material in a batch as stated by the shipping material balance area and as measured at the receiving material balance area.
- R "Source data" means thos data, recorded during measurement or calibration or used to derive empirical relationships, which identify nuclear material and provide batch data. Source data may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.
- S "Strategic point" means a location selected during examination of design information where, under normal conditions and when combined with the information from all strategic points taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a strategic point may include any location where key measurements related to material balance accountancy are made and where containment and surveillance measures are executed.

ANNEX 41

DONE in Vienna on the sixth day of September 1976, in triplicate, in the English language,

For the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

For the EUROPEAN ATOMIC ENERGY COMMUNITY:

For the INTERNATIONAL ATOMIC ENERGY AGENCY

PROTOCOL

Article I

This Protocol amplifies certain provisions of the Agreement and, in particular, specifies the conditions and means according to which co-operation in the application of the safeguards provided for under the Agreement shall be implemented in such a way as to avoid unnecessary duplication of the Community's safeguards activities.

Article II

The Community shall collect the information on facilities or parts thereof to be provided to the Agency under the Agreement on the basis of an agreed indicative questionnaire annexed to the Subsidiary Arrangements.

Article III

The Community, represented as prescribed in Article 39(a), and the Agency shall jointly carry out the examination of design information provided for in Article 46(a) to (f) of the Agreement and shall include the agreed results thereof in attachments to the Subsidiary Arrangements to be known as "Facility Attachments". The verification of the design information provided for in Article 50 of the Agreement shall be carried out by the Agency in co-operation with the Community.

Article IV

When providing the Agency with the information referred to in Article II of this Protocol, the Community shall also transmit information on the inspection methods which it proposes to use when the facility or part thereof is designated in accordance with Article 78(a) of the Agreement and complete proposals, including estimates of inspection efforts for the routine inspection activities, for the Facility Attachments.

Article V

The Facility Attachments and amendments thereto shall be made in the same manner and their entry into force shall be subject to the like agreement as that laid down for the Subsidiary Arrangements in Article 39 of the Agreement.

Article VI

The Community shall collect the reports from the operators of facilities or parts thereof on the Facilities List, keep centralized accounts on the basis of these reports and carry out the technical and accounting control and analysis of the information received.

Article VII

Upon completion of the tasks referred to in Article VI of this Protocol the Community shall produce and provide the Agency with the inventory change reports within the time limits specified in the Subsidiary Arrangements.

Article VIII

Further, the Community shall transmit to the Agency the material balance reports and physical inventory listings at intervals depending on the frequency of physical inventory taking as specified in the Subsidiary Arrangements.

Article IX

The form and format of the reports referred to in Articles VII and VIII of this Protocol shall be specified in the Subsidiary Arrangements.

Article X

The routine inspection activities of the Community and the Agency for the purposes of the Agreement, including the inspections referred to in Article 84 of the Agreement, shall be co-ordinated in accordance with the provisions of Articles XI to XXIII of the Protocol.

Article XI

Subject to Articles 79 and 80 of the Agreement in determining the actual number, intensity, duration, timing and mode of the Agency inspections in respect of each facility or part thereof, account shall be taken of the inspection effort carried out by the Community in the framework of its multinational system of safeguards in accordance with the provisions of this Protocol.

Article XII

Inspection efforts under the Agreement for each facility or part thereof shall be determined by the use of the criteria set out in Article 81 of the Agreement. Such criteria shall be implemented by using the rules and methods to be set forth in the Subsidiary Arrangements which will be used for the calculation of the inspection efforts in respect of specific examples attached to the Subsidiary Arrangements. These rules and methods shall be reviewed from time to time, in accordance with Article 7 of the Agreement, to take into account technological developments in the field of safeguards and experience gained.

Article XIII

Such inspection efforts, expressed as agreed estimates of the actual inspection efforts to be applied, shall be set out in the Subsidiary Arrangements together with relevant descriptions of verification approaches and the scope of the inspections to be carried out by the Community and by the Agency. These inspection efforts shall be carried out only at the facilities or parts thereof designated in accordance with Article 78(a) of the Agreement and shall constitute the actual maximum inspection efforts under the Agreement at the facility or part thereof under normal operating conditions and under the conditions set out below :

- (a) the continued validity of the information on Community safeguards derived from the measures provided for in Article 32 of the Agreement, as specified in the Subsidiary Arrangements;
- (b) the continued validity of the information provided to the Agency in accordance with Article II of this Protocol;
- (c) the continued provision by the Community of the reports in accordance with Articles 59 and 61, 63 to 65 and 67 to 69 of the Agreement, as specified in the Subsidiary Arrangements;
- (d) the continued application of the co-ordination arrangements for inspections in accordance with Articles X to XXIII of this Protocol, as specified in the Subsidiary Arrangements; and

- (e) the application by the Community of its inspection effort with respect to the facility or part thereof, as specified in the Subsidiary Arrangements, in accordance with this Article.

Article XIV

- (a) Subject to the conditions of Article XIII of this Protocol, the Agency inspections shall be carried out simultaneously with the inspection activities of the Community. Agency inspectors may be present during the performance of certain of the Community inspections carried out at facilities or parts thereof designated by the Agency in accordance with Article 78(a) of the Agreement.
- (b) Subject to the provisions of paragraph (a), whenever the Agency can thereby achieve the purposes of its routine inspections set out in the Agreement, the Agency inspectors shall implement the provisions of Articles 74 and 75 of the Agreement through the observation of the inspection activities of the Community inspectors, provided, however, that :
- (i) where it is foreseeable that the inspection activities of Agency inspectors will have to be implemented other than by observation of the inspections activities of the Community inspectors, this shall be specified in the Subsidiary Arrangements; and
- (ii) in the course of an inspection, if unforeseeable circumstances arise, Agency inspectors may carry out inspection activities other than by observation of the inspection activities of the Community inspectors where they find this to be essential and urgent, if the Agency could not otherwise achieve the purposes of its routine inspections.

Article XV

The general scheduling and planning of Community inspections under the Agreement shall be established by the Community in co-operation with the Agency.

Article XVI

Arrangements for the presence of Agency inspectors during the performance of certain of the Community inspections shall be agreed in advance by the Agency and the Community.

Article XVII

In order to enable the Agency to decide, on the basis of its requirements for statistical sampling, whether its inspectors should be present at a particular Community inspection, the Community shall provide the Agency with an advance statement of the numbers, types and contents of items to be inspected according to the information made available to the Community by the operator of the facility.

Article XVIII

Technical procedures for facilities or parts thereof shall be included in the Facility Attachments, in particular with respect to :

- (a) the determination of techniques for random selection of statistical samples;
- (b) the checking and identification of standards.

Article XIX

Co-ordination arrangements for inspection shall be specified in each Facility Attachment.

Article XX

The specified co-ordination actions on matters specified in the Facility Attachments in accordance with Article XIX of this Protocol shall be taken between Community and Agency officials designated for that purpose.

Article XXI

The Community shall transmit to the Agency its working papers for those inspections at which Agency inspectors were present and inspection reports for all other Community inspections performed under the Agreement.

Article XXII

The samples of nuclear material for the Agency shall be drawn from the same randomly selected batches of items as for the Community and shall be taken together with Community samples, except when the maintenance of or reduction to the lowest practical level of the Agency inspection effort requires independent sampling by the Agency, as agreed in advance and specified in the Subsidiary Arrangements.

Article XXIII

The frequencies of physical inventories to be taken by facility operators and to be verified for safeguards purposes will be in accordance with those laid down as guidelines in the Subsidiary Arrangements. If additional activities under the Agreement in relation to physical inventories are considered to be essential, they will be discussed in the Liaison Committee provided for in Article XXV of this Protocol and agreed before implementation.

Article XXIV

Whenever the Agency can achieve the purposes of its ad hoc inspections as set out in the Agreement by observation of the inspection activities of Community inspectors, it shall do so.

Article XXV

- (a) With a view to facilitating the application of the Agreement and of this Protocol, a Liaison Committee shall be established, composed of representatives of the United Kingdom, the Community and the Agency.
- (b) The Committee shall meet at the request of any of the parties :
 - (i) to review, in particular, the performance of the co-ordination arrangements provided for in this Protocol, including agreed estimates of inspection efforts;
 - (ii) to examine the development of safeguards methods and techniques; and
 - (iii) to consider any questions which have been referred to it by the Sub-Committee referred to in paragraph (c).

- (c) The Committee may appoint a Sub-Committee to discuss, in particular and to the extent necessary for individual facilities or parts thereof, the operation of the co-ordination arrangements provided for in this Protocol, including, in the light of technical and operational developments, up-dating of agreed estimates of inspection efforts with respect to changes in throughput, inventory and facility operational programmes, and the application of inspection procedures in different types of routine inspection activities and, in general terms, statistical sampling requirements. Any questions which cannot be settled shall be referred to the Liaison Committee.
- (d) Without prejudice to urgent actions which may be required under the Agreement, should problems arise in the application of Article XIII of this Protocol, in particular when the Agency considers that the conditions specified therein have not been met, the Committee or Sub-Committee as appropriate shall meet as soon as possible in order to assess the situation and to discuss the measures to be taken. If a problem cannot be settled, the Community may make appropriate proposals to the Parties, in particular with a view to modifying the estimates of inspection efforts for routine inspection activities.

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

(O E C D)

Protocol on the relations of the EEC with the OECD

SUPPLEMENTARY PROTOCOL No. 1 TO THE CONVENTION ON THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

The signatories of the Convention on the Organization for Economic Cooperation and Development ;

Have agreed as follows :

1. Representation in the Organization for Economic Cooperation and Development of the European Communities established by the Treaties of Paris and Rome of 18th April 1951, and 25th March 1957, shall be determined in accordance with the institutional provisions of those Treaties.
2. The Commissions of the European Economic Community and of the European Atomic Energy Community as well as the High Authority of the European Coal and Steel Community shall take part in the work of that Organization.

Exchange of letters between the International Energy Agency and the EEC Commission

6th July, 1976

Mr. G. SCHUSTER
Director General,
Commission of the European Communities,
200, rue de La Loi
1049 BRUXELLES

Sir,

I have the honour to acknowledge receipt of your letter dated 24th June, 1976 stating the following :

"As you know, research and development programmes in the energy field are carried out in the framework of the EEC and the EAEC. Many of these programmes concern areas in which the International Energy Agency also has research and development programmes.

I have the honour to inform you hereby that the EEC and EAEC intend to co-operate with the IEA in research and development when such co-operation is likely to contribute towards the attainment of the research and development objectives of the Community in the field of energy.

This co-operation can be achieved through Community participation in the programmes and projects of the IEA. In particular, the Commission of the European Communities shall negotiate, on a case by case basis, "Implementing Agreements" in accordance with the provisions of the Treaties establishing the European Communities".

I am pleased to inform you that the International Energy Agency can agree to co-operate with the EEC and the EAEC in the field of energy research and development under the terms set forth in your letter.

Yours sincerely,

E. DAVIGNON

COUNCIL OF EUROPE

(C E)

RESOLUTION ADOPTED BY THE COMMITTEE OF MINISTERS

(at its Eighth Session - May, 1951)

(Extract)

Relations with Intergovernmental and Non-governmental International Organizations

i. The Committee of Ministers may, on behalf of the Council of Europe, conclude with any intergovernmental organization agreements on matters which are within the competence of the Council. These agreements shall, in particular, define the terms on which such an organization shall be brought into relationship with the Council of Europe.

ii. The Council of Europe, or any of its organs, shall be authorised to exercise any functions coming within the scope of the Council of Europe which may be entrusted to it by other European intergovernmental organizations. The Committee of Ministers shall conclude any agreements necessary for this purpose.

iii. The agreement referred to in paragraph i may provide, in particular :

a) that the Council shall take appropriate steps to obtain from, and furnish to, the organizations in question regular reports and information, either in writing or orally;

b) that the Council shall give opinions and render such services as may be requested by these organizations.

iv. The Committee of Ministers may, on behalf of the Council of Europe, make suitable arrangements for consultation with international non-governmental organizations which deal with matters that are within the competence of the Council of Europe.

Exchange of letters between the Council of Europe and the EEC Commission

Strasbourg, Le 18 août 1959

Monsieur Le Président,

Dans sa Résolution (57)27, adoptée au mois de décembre 1957, Le Comité des Ministres exprimait le souhait

"qu'entre les Assemblées du Conseil de l'Europe et des Communautés à Six, en général, entre le Conseil de l'Europe, d'une part, la Communauté Economique Européenne et la Communauté Européenne de l'Energie Atomique, d'autre part, soient établies des relations étroites dès que les institutions de ces dernières seront mises en place".

Au mois d'avril 1958, le Comité des Ministres, ayant constaté la mise en place des institutions des nouvelles Communautés Européennes, a donné mandat, par sa Résolution (58)11, au Secrétaire général d'entrer en contact avec la Communauté Economique Européenne et la Communauté Européenne de l'Energie Atomique, en vue d'étudier les moyens d'établir des relations étroites entre le Conseil de l'Europe et ces Communautés.

En ce qui concerne les relations entre le Comité des Ministres et la Commission de la Communauté Economique Européenne, j'ai l'honneur de porter à votre connaissance que le Comité, ayant été informé du résultat de nos entretiens, et sans préjuger la conclusion ultérieure d'un accord d'ensemble avec la Communauté, a donné son accord aux dispositions qui suivent :

1. La Commission communique au Comité des Ministres son rapport général annuel prévu à l'article 156 du Traité du 25 mars 1957 instituant la Communauté Economique Européenne. Elle participe aux discussions du Comité relatives aux problèmes traités dans son rapport.

Un représentant de la Commission participe aux réunions des Délégués des Ministres consacrées à ces problèmes.

2. Le Comité des Ministres peut adresser à la Commission toutes observations sur le rapport communiqué par celle-ci.

3. Le Comité des Ministres peut inviter la Commission à participer à ses débats sur tout autre problème de caractère général intéressant la Commission.

Un représentant de la Commission peut être invité à assister aux réunions des Délégués des Ministres consacrées à ces problèmes.

4. Les experts de la Commission peuvent être invités, dans les cas appropriés, à participer aux réunions des Comités d'experts gouvernementaux du Conseil de l'Europe traitant des problèmes intéressant la Communauté.
5. Les experts du Secrétariat général du Conseil de l'Europe peuvent, dans les cas appropriés, être invités par la Commission à avoir des échanges de vues avec ses services sur des problèmes intéressant le Conseil de l'Europe.
6. La Commission reçoit communication du rapport statutaire du Comité des Ministres et du rapport du Secrétaire général du Conseil de l'Europe sur la coopération européenne ainsi que le compte rendu officiel des débats de l'Assemblée consultative sur l'intégration économique européenne.
7. Dans le cadre du présent arrangement, la Commission et le Comité des Ministres du Conseil de l'Europe pourront prévoir d'autres moyens pratiques de collaboration.

Je vous serais reconnaissant de bien vouloir me faire savoir si les dispositions ci-dessus rencontrent l'agrément de votre Commission.

Veuillez agréer, Monsieur le Président, l'assurance de ma haute considération.

Ludovico BENVENUTI

Bruxelles, le 18 août 1959

Monsieur le Secrétaire général,

J'ai l'honneur d'accuser réception de votre lettre d'aujourd'hui au sujet des relations à établir entre la Commission de la Communauté Economique Européenne et Le Comité des Ministres du Conseil de l'Europe.

Sans préjuger l'accord d'ensemble qui pourra être conclu ultérieurement entre la Communauté et Le Conseil de l'Europe en conformité de l'article 230 du Traité instituant la Communauté Economique Européenne, qui prévoit que la Communauté établit avec Le Conseil de l'Europe toute coopération utile, je suis heureux de vous faire savoir que j'approuve, au nom de la Commission de la Communauté Economique Européenne, les dispositions contenues dans votre lettre et reproduites ci-après, en vue de régler les modalités pratiques d'une coopération entre la Commission et Le Comité des Ministres du Conseil de l'Europe :

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.....

Veuillez agréer, Monsieur le Secrétaire général, l'assurance de ma haute considération.

Walter Hallstein

CUSTOMS COOPERATION COUNCIL

(C C C)

CONVENTION ESTABLISHING A
CUSTOMS COOPERATION COUNCIL

(Extract)

ARTICLE III

Le Conseil est chargé :

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h) de coopérer avec les autres organisations intergouvernementales au sujet des matières relevant de sa compétence.

DECISION N° 175

Cooperation with the International Organizations and
Non-Member States

LE CONSEIL DECIDE :

d'abroger sa décision XII et de la remplacer par les dispositions qui suivent :

1. Le Secrétaire Général est chargé de prendre les dispositions utiles en vue :
 - a) de coopérer avec les autres organisations intergouvernementales au sujet des matières relevant de la compétence du Conseil,
 - b) d'établir avec les Nations Unies, leurs organes principaux et susidiaires, ainsi qu'avec tous autres organismes intergouvernementaux, toutes relations propres à assurer une collaboration du Conseil dans la poursuite de leurs missions respectives,
 - c) de conclure les arrangements propres à faciliter les consultations et la coopération avec les organisations non-gouvernementales intéressées à des questions relevant de la compétence du Conseil.
2. Le Secrétaire Général peut, avec l'accord soit du Président du Conseil, soit du Président du Comité intéressé, inviter aux réunions du Conseil ou d'un Comité, en qualité d'observateurs, les représentants d'Etats non-membres et les représentants des organismes internationaux visés au numéro 1 ci-dessus.
3. Après avoir consulté, si possible, le Président du Comité intéressé, ou, dans les cas particuliers, le Président ou l'un des Vice-Présidents du Conseil, le Secrétaire Général peut, s'il estime que cette mesure servirait les intérêts du Conseil, prendre des dispositions en vue de faire représenter le Conseil aux réunions des autres organisations internationales. Cette représentation peut être assurée par le Secrétaire Général, par un fonctionnaire du Secrétariat délégué par lui, par le Président ou l'un des Vice-Président du Conseil ou du Comité intéressé ou encore par le délégué ou le délégué suppléant d'un Etat membre.
4. Le Secrétaire Général fait rapport au Conseil :
 - i) sur les résultats des dispositions qu'il a prises conformément au paragraphe 1 de la présente Décision ;
 - ii) sur les cas dans lesquels le Conseil a été représenté aux réunions visées au paragraphe 3 de la présente Décision, en précisant les questions qui y ont été examinées et qui présentent un intérêt pour le Conseil.

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

(I C E M)

Exchange of letters between the ICEM and the EEC Commission.

Bruxelles, le 3 juillet 1961

Monsieur Le Directeur Général,

Des conversations préliminaires ont eu lieu dernièrement entre les représentants de nos deux organisations, relativement à des questions qui pourraient faire l'objet d'une collaboration plus étroite entre la Commission de la Communauté Economique Européenne et le Comité Intergouvernemental pour les Migrations Européennes.

Ces conversations ont montré l'intérêt que la Commission de la Communauté Economique Européenne porte aux mouvements migratoires vers des pays extra-européens dans le cadre de sa politique visant le développement des possibilités d'emplois dans les régions surpeuplées et de leur adaptation à la situation de la main-d'oeuvre dans la Communauté.

D'autre part, le Comité Intergouvernemental a développé des activités dans le domaine des migrations provenant de pays européens à population excédentaire vers des pays d'immigration d'outre-mer.

Désireux d'établir une base satisfaisante de coopération entre nos deux organisations dans le but de faciliter la solution des problèmes que pose l'organisation de l'émigration des pays de la Communauté vers les pays d'immigration d'outre-mer, la Commission de la Communauté Economique Européenne et le Comité Intergouvernemental conviennent des dispositions suivantes :

1. La Commission de la Communauté Economique Européenne et le Comité Intergouvernemental pour les Migrations Européennes entreprendront régulièrement des consultations sur des questions d'intérêt commun.

Ces consultations porteront notamment sur les programmes d'émigration du Comité Intergouvernemental pour les Migrations Européennes concernant les pays membres de la Communauté et sur l'action de la Commission de la Communauté Economique Européenne tendant à résoudre les problèmes que pose la situation de l'emploi dans la Communauté.

2. Un représentant de la Commission de la Communauté Economique Européenne pourra être invité en qualité d'observateur aux réunions du Conseil ou des Groupes techniques d'experts du Comité Intergouvernemental pour les Migrations Européennes lorsque l'ordre du jour comporte des questions d'intérêt commun, ou toutes autres questions pour lesquelles une collaboration avec la Commission serait requise.

3. Un représentant du Comité Intergouvernemental pour les Migrations Européennes pourra être invité en qualité d'observateur aux conférences et aux réunions de Comités ou de Groupes techniques d'experts convoqués par la Commission de la Communauté Economique Européenne et dont l'ordre du jour comporte des questions d'intérêt commun ou toutes autres questions pour lesquelles une collaboration avec le Comité Intergouvernemental pour les Migrations Européennes serait requise.

4. La Commission pourra inviter un représentant du Comité Intergouvernemental pour les Migrations Européennes à des échanges de vues avec elle ou avec tout autre service approprié de la Commission.

5. Le Directeur du Comité Intergouvernemental pour les Migrations Européennes pourra inviter un représentant de la Commission à des échanges de vues avec lui ou avec tout autre organe approprié de l'administration du Comité Intergouvernemental pour les Migrations Européennes.

6. Sous réserve du caractère confidentiel de certaines informations, la Commission de la Communauté Economique Européenne et le Comité Intergouvernemental pour les Migrations Européennes se communiqueront mutuellement les informations et documents relatifs aux questions figurant dans leurs programmes respectifs, portant un intérêt commun.

7. La Commission de la Communauté Economique Européenne et le Comité Intergouvernemental pour les Migrations Européennes, dans le cadre de leurs compétences respectives, pourront se prêter une assistance mutuelle suivant une procédure à établir d'un commun accord, dans l'exécution de certaines tâches entreprises dans le cadre des questions d'intérêt commun, telles que :

- travaux statistiques et de recherches,
- organisation de cours de formation professionnelle en faveur des travailleurs migrants des pays de la Communauté vers des pays d'immigration d'outre-mer,
- développement possible de plans spéciaux de migrations de travailleurs et de leurs familles des pays de la Communauté vers des pays d'immigration d'outre-mer.

8. Le Président de la Commission de la Communauté Economique Européenne et le Directeur du Comité Intergouvernemental pour les Migrations Européennes :

- a) prendront tous les arrangements utiles en vue d'assurer une collaboration et une liaison étroites entre les fonctionnaires compétents des deux Institutions dans les domaines d'intérêt commun ;
- b) examineront telles dispositions complémentaires et modifications qui pourraient s'avérer nécessaires à la lumière de l'application des dispositions ci-dessus convenues.

Je vous serais reconnaissant de bien vouloir me faire savoir votre confirmation du texte ci-dessus.

Je vous prie d'agréer, Monsieur le Directeur Général, les assurances de ma plus haute considération.

W. Hallstein

12 juillet 1961

Monsieur le Président,

J'ai l'honneur d'accuser réception de votre lettre du 3 juillet dont les termes suivent :

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.....

Il m'est donc agréable, par la présente, de vous donner mon accord sur les dispositions énoncées ci-dessus.

Je vous prie d'agréer, Monsieur le Président, les assurances de ma plus haute considération.

B.G. Epinat



CENTRAL OFFICE FOR INTERNATIONAL RAILWAY TRANSPORT

(O C T I)

Exchange of letters between the OCTI and the EEC Commission

Berne, Le 22 janvier 1959

Monsieur Le Directeur,

Objet : Coopération de l'Office central des transports internationaux par chemins de fer avec la Division des transports de la Communauté Economique Européenne (Marché Commun)

L'article 67 § 1 de la Convention Internationale concernant le transport des marchandises par chemins de fer "Révision de la Convention", prévoit notamment que :

"D'entente avec la majorité des Etats contractants, l'Office central invite à assister aux Conférences ordinaires et extraordinaires de révision des représentants :

a) d'organisations internationales gouvernementales ayant compétence en matière de transport ;

b)"

D'autre part, l'annexe VI, Art. 5, à la CIM, portant :

"Statut relatif à la Commission de révision et aux Commissions d'experts," prévoit en particulier que :

"D'entente avec la majorité des Etats contractants, l'Office central invite à assister, avec voix consultative, aux séances des Commissions de révisions et des Commissions d'experts, des représentants :

a)

b) d'organisations internationales gouvernementales ayant compétence en matière de transport sous conditions de réciprocité.

c)"

Se basant sur ces dispositions, Les Gouvernements des Etats parties à la CIM ayant été consultés, se sont déclarés d'accord pour que votre Organisation soit invitée aux sessions des Comités et Commissions réunis par l'Office central, dont l'ordre du jour comporte des questions qui pourraient l'intéresser.

.....
.....

Le Directeur,
J. Haenni

Bruxelles, Le 2 mars 1959

Monsieur Le Directeur,

Votre lettre du 22 janvier 1959, portant sur la coopération entre L'Office Central des Transports Internationaux par Chemins de Fer et La Direction Générale des Transports de La Commission Economique Européenne, nous a été transmise et a fait l'objet de notre meilleure attention.

Tout d'abord, nous vous remercions très vivement d'avoir vous-même voulu nous témoigner l'intérêt que porte votre Organisation à l'établissement d'une collaboration étroite avec la Direction Générale de notre Commission qui est expressément chargée des problèmes et des questions de ce secteur spécialisé.

Une collaboration étroite entre nos deux Organisations dans ce domaine est certainement très souhaitable et nous serions très heureux de pouvoir étudier avec vous la formule la plus appropriée et les modalités pratiques de cette collaboration.

.....
.....

En ce qui concerne la condition de réciprocité, sur laquelle vous attirez notre attention, un examen plus approfondi sera indispensable afin d'en définir les modalités d'application, en tenant compte de la structure propre à chacune des deux Organisations.

Nous pensons, toutefois, que si chaque organisation se réserve la faculté d'inviter l'autre à se faire représenter par un ou plusieurs observateurs aux réunions d'intérêt commun, ou pour lesquelles une collaboration entre les deux Organisations serait justifiée en fonction des intérêts réciproques, nous pourrions rencontrer les conditions prévues au paragraphe b) de votre lettre du 22 janvier 1959.

Dans l'attente d'une communication de votre part traitant de cette dernière question, nous vous prions de bien vouloir agréer, Monsieur Le Directeur, l'expression de notre parfaite considération.

J. Rey
Président du Groupe
aux Relations Extérieures

PROTOCOL CONCERNING THE
EUROPEAN CONFERENCE OF MINISTERS OF TRANSPORT

(Extract)

ARTICLE 11 - Relations with International Organizations

- a) The Conference may establish relations with any supranational, intergovernmental or non-governmental international organizations concerned with European inland transport.

EUROPEAN CONFERENCE OF MINISTERS OF TRANSPORT

(E C M T)

First exchange of letters between the ECMT and the EEC Commission

Paris, Le 8 novembre 1962

Monsieur Le Président,

A la suite des contacts établis entre M. Lambert SCHAUS, Membre de votre Commission, et le Bureau de notre Comité des Suppléants, un aide-mémoire, reproduit en annexe, a été élaboré pour préciser les bases de la coopération entre la Commission de la Communauté Economique européenne et notre Conférence pour certains domaines spécifiques.

Cet aide-mémoire ayant recueilli l'approbation de la Conférence Européenne des Ministres des Transports, je vous serais obligé de me confirmer l'accord de la Commission que vous présidez.

Veillez agréer, Monsieur Le Président, l'assurance de mes sentiments de haute considération.

T. Bratteli

Strasbourg, Le 21 novembre 1962

Monsieur Le Président,

Par votre lettre en date du 8 novembre 1962, vous avez bien voulu me transmettre un aide-mémoire élaboré à la suite des contacts établis entre M. Lambert SCHAUS, Membre de la Commission, et le Bureau du Comité des Suppléants de la Conférence Européenne des Ministres des Transports pour préciser les bases de coopération dans certains domaines spécifiques entre la Commission de la Communauté Economique Européenne et la Conférence Européenne des Ministres des Transports.

J'ai l'honneur de vous informer que la Commission a marqué son accord pour établir les relations avec le C.E.M.T. sur les bases de l'aide-mémoire en question.

Veillez agréer, Monsieur Le Président, les assurances de ma très haute considération.

Walter Hallstein

AIDE-MEMOIRE
RELATIVE TO THE RELATIONS BETWEEN THE ECMT
AND THE EEC COMMISSION

Dès l'entrée en vigueur du Traité de Rome, la C.E.M.T. s'est préoccupée des liaisons à établir avec les nouvelles institutions européennes qui, en raison des dispositions dudit traité, ont à remplir des tâches très importantes dans le domaine des transports.

Le 26 avril 1958, le Président de la C.E.M.T., eut un premier contact avec le Président de la Commission de la C.E.E., et par suite, le 28 septembre 1958, avec le Président du Groupe "Transports" de la Commission. Le désir réciproque de coopération des deux Organisations fut alors souligné ; toutefois, il fut reconnu que les relations entre elles devraient, du moins au début, conserver une certaine souplesse et un caractère pragmatique.

D'autre part, en octobre 1958, lors d'une session du Conseil des Ministres de la C.E.M.T., un Groupe restreint fut constitué au sein de cette dernière par les six pays de la C.E.E. La Mission de ce groupe était définie comme suit :

- préparer les informations à donner à la C.E.M.T. au sujet des problèmes de transport qui seront traités au sein du Marché Commun ;
- recueillir, sur ces problèmes, l'avis des autres membres de la C.E.M.T.

Depuis cette époque, le Groupe restreint a régulièrement donné aux autres membres de la C.E.M.T. des informations sur les travaux entrepris par la C.E.E. en matière de transport.

Second exchange of letters between the ECMT and the EEC Commission

Paris, 18 February 1972

My dear Minister,

First I would like to thank you for having accepted my invitation so that we should see together how co-operation between our two Organisations could best be strengthened.

Our exchange of views on this subject on 7th February gave an opportunity to appraise the situation more clearly and I am glad to see that it was thus possible to make some progress towards such co-operation.

Bearing in mind the present thinking of the E.C.M.T. Council on this topic, I proposed that a representative of the Commission's services be invited in future to attend the sessions of the Committee of Deputies of the Conference. In reply, you explained why the Commission proposed that its participation in the work of the E.C.M.T. should take place at all levels, including Council level.

I have taken note of the reservations that you accordingly had to make regarding the arrangement which I proposed, which you did, however, judge it possible to accept on a provisional basis, and without this prejudging the final arrangement to be agreed jointly, until I am able to inform the Council of the E.C.M.T. of your position at its next meeting in June.

Meanwhile, our two Organisations will be better informed about each other by exchanging documents and by meetings of the Committee of Deputies.

I should be grateful if you would confirm the Commission's agreement on the foregoing points.

Yours faithfully,

J. Peyton

Brussels, 7 March 1972

Dear Mr. President,

Thank you very much for your letter of 18th February, in which you confirm the provisional arrangement proposed at our meeting on the 7th February.

I believe that both the exchange of information and the invitation of a representative of the Commission's services to attend the sessions of the Committee of Deputies can be useful to a closer co-operation, and I am glad to inform you of the Commission's agreement on this provisional arrangement.

I shall be most grateful for any effort you might make in order to obtain the Council's agreement on the Commission's participation at political level.

Yours faithfully,

A. Coppé

Paris, 27 June 1972

My dear Minister,

At the recent meeting of the Council of Ministers of the E.C.M.T. I notified my colleagues, as you and I had agreed, of the substance of our discussions on the 7th February last, and gave them as faithful as possible an account of your proposals for improving co-operation between the two organisations.

My colleagues expressed satisfaction with the arrangements already agreed between us, judging that these constituted a notable step forward in the development of our relations. They considered that the presence of the Commission's Director-General of Transport at the meeting of the Committee of Deputies of the E.C.M.T., which led to a valuable exchange of information, was particularly opportune at a time when the enlargement of the European Communities is about to create a new pattern of international activity.

Given the likely development of the situation in this respect, we shall be confronted with problems the implications of which cannot yet be foreseen. On these grounds, whilst reaffirming its desire for the widest possible co-operation with the European Communities, as is already clear from the arrangements we have made, the Council of the E.C.M.T. considered that it would be better at this point to wait until the scheme of things resulting from the various relevant factors become more plainly discernible, rather than adopt a solution involving a commitment at political level forthwith. However, while confirming our agreement of the 7th February regarding the Committee of Deputies, the Council also considered that, in these circumstances, it would be all the more desirable for the Chairman of the E.C.M.T. to continue with you personally the contacts already established between us, and for the development of our co-operation to be kept on the agenda.

Yours faithfully,

J. Peyton

Third exchange of letters between the ECMT and the EEC Commission

27 mars 1975

Monsieur Le Président,

J'ai l'honneur de porter à votre connaissance le souhait des Etats membres de la C.E.E. de voir cette Communauté admise à participer aux travaux du Conseil des Ministres et du Comité des Suppléants de votre Conférence.

En effet, les travaux entrepris dans le cadre de la C.E.M.T. intéressent également sur de nombreux points la Communauté économique européenne. Une coopération renforcée permettrait d'assurer une meilleure information réciproque et d'éviter dans la mesure du nécessaire les doubles emplois. Elle aurait en outre l'avantage de permettre de surmonter certaines difficultés qui pourraient se présenter dans le cas où à propos de matières traitées par la C.E.M.T. La compétence des Etats membres de la Communauté se trouve liée par des règles communautaires. Dans ce dernier cas, la Communauté doit avoir la possibilité de s'exprimer par un porte-parole commun.

En ce qui concerne les modalités de la représentation de la Communauté, il est précisé que sa délégation serait composée d'un représentant de l'Etat membre qui assure la présidence du Conseil et d'un représentant de la Commission des Communautés européennes.

Je tiens à préciser que cette participation de la Communauté aux travaux des organes de votre Conférence ne préjuge pas les liaisons qui existent déjà entre celle-ci et la Commission des Communautés européennes, liaisons qui se sont révélées opportunes et qui pourront évoluer selon les nécessités éprouvées par les deux parties.

Je vous serais très reconnaissant de bien vouloir faire en sorte que cette lettre soit examinée par votre Conférence et me faire connaître le résultat de cet examen.

Je vous prie d'agréer, Monsieur Le Président, l'expression de ma haute considération.

Le Président,

Monsieur M. MATTHIASSEN
Président du Conseil des Ministres
de la Conférence Européenne des
Ministres des Transports
3, rue André Pascal
75016 Paris

23 juin 1975

Monsieur le Président,

Dans votre lettre du 27 mars 1975, vous avez exposé les raisons pour lesquelles les Etats membres des Communautés européennes aimeraient accroître la coopération entre les Communautés et notre Conférence et vous avez suggéré les moyens qui pourraient être utilisés pour y parvenir.

Au cours de l'examen que la Conférence a fait de votre lettre, il est apparu clairement que les Etats membres de notre organisation partagent les préoccupations qui l'ont inspirée, en raison de la convergence des points de vue formulés sur de nombreux problèmes traités par les deux organisations. Vos propositions ont été approuvées, car elles sont susceptibles d'améliorer les relations entre les Communautés et la C.E.M.T. en permettant notamment d'accroître les échanges d'informations et d'éviter une répétition inutile des travaux.

Il ressort de ces délibérations que, conformément à l'article 11 sous a) de son Protocole, la C.E.M.T. est dès maintenant disposée à inviter les Communautés à se faire représenter, sans participer aux procédures de vote, aux sessions de son Conseil des Ministres et de son Comité des Suppléants ; la C.E.M.T. se réserve le droit, dans des cas spécifiques, de tenir des réunions auxquelles ne participeraient que les représentants des pays membres. De plus, elle est en mesure d'accepter la procédure de représentation que vous proposez, à savoir un représentant de l'Etat membre qui assure la présidence du Conseil et un représentant de la Commission des Communautés européennes.

La C.E.M.T. estime que les dispositions énoncées ci-dessus constitueront dorénavant la base de la coopération dans le cadre des sessions de son Conseil des Ministres et de son Comité des Suppléants. Elle estime que cette coopération lui permettra de développer fructueusement ses relations avec les Communautés et qu'elle constitue la meilleure manière de trouver dans chaque cas, les arrangements qui peuvent être nécessaires pour servir les intérêts mutuels des deux organisations au fur et à mesure du développement de leurs activités.

Je vous prie d'agréer, Monsieur le Président, l'expression de ma haute considération.

Le Président

Monsieur Peter BARRY
Président du Conseil des Ministres
des Communautés Européennes
Bruxelles

CENTRAL COMMISSION FOR THE NAVIGATION OF THE RHINE

(C C R)

STRASBOURG CONVENTION OF 20 NOVEMBER 1963
showing amendment to the Revised Convention for the Navigation of the Rhine
signed at Mannheim on 17 October 1868

(Extract)

ARTICLE II

Les stipulations suivantes sont adoptées :

- a)
- b)
- c)
- d)
- e)
- f)
- g)
- h) Article 44 quinquies - "La Commission Centrale décide des relations à établir avec d'autres organisations internationales ou européennes.
- i)
- j)



Exchange of letters between the CCR and the EEC Commission

Bruxelles, le 6 juin 1961

Monsieur Le Président,

J'ai l'honneur de vous informer que, se référant au désir exprimé par la Commission Centrale pour la Navigation du Rhin, notamment par sa décision du 6 juillet dernier, ainsi qu'aux échanges de vues où elle était représentée par M. Lambert SCHAUS, Président de son Groupe de travail Transports, la Commission de la Communauté Economique Européenne s'est déclarée disposée à établir entre les deux Institutions une liaison fondée, en ce qui la concerne, sur les dispositions de l'article 229 du Traité de Rome.

Dans le cadre de cette liaison, dont les modalités pratiques pourraient être précisées ultérieurement d'un commun accord, la Commission de la Communauté Economique Européenne chargerait notamment son Directeur Général des Transports de participer, ainsi que vous en avez suggéré la possibilité, aux travaux des sessions de la Commission Centrale pour la Navigation du Rhin.

La Commission que j'ai l'honneur de présider attend de la liaison proposée le développement de l'information mutuelle et le renforcement de la coopération entre les deux Institutions à l'égard des problèmes d'intérêt commun.

Je vous serais obligé de bien vouloir me faire connaître si les propositions qui précèdent peuvent recueillir l'accord de la Commission Centrale pour la Navigation du Rhin.

Je vous prie de bien vouloir agréer, Monsieur Le Président, les assurances de ma haute considération.

Walter HALLSTEIN

Strasbourg, le 6 juin 1961
Palais du Rhin

Monsieur le Président,

J'ai eu l'honneur de recevoir votre lettre du 6 juin par laquelle vous avez bien voulu me faire savoir que, se référant au désir exprimé par la Commission Centrale pour la Navigation du Rhin, notamment par sa décision du 6 juillet dernier, ainsi qu'aux échanges de vues où elle était représentée par M. Lambert SCHAUS, Président de son Groupe de travail Transports, la Commission de la Communauté Economique Européenne s'est déclarée disposée à établir entre les deux Institutions une liaison fondée en ce qui la concerne, sur les dispositions de l'article 229 du Traité de Rome.

Dans le cadre de cette liaison, dont les modalités pratiques pourraient être précisées ultérieurement d'un commun accord, la Commission de la Communauté Economique Européenne chargerait notamment son Directeur Général des Transports de participer, ainsi que la Commission Centrale en avait suggéré la possibilité, aux travaux des sessions de la Commission Centrale pour la Navigation du Rhin.

La Commission que vous présidez attend de la liaison proposée le développement de l'information mutuelle et le renforcement de la coopération entre les deux institutions à l'égard des problèmes d'intérêt commun.

Je puis vous assurer que la Commission Centrale partage entièrement cette attente et qu'elle me prie de vous faire part de son plein accord au sujet des propositions formulées dans votre lettre.

Veillez croire, Monsieur le Président, à l'assurance de ma haute considération.

Le Président,
J. FOUQUES-DUPARC
Ambassadeur de France

Bruxelles, le 6 juin 1961

Monsieur Le Secrétaire Général,

Par un échange de lettres officielles entre Leurs Présidents, la Commission de la C.E.E. et la Commission Centrale pour la Navigation du Rhin ont exprimé leur accord pour établir entre les deux Institutions une liaison régulière dans le but de développer leur information mutuelle et de renforcer leur coopération.

J'ai l'honneur de vous informer que la Commission de la C.E.E. a chargé le Directeur Général des transports d'assurer cette liaison. Celui-ci participera donc, en principe, en qualité de représentant officiel de la Commission, aux sessions plénières de la Commission Centrale, qui sont actuellement de deux par an.

Pour d'autres réunions de la Commission Centrale, le représentant officiel, le cas échéant, désignera, en accord avec le Président du Groupe de Travail Transports, les fonctionnaires qualifiés suivant la matière.

Compte tenu de la structure institutionnelle de la Communauté, une réciprocité ne s'avère pas réalisable. Mais les fonctionnaires de la Commission Centrale peuvent toujours prendre les contacts nécessaires avec l'Administration de la C.E.E., en passant par le représentant officiel de la Commission de la C.E.E.

L'échange de documentation se fera suivant les besoins et les intérêts réciproques. Chacune des deux Commissions se réserve le droit de décider quels sont les documents qu'elle entend communiquer à son partenaire et quelles sont les informations qu'elle entend lui donner.

La liaison ne concerne pas les compétences judiciaires dont la Commission Centrale pour la Navigation du Rhin est investie en vertu de la Convention de Mannheim.

La liaison est établie sans limitation de durée et sans clause de résiliation. Il est toutefois entendu que les deux Commissions gardent le droit de mettre fin à leur accord ou d'en demander une révision, en cas de besoin.

Je vous serais obligé de bien vouloir me faire savoir si les propositions qui précèdent peuvent recueillir l'accord de la Commission Centrale pour la Navigation du Rhin.

Veillez agréer, Monsieur le Secrétaire Général, les assurances de ma haute considération.

E. NOEL
Secrétaire Exécutif

Strasbourg, le 6 juin 1961
Palais du Rhin

Monsieur Le Secrétaire Exécutif,

Par un échange de lettres officielles entre leurs Présidents, la Commission de la C.E.E. et la Commission Centrale pour la Navigation du Rhin ont exprimé leur accord pour établir entre les deux Institutions une liaison régulière dans le but de développer leur information mutuelle et de renforcer leur coopération.

Vous avez bien voulu me faire savoir que la Commission de la C.E.E. a chargé le Directeur Général des Transports d'assurer cette liaison. Celui-ci participera donc, en principe, en qualité de représentant officiel de la Commission, aux sessions plénières de la Commission Centrale, qui sont actuellement de deux par an.

Pour d'autres réunions de la Commission Centrale, le représentant officiel pourra, le cas échéant, désigner, en accord avec le Président du Groupe de travail Transports, les fonctionnaires qualifiés suivant la matière.

La Commission Centrale prend note de ce que, compte tenu de la structure institutionnelle de la Communauté, une réciprocité ne s'avère pas réalisable, mais que les fonctionnaires de la Commission Centrale pourront toujours prendre les contacts nécessaires avec l'Administration de la C.E.E., en passant par le représentant officiel de la Commission de la C.E.E.

L'échange de documentation se fera suivant les besoins et les intérêts réciproques. Chacune des deux Commissions se réserve le droit de décider quels sont les documents qu'elle entend communiquer à son partenaire et quelles sont les informations qu'elle entend lui donner.

La liaison ne concerne pas les compétences judiciaires dont la Commission Centrale pour la Navigation du Rhin est investie en vertu de la Convention de Mannheim.

La liaison est établie sans limitation de durée et sans clause de résiliation. Il est toutefois entendu que les deux Commissions gardent le droit de mettre fin à leur accord ou d'en demander une révision, en cas de besoin.

Je suis heureux de vous faire part du plein accord de la Commission Centrale au sujet de ces modalités et vous prie de croire, Monsieur le Secrétaire Exécutif, à l'assurance de ma haute considération.

H. WALTHER

COMMON AFRO-MALAGASY AND MAURICIAN ORGANIZATION

(O C A M)

Exchange of letters between the OCAM and the EEC Commission

Tananarive, le 24 novembre 1961

Monsieur le Président de La Commission
Exécutive de La C.E.E.
23, avenue de la Joyeuse Entrée
BRUXELLES

Monsieur Le Président,

La Conférence des Chefs d'Etat de l'Union Africaine et Malgache qui s'est tenu à Tananarive, du 6 au 12 septembre dernier, a concrétisé la création de ses différentes organisations spécialisées en décidant la mise en place des Secrétaires généraux correspondants.

L'Organisation Africaine et Malgache de Coopération économique - l'une des institutions de l'U.A.M. - aura son siège à Yaoundé (République du Cameroun). Dans les premiers mois de l'année 1962, cette organisation pense pouvoir commencer ses travaux.

Avant d'avoir le grand honneur et le plaisir de vous rendre officiellement visite à votre siège, permettez-moi de vous donner quelques coordonnées de l'OAMCE afin d'établir entre nous toute liaisons utiles.

Jouissant des statuts et de prérogatives des organisations internationales, l'O.A.M.C.E. groupe, pour le moment en son sein :

La République du Cameroun
La République Centrafricaine
La République du Congo (Brazzaville)
La République de Côte d'Ivoire
La République du Dahomey
La République Gabonaise
La République de Haute-Volta

OCAM' : nouvelle dénomination de l'OAMCE

La République Malgache
Le République Islamique de Mauritanie
La République du Niger
La République du Sénégal
La République du Tchad.

En dehors du Cabinet du Secrétaire Général, l'Organisation comprend essentiellement les services et comités d'études suivants :

- 1) Développement économique et social. Infrastructure.
- 2) Recherche scientifique - Affaires Culturelles.
- 3) Commerce extérieur.
- 4) Problèmes financiers et monétaires.

Afin d'éviter les doubles emplois et La dispersion des efforts, je vous serais reconnaissant, à l'avenir, de bien vouloir demander l'avis de notre organisation pour toutes questions concernant l'Afrique Noire et Madagascar, traitées par votre honorable institution en entrant dans le domaine des compétences de l'OAMCE.

Avec mes remerciements, je vous prie d'agréer, Monsieur le Président, l'expression de mes sentiments les plus cordiaux.

Organisation Africaine et Malgache
de Coopération Economique

Le Secrétaire Général
Jules RAZAPIMBAHINY

Bruxelles, Le 24 janvier 1962

Monsieur Le Secrétaire Général,

J'ai l'honneur d'accuser réception de votre lettre en date du 24 novembre 1961 par laquelle vous avez fait savoir au Président de la Commission que l'O.A.M.C.E. aura son siège à Yaoundé et que, dans les premiers mois de l'année 1962, cette organisation commencera ses travaux.

J'ai noté avec un très vif plaisir votre désir d'instituer des contacts organiques entre l'O.A.M.C.E. et la Commission. Ainsi que mon prédécesseur, M. R. LEMAIGNAN, vous l'a déclaré lors de la visite que vous lui avez rendue en décembre, je puis vous assurer que la Commission ne manquera pas de vous apporter sa sincère et totale collaboration, dans tous les domaines qui sont de votre compétence. J'ai donc demandé à mes services de vous faire parvenir régulièrement toutes les informations indispensables sur les questions intéressant votre organisation. Vous recevrez également les publications périodiques sur l'activité du F.E.D., ainsi que toutes les publications intéressant, d'une manière générale, la vie de la C.E.E.

Je vous serais également obligé de bien vouloir me faire parvenir copie des statuts de l'O.A.M.C.E., ainsi que tous renseignements que vous jugeriez utiles pour la bonne organisation de nos rapports.

Veuillez agréer, Monsieur Le Secrétaire Général, l'expression de mes sentiments très distingués et les meilleurs.

Henri Rochereau

Président du Groupe
du Développement de l'Outre-Mer

ASSOCIATION OF SOUTH-EAST ASIAN NATIONS

(A S E A N)

Exchange of letters between the ASEAN and the EEC Commission.

Brussels, 7 May 1975

His Excellency
Mr Carlos A. Faustino
Chairman
ASEAN Brussels Committee
BRUSSELS

Your Excellency,

With reference to the Joint Statement issued in Jakarta on the 25th of September 1974 by the ASEAN Ministers and a delegation from the Commission of the European Communities led by Vice-President Sir Christopher Soames, I have the honour to confirm that the Commission has agreed to the establishment of institutionalised links between the Association of South East Asian Nations and itself by setting up a Joint Study Group in order to :

- a. further the development and intensification of the continuing dialogue between ASEAN and the Commission of the European Communities; and
- b. serve as the mechanism through which to explore together all possible areas where their cooperation could be broadened, intensified and diversified, giving equal consideration to the development needs of the ASEAN countries and taking into consideration the situation in the European Community and its development.

As agreed between the ASEAN Ministers and Sir Christopher Soames discussions have taken place between representatives of the Commission and the ASEAN Brussels Committee about the modalities for the operation of the Joint Study Group. These have led to the following conclusions :

1. Membership will consist of representatives of ASEAN on the one side and representatives of the Commission of the European Communities on the other side.

2. The level of representation from the two sides will be as highly appropriate depending upon the importance of the agenda. For each particular meeting each side will inform the other side in advance of the composition of its delegation.
3. The Study Group will normally meet twice a year; additional meetings may be convened at the request of either party.
4. The Chairmanship at meetings of the Joint Study Group will alternate between the two sides.
5. The provisional agenda for each meeting will be discussed jointly between the two sides before each meeting and approved at the beginning of the meetings.
6. Should the necessity arise the Study Group may ask experts from either side to carry out specialised examinations for it.
7. A record will be established of each meeting of the Joint Study Group; each side will transmit a copy of this record to its respective authorities.
8. The Joint Study Group will review annually the action which could be taken in an appropriate framework on the basis of the studies it has put on record.

It is hoped that preparation for the first meeting of the Joint Study Group can be completed at an early date in order to enable this meeting to take place without undue delay. At this first meeting an outline programme of work should be drawn up. The other items of the agenda as well as the date and venue will be decided through diplomatic channels.

I should be grateful if you and your colleagues of the ASEAN Brussels Committee would kindly confirm on behalf of ASEAN your agreement to the contents of this letter.

Please accept, Your Excellency, the assurance of my highest consideration.

For the Commission of the
European Communities

M. CASPARI
Director General
for External Relations

7 May 1975

The Director General
for External Relations
Commission of the European Communities
BRUSSELS

Sir,

I have the honour to acknowledge receipt of your letter of the 7th May
which reads as follows :

.....
.....
.....
.....
.....

I have the honour to confirm in the name of ASEAN my agreement to what
has preceded.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Indonesia
For the Government of the Federation of Malaysia
For the Government of the Republic of the Philippines
For the Government of the Republic of Singapore
For the Government of the Kingdom of Thailand

ORGANIZATION OF AMERICAN STATES

(O A S)

CHARTER OF THE OAS

(Extract)

CHAPTER XI - General AssemblyARTICLE 52

L'Assemblée générale est l'autorité suprême de l'Organisation des Etats Américains. Elle a pour attributions principales, outre celles qu'elle tient de la présente Charte, celles :

- a) De décider de l'action et de la politique générales de l'Organisation, de déterminer la structure et les fonctions de ses organes, et d'examiner toute question relative à la coexistence amicale des Etats Américains ;
- b) D'arrêter les dispositions permettant de coordonner entre elles Les activités des organes, organismes et entités de l'Organisation, de même qu'avec les activités des autres institutions du Système interaméricain ;
- c) De renforcer et d'harmoniser la coopération avec Les Nations Unies et Leurs institutions spécialisées.
- d) D'encourager la collaboration, notamment sur le plan économique, social et culturel, avec d'autres organisations internationales poursuivant des objectifs analogues à ceux de l'Organisation des Etats Américains ;
- e) D'approuver le programme-budget de l'Organisation et de fixer les quotes-parts des Etats Membres ;
- f) D'examiner les rapports annuels et les rapports spéciaux que doivent lui soumettre Les organes, organismes et institutions du Systeme interaméricain ;
- g) D'édicter les normes générales devant régir Le fonctionnement du Secrétariat général, et
- h) D'adopter son règlement intérieur et, à la majorité des deux tiers de ses Membres, son ordre du jour.

L'Assemblée générale exerce ses attributions conformément aux dispositions de la présente Charte et des autres traités interaméricains.

ARTICLE 118

.....

- h) Etablir, conformément aux décisions de l'Assemblée générale ou des Conseils, des relations de coopération avec les Organismes spécialisés et d'autres institutions nationales et internationales.

Exchange of letters between the OAS and the EEC Commission

Washington, December 19, 1970

My Dear Mr. Chairman,

I very much regret that in the course of my recent visit to Brussels I was not able to meet you and wish to thank you for the gracious message informing me of the cogent reasons which prevented our meeting. I fully appreciate the circumstances and only hope that we may have an occasion to meet in the near future.

I have been following with interest for quite some time your work on behalf of Latin America within the context of European Economic integration, initially from the perspective of the Italian Government. I am certain that under your expert guidance the Commission of the European Communities will assume a positive attitude towards Latin America, in response to the realities and the aspirations of its peoples, as reflected in the Declaration of Buenos Aires.

This is the gist of the message which I hope to have been able to convey to the government leaders and distinguished personalities I was privileged to meet during my recent visit to France, Belgium and The Netherlands.

I was gratified by the response I received. It is my hope that this interest will find expression in the near future in concrete steps for a new and pragmatic relationship. In the course of my conversations in Paris with such eminent personalities as your predecessor Mr. Jean Rey and with Mr. Robert Marjolin, and also at the headquarters of the European Communities with Mr. Sigrist, Director-General of External Relations - who, in your absence, extended to me a most cordial welcome - I discussed several substantive aspects of the collaboration which I believe could be established to mutual advantage between the Commission and the General Secretariat of the Organization of American States.

To follow up on these conversations I am to day addressing a letter to Dr. Sigrist, of which a copy is enclosed herewith for your information.

It is my sincere hope that the imminent transfer of the European Regional Office of the OAS from Geneva to Brussels will assist in the establishment of a closer cooperative relationship at the working level between our two secretariats. I trust that you will find it possible to give your support to this initiative.

Sincerely yours,

Galo Plaza
Secretary General

Washington, December 19, 1970

My Dear Mr. Director-General,

It is only now, upon my return to Washington after a trip to Mexico following my European visit, that I have the opportunity to send to you these words of sincere appreciation of the gracious welcome which, on behalf of the Chairman of the Commission of the European Communities, you were kind enough to extend to me on the occasion of my visit to Brussels.

I recall with pleasure our cordial interview on November 18, and should like to follow up our conversations by sending you the attached aide-mémoire which summarizes the main points made on that occasion.

With particular reference to the European Regional Office of the OAS, I had informed you that, given the consent already received, albeit unofficially, from the Belgian Government, it is our intention to transfer the Office from Geneva to Brussels by July 1, 1971, encompassing also the European Office of the Inter-American Export Promotion Center (CIPE), an agency of the General Secretariat with headquarters in Bogota, Colombia. In doing so, I believe that the OAS Secretariat may be able not only to effect a liaison with the Commission, but also to render better services to the diplomatic representatives of the member States of the OAS in Brussels.

Conversely, it is my earnest hope that the Commission will see its way clear in the near future to expanding its liaison representation in Washington in order to strengthen the collaboration at the working level between the Commission and the OAS. I have particular reference to such representation before those inter-American bodies dealing with matters of common concern to the European Communities and to the Inter-American system, such as the Inter-American Committee on the Alliance for Progress (CIAP), the Special Committee for Consultation and Negotiation (CECON), and the Permanent Executive Committee of the Inter-American Council for Education, Science and Culture (CEPCIECC).

I would be grateful if you would be good enough to apprise Chairman Malfatti of the tenor of our conversations.

Sincerely yours,

Galo Plaza
Secretary General

Enclosure.

AIDE - MEMOIRE

CONVERSATION BETWEEN THE DIRECTOR-GENERAL OF EXTERNAL
RELATIONS OF THE COMMISSION OF THE EUROPEAN COMMUNITIES AND
THE SECRETARY GENERAL OF THE ORGANIZATION OF AMERICAN STATES (OAS)

The Secretary General of the Organization of American States met at the headquarters of the Commission of the European Communities in Brussels on November 18, 1970 with Dr. Helmut Sigrüst, Director-General of External Relations of the Commission.

In the course of these conversations the following principal points were made :

A. Current Relations between Europe and Latin America

1. Reference was made to the four main issues in which the Six European governments of the Communities could at this moment make important contributions to Latin American development, either bilaterally or within the framework of multilateral organizations such as GATT, UNCTAD, and OECD, and notably the Commission itself. From an analysis of these issues, based on such documents as the Declaration of Buenos Aires presented to the Commission of the EEC, the following points emerge :

a. Foreign Trade

The Latin American countries advocate a policy of general, nonreciprocal and nondiscriminatory trade preference to all developing countries. These objectives have met with difficulties because of the policy hereto followed by the European Economic Community of imposing restrictions on Latin American exports, and on their transportation to the European market. Such restrictions are being viewed with grave and increasing apprehension by the countries of Latin America, whose position coincides with that of the Commission on the dangers of current protectionistic trends in the United States. In various resolutions of inter-American bodies and in the Declaration of Buenos Aires itself much has been said of the desirability of improving conditions, including financing, for access to the European market of Latin American manufactured and semi-manufactured products. In the light of these documents, it is hoped that the Commission of the European Communities would recommend, and the Council of Ministers favorably act upon, proposals aimed at improving the conditions for the access of Latin American exports to the Six, and in the future of the Ten. The OAS General Secretariat would be willing, by means of the Inter-American Export Promotion Center (CIPE), to cooperate to the fullest extent possible with the Commission in

the establishment of a satisfactory permanent relationship between European importers and Latin American exporters.

b. External debt

The problem facing the Latin American countries because of their mounting official external debt, characterized by payments for debt services nearing half of the disbursements on new lending, is a very serious one. This critical situation, created largely by an excessive reliance by the region on suppliers' credits, suggests the need to explore new formulae such as the ones currently under study by the Inter-American Committee on the Alliance for Progress (CIAP), together with the World Bank. It is hoped that the Commission of European Communities would find it possible to cooperate in a long-term solution to this critical problem. One possibility is to provide access to the resources of the European Investment Bank to the Inter-American Development Bank as well as other regional and subregional financial institutions.

c. Foreign Private Investment

The fears that seemingly exist in many capital-exporting countries, including the members of the European Communities, regarding the future of foreign private investments in Latin America should be objectively examined in the light of the realities. It should be borne in mind that conditions governing foreign capital investment in Latin America are still considerably more attractive than those obtained in other regions. On the other hand, the need should be recognized for an unequivocal statement on the part of the developing countries regarding the national policies under which they are willing to accept foreign investment compatible with goals of national development and regional integration. The steps being taken in this connection by the General Secretariat of the OAS and by CIAP were outlined, and the desirability was stressed of a strong representation by the Communities, in the person of the President of the European Investment Bank, at the forthcoming Round Table on Private Investment in Latin America, to be held next January 25-29 at the Italian-Latin American Institute, in Rome.

d. Scientific and Technological Cooperation

Reference was made to the need for bridging the widening technological gap between industrialized and developing countries, and to the advantages of close ties between Europe and Latin America with respect to the transfer of technology. Information was provided on the concrete achievements of the OAS General Secretariat in this regard, through its Regional Development Programme on Science and Technology. This Programme could

greatly benefit from participation therein, either by the Commission itself or by its Six constituent members. Reference was also made to the Inter-American Conference on the Application of Science and Technology to Development, to be held in Brazil in 1971, in which the Commission would unquestionably have a direct interest. The desirability of a continuing close cooperation between EURATOM and the Inter-American Nuclear Energy Commission was stressed.

B. Facilities offered by the General Secretariat of the OAS

1. The advantages to countries such as Belgium, France, Germany, Italy and the Netherlands, which render assistance to those of Latin America, in using the multilateral facilities available in the General Secretariat of the OAS, especially in the field of technical assistance at the pre-investment level, were outlined. These facilities permit donor countries to achieve a presence throughout the region, without loss of identity of the donor, and with considerable economy.

2. Very valuable assistance was already being given by European countries to Latin America through the technical assistance programmes of the OAS. Additional technical assistance would be welcome in such fields of high priority for Latin American development, and of interest for the external trade of the Communities, as port management, export promotion, packaging, legal and administrative aspects of economic integration, management of telecommunications networks, and customs administration.

Specific requests have already been received by the OAS from Latin American governments and subregional and inter-governmental agencies. These include a comprehensive project from El Salvador for technical assistance for the organisation of a transportation ministry and ensuing technical work, and a project of the Andean Group calling for assistance in the establishment of a center for the transfer, dissemination and evaluation of technology. Reference was made in this context to the contacts under way at the technical level between the OAS Secretariat and the Governments of Belgium, France and the Netherlands, for technical assistance, including training, to help in the selective application of patentable technological information to the requirements of the Latin American countries, pursuant to the Patent Cooperation Treaty of July 1970. The OAS General Secretariat would be happy to explore with the Commission of the European Communities the possibilities for the provision of aid to Latin America on this most important aspect of the transfer of technology related to industrial development. Other areas in which the Commission could avail itself of the multilateral facilities of the OAS could also be considered.

C. Closer contacts between the Commission and the OAS

1. It was recalled that the resolution which established the Inter-American Committee on the Alliance for Progress (CIAP) in 1963 recommended participation by the Commission of the EEC, through an observer, in the country review process. Though the CIAP country reviews have steadily gained in importance, now embracing all member States of the OAS, including the United States, the Commission as yet does not actively take part in this annual cycle of reviews. A similar opportunity will be offered when the Permanent Executive Committee of the Inter-American Council for Education, Science and Culture (CEPCIECC) initiates its own procedure for reviewing the economic and social development of member States in the fields of its competence.

2. The OAS General Secretariat was pleased to renew its invitation to the Commission of the European Community to staff its existing Washington liaison office with technical personnel to follow the work of CIAP and CEPCIECC, and of a variety of other bodies within the OAS. These including the Special Committee on Consultation and Negotiation (CECON); whose assignment, especially as regards negotiations between Latin American countries and the United States on trade, transport and financial cooperation, should be of increasing interest to the European Communities.

December 19, 1970

Bruxelles, le 26 février 1971

Monsieur le Secrétaire général,

Je tiens à vous remercier de votre aimable lettre du 19 décembre 1970, à laquelle vous avez joint un aide-mémoire sur la visite que vous avez rendue à la Commission lors de votre voyage en Europe.

J'ai lu ce texte avec grande attention et le considère fort intéressant ; il relate, en effet, certains éléments de la discussion que nous avons eue et précise en outre les points de vue de votre Organisation sur un certain nombre de questions intéressant les relations entre les Etats américains et les Communautés européennes.

Je vous suis reconnaissant de m'avoir ainsi informé de vos points de vue et vous prie de bien vouloir trouver, ci-joint, pour votre information, un aide-mémoire établi par mes services sur le même entretien.

Comme vous-même, je suis convaincu qu'il est de l'intérêt réciproque de votre Organisation et des Communautés européennes que leurs relations soient plus étroites. En effet, un échange accru d'informations sur les différents problèmes qui se posent et un examen approfondi des différents points de vue ne peuvent qu'être profitables à une plus grande collaboration et une meilleure compréhension entre les deux parties. C'est dans cet esprit que je me félicite du déplacement de votre Bureau de liaison de Genève à Bruxelles ainsi que de l'installation de l'Office européen du Centre Inter-Américain de Promotion de l'Exportation (CIPE) également à Bruxelles. Je suis certain que cette décision facilitera à tous points de vue le travail des services de nos organisations respectives. A cet égard, je soulignerai l'intérêt tout particulier de contacts suivis entre les Services de la Commission et le C.I.P.E. en vue d'explorer les possibilités de promotion des exportations latino-américaines.

Je tiens aussi à vous remercier pour votre offre de collaboration et de l'aimable invitation à participer, par l'entremise de fonctionnaires du Bureau de liaison à Washington, aux différentes réunions organisées par les Organes de l'O.E.A. et notamment du Comité Inter-Américain de l'Alliance pour le Progrès (CIAP) et du Comité Spécial pour la Consultation et la Négociation (CECON) et du Comité Exécutif Permanent du Conseil Inter-Américain pour l'Education, la Science et la Culture (CEPCIECC).

J'instruirai le Bureau de Liaison de Washington pour qu'il confie à un fonctionnaire spécialement chargé de suivre les travaux de votre Organisation la tâche de participer, sur votre invitation, aux réunions des organes précités. Le nom de ce fonctionnaire vous sera communiqué directement par le Bureau de Washington.

Je puis vous assurer que M. le Président Malfatti a été, comme vous le souhaitiez, mis au courant de nos échanges de vues.

Veillez agréer, Monsieur le Secrétaire général, les assurances de ma très haute considération.

Le Directeur général

AIDE-MEMOIRE

Visit of M. Galo PLAZA LASSO

M. Galo PLAZA LASSO, Secrétaire général de l'Organisation des Etats Américains (OEA) a rendu visite à la Commission des Communautés européennes à Bruxelles, le 18 novembre 1970, lors d'un voyage officiel dans différentes capitales des pays de la C.E.E.

En l'absence du Président et des autres Membres de la Commission, M. SIGRIST, Directeur général des Relations extérieures et M. HIJZEN, Directeur général du Commerce extérieur, l'ont reçu au siège de la Commission.

1. Les évènements politiques en Amérique Latine

M. Galo Plaza Lasso a déclaré avoir voulu prendre contact avec différents gouvernements des pays de la C.E.E., dans le but de se rendre compte personnellement de leur position vis-à-vis des problèmes de l'Amérique latine. En outre, il a tenu à exprimer son point de vue sur la situation politique de l'Amérique Latine en marquant sa confiance dans l'évolution des structures politiques et de la démocratie dans le continent.

2. Les relations entre l'OEA et les Communautés européennes

M. Galo Plaza a ensuite souligné l'intérêt que son Organisation porte à l'établissement de contacts toujours plus étroits avec les pays européens et a déclaré qu'un des objectifs de son voyage était le renforcement des contacts qui existent déjà entre les pays de la C.E.E. et son Organisation. A ce propos, il a indiqué qu'il venait de discuter avec le Gouvernement belge du déplacement vers Bruxelles du Bureau de Liaison de l'OEA qui se trouve actuellement à Genève, ce qui lui permettrait d'être plus près des organisations européennes.

3. Les relations entre l'Amérique Latine et les Communautés européennes

M. Galo Plaza Lasso a encore souligné l'intérêt que les pays latino-américains portent aux Communautés en rappelant la Déclaration de Buenos-Aires et son importance politique.

Dans la discussion qui a suivi cette déclaration introductive, M. Galo Plaza Lasso a demandé d'être informé, d'une part sur les délais prévus par la Communauté pour la mise en place des préférences généralisées. Il s'est déclaré favorable au principe des préférences généralisées et a confirmé l'opposition des pays latino-américains vis-à-vis des aspects

protectionnistes de la loi "Mills" présentée au Congrès des Etats-Unis d'Amérique. Enfin, il a souligné l'importance de l'assistance technique et des transferts de technologie, étant donné que sur le plan de la politique commerciale presque toutes les possibilités de favoriser les pays en voie de développement ont été exploitées. En ce qui concerne l'assistance financière, il a mis l'accent sur l'importance que des règles communes et harmonisées soient adoptées par les pays latino-américains vis-à-vis des investissements étrangers. A ce propos, il a marqué l'intérêt que les pays de la C.E.E. auraient à coordonner leur action en Amérique Latine en vue d'une utilisation optimale des capitaux qui y sont investis.

*

* *

4. Remarques conclusives

En réponse aux déclarations de M. Galo Plaza Lasso, les représentants de la Commission ont pu se déclarer très proches quant au fond des différents points de vue qu'il a exprimés. Ils ont en particulier souligné les avantages que le déplacement du Bureau européen de l'OEA vers Bruxelles aura pour les contacts avec les Communautés.

En ce qui concerne les investissements, ils ont marqué l'intérêt qu'il y aurait à envisager des mesures qui garantissent les capitaux européens en Amérique latine en vue d'en augmenter le flux.

L'entretien s'est déroulé dans les meilleures conditions et a permis d'avoir une discussion très libre sur toutes les questions traitées. Il est à souligner que M. Galo Plaza Lasso a surtout mis l'accent sur les problèmes des pays latino-américains.

MULTILATERAL AGREEMENTSA. COMMODITY AGREEMENTSa. INTERNATIONAL WHEAT AGREEMENT - 1971PART 2 - ADMINISTRATION

(Extract)

ARTICLE 12 - Votes

- 1) The exporting members shall together hold 1 000 votes and the importing members shall together hold 1 000 votes.
- 2) The votes to be exercised by the respective delegations of exporting members on the Council shall be those specified in Annex A.
- 3) The votes to be exercised by the respective delegations of importing members on the Council shall be those specified in Annex B.
- 4) Any exporting member may authorize any other exporting member, and any importing member may authorize any other importing member, to represent its interests and to exercise its votes at any meeting or meetings of the Council. Satisfactory evidence of such authorization shall be submitted to the Council.
- 5) If at any meeting of the Council an exporting member or an importing member is not represented by an accredited delegate and has not authorized another member to exercise its votes in accordance with paragraph 4 of this Article, and if at the date of any meeting any member has forfeited, has been deprived of, or has recovered its votes under any provisions of this Convention, the total votes to be exercised by the exporting members shall be adjusted to a figure equal to the total of votes to be exercised at that meeting by the importing members and redistributed among exporting members in proportion to their votes.
- 6) Whenever any country becomes or any member ceases to be a party to this Convention, the Council shall redistribute the votes within either Annex A or Annex B, as the case may be, proportionally to the number of votes held by each member listed in that Annex.
- 7) No exporting or importing member shall have less than one vote and there shall be no fractional votes.

ANNEX AVotes of exporting members

Argentina	100
Australia	100
Bulgaria	5
Canada	280
European Economic Community	100
Greece	5
Kenya	5
Mexico	5
Spain	5
Sweden	10
United States of America	280
Union of Soviet Socialist Republics	100
Uruguay	5
	<hr/>
	1 000

ANNEX BVotes of importing members

Algeria	14	Kuwait	3
Austria	1	Lebanon	9
Barbados	1	Libya	5
Bolivia	5	Malta	2
Brazil	71	Mauritius	2
Ceylon	17	Morocco	10
China	19	Nigeria	7
Colombia	8	Norway	14
Costa Rica	3	Pakistan	16
Cuba	2	Panama	2
Denmark	1	Peru	25
Dominican Republic	1	Portugal	18
Ecuador	3	Saudi Arabia	10
El Salvador	2	South Africa	10
European Economic Community	152	Switzerland	16
Finland	2	Syria	5
Guatemala	3	Trinidad and Tobago	4
India	34	Tunisia	5
Indonesia	7	Turkey	4
Iran	2	United Arab Republic	65
Ireland	7	United Kingdom	183
Israel	5	Vatican City	1
Japan	178	Venezuela	29
Kingdom of the Netherlands*	1		
Korea, Republic of	16		
			<hr/>
			1 000

* With respect to the interests of Netherlands Antilles and Surinam.

b. WHEAT TRADE CONVENTION - 1971

(Protocol for the third renewal)

(Extract)

ARTICLE 3 - Definition

Any reference in this Protocol to a "Government" or "Governments" shall be construed as including a reference to the European Economic Community (hereinafter referred to as "the Community"). Accordingly, any reference in this Protocol to "signature" or to the "deposit of instruments of ratification, acceptance, approval or conclusion" or "an instrument of accession" or "a declaration of provisional application" by a Government shall, in the case of the Community, be construed as including signature or declaration of provisional application on behalf of the Community by its competent authority and the deposit of the instrument required by the institutional procedures of the Community to be deposited for the conclusion of an international agreement.

INTERNATIONAL SUGAR AGREEMENT - 1973CHAPTER II - DEFINITIONS

(Extract)

ARTICLE 2

11. Any reference in the agreement to a "government invited to the United Nations sugar conference, 1973", shall be construed as including a reference to the European Economic Community (hereinafter referred to as the EEC). Accordingly any reference in the agreement to "signature of agreement" or to the "deposit of an instrument of ratification, acceptance, approval or accession" by a government shall, in case of the EEC, be construed as including signature on behalf of the EEC by its competent authority and the deposit of the instruments required by the institutional procedures of the EEC to be deposited for the conclusion of an international agreement.

INTERNATIONAL COCOA AGREEMENT - 1975CHAPTER III - MEMBERS

(Extract)

ARTICLE 4 - Membership by Intergovernmental Organizations

1. Any reference in this Agreement to a "Government" shall be construed as including a reference to any intergovernmental organization having responsibilities in respect to the negotiation, conclusion and application of international agreements, in particular commodity agreements. Accordingly, any reference in this Agreement to signature or to deposit or instruments of ratification, acceptance or approval or to notification or provisional application or to accession by a Government shall, in the case of such intergovernmental organizations, be construed as including a reference to signature, or to deposit of instruments of ratification, acceptance or approval, or to notification of provisional application, or to accession, by such intergovernmental organizations.
2. Such intergovernmental organizations shall not themselves have any votes, but in the case of a vote on matters within their competence, they shall be entitled to cast the votes of their member States and shall cast them collectively. In such cases, the member States of such intergovernmental organizations shall not be entitled to exercise their individual voting rights.
3. The provisions of paragraph 1 of Article 15 shall not apply to such intergovernmental organizations; but they may participate in the discussions of the Executive Committee on matters within their competence. In the case of a vote on matters within their competence, the votes that their member States are entitled to cast in the Executive Committee shall be cast collectively by any one of those member States.

ARTICLE 15 - Composition of the Executive Committee

1. The Executive Committee shall consist of eight exporting members and eight importing members, provided that if either the number of exporting members or the number of importing members in the organization is ten or less the Council may, while maintaining parity between the two categories of members, decide by special vote the total number on the Executive Committee. Members of the Executive Committee shall be elected for each quota year in accordance with Article 16 and may be re-elected.

INTERNATIONAL COFFEE AGREEMENT - 1976CHAPTER II - DEFINITIONS

(Extract)

ARTICLE 3 - Definitions

.....

5. "Member" means a Contracting Party, including an intergovernmental organization referred to in paragraph (3) of Article 4; a designated territory or territories in respect of which separate Membership has been declared under the provisions of Article 5; or two or more Contracting Parties or designated territories, or both, which participate in the Organization as a Member group under the provisions of Articles 6 or 7.

CHAPTER III - MEMBERS

(Extract)

ARTICLE 4 - Membership in the Organization

.....

3. Any reference in this Agreement to a Government shall be construed as including a reference to the European Economic Community, or any intergovernmental organization having comparable responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements.
4. Such intergovernmental organization shall not itself have any votes but in the case of a vote on matters within its competence it shall be entitled to cast collectively the votes of its member States. In such cases, the member States of such intergovernmental organization shall not be entitled to exercise their individual voting rights.
5. The provisions of paragraph (1) of Article 16 shall not apply to such intergovernmental organization but it may participate in the discussions of the Executive Board on matters within its competence. In the case of a vote on matters within its competence, and notwithstanding the provisions of paragraph (1) of Article 19, the votes which its member States are entitled to cast in the Executive Board may be cast collectively by any one of those member States.

ARTICLE 16 - Composition of the Executive Committee

1. The Executive Board shall consist of eight exporting members and eight importing members elected for each coffee year in accordance with the provisions of Article 17. Members may be re-elected.

OLIVE OILa. RULES OF PROCEDURE OF THE INTERNATIONAL OLIVE OIL COUNCIL

(Extract)

ARTICLE 14

Les observateurs représentant Les Nations Unies et leurs Organes, Les institutions spécialisées des Nations Unies ou d'autres organisations ou institutions gouvernementales à une réunion du Conseil, peuvent participer aux débats, sans droit de vote.

Les observateurs représentant des organisations ou institutions non gouvernementales à une réunion du Conseil peuvent être consultés sur les questions qui sont déterminées par le Conseil.

Le Conseil peut décider, à tout moment, de tenir séance avec ses seuls membres.

b. PROTOCOL OF 1973

(Extract)

CHAPTER III - DEFINITIONSARTICLE 3

.....

7. "The European Economic Community, if it becomes a Contracting Party, shall be considered both as a 'mainly producing Member' and a 'mainly importing Member', provided that".....

FIFTH INTERNATIONAL TIN AGREEMENT

(Extract)

ARTICLE 2 - Définitions

.....

PAYS PARTICIPANT, un pays dont le gouvernement a ratifié, approuvé ou accepté par le présent Accord, ou y a adhéré, ou a notifié son intention de ratifier, d'approuver ou d'accepter le présent Accord, ou d'y adhérer, ou un territoire ou des territoires dont la participation séparée est devenue effective conformément aux dispositions de l'article 53, ou, selon le contexte, le gouvernement de ce pays ou de ce territoire ou de ces territoires eux-mêmes, ou une organisation visée à l'article 54.

.....

CHAPITRE III - MEMBRES DU CONSEIL

ARTICLE 54 - Organisations intergouvernementales

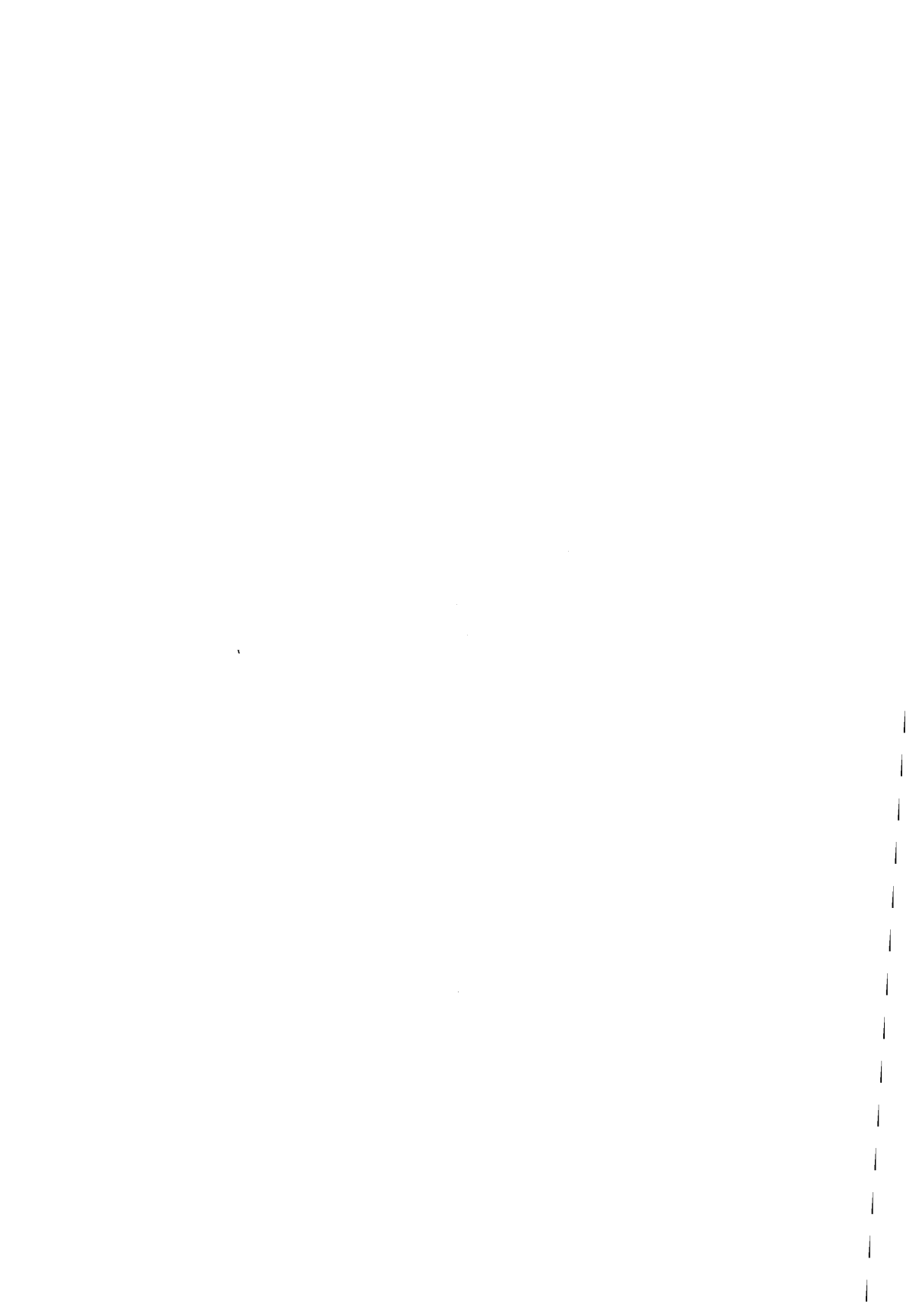
- a. Toute mention du mot gouvernement dans les articles 47, 48, 49, 50, 51 et 52 est réputée valoir pour une organisation intergouvernementale ayant des responsabilités dans la négociation, la conclusion et l'application d'accords internationaux, en particulier d'accords sur des produits de base.
- b. Une organisation de cette catégorie ne détient pas elle-même de voix, mais, en cas de vote sur des questions de sa compétence, elle est autorisée à disposer des voix de ses Etats membres, et elle les exprime en bloc. Dans ce cas, les Etats membres de l'organisation en question ne sont pas autorisés à exercer individuellement leurs droits de vote.

PROTOCOL
TO THE GENERAL AGREEMENT ON TARIFFS AND
TRADE INCORPORATING THE RESULTS OF
THE 1960-61 TARIFF NEGOTIATING CONFERENCE

(Extract)

ARTICLE 7

- a) Le présent Protocole sera déposé auprès du Secrétaire exécutif des PARTIES CONTRACTANTES. Il sera ouvert à l'acceptation, moyennant signature ou autrement, des parties contractantes, de la Communauté économique européenne et de la Suisse.



ADDITIONAL PROTOCOL
TO THE PROTOCOL OF THE GENERAL AGREEMENT ON TARIFFS AND
TRADE INCORPORATING THE RESULTS OF
THE 1960-61 TARIFF NEGOTIATING CONFERENCE

(Extract)

ARTICLE 7

Le présent Protocole entrera en vigueur pour toute partie contractante, pour la Communauté économique européenne et pour la Suisse le trentième jour qui suivra la date à laquelle il aura été accepté par cette partie contractante, par la Communauté économique européenne ou par la Suisse, ou à la date la plus rapprochée de cette acceptation qui aura été notifiée par écrit le cas échéant au Secrétaire exécutif au moment de ladite acceptation.

GENEVA PROTOCOL (1967)
ANNEX TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

(Extract)

II - Dispositions finales

ARTICLE 5

- a) Le présent protocole sera ouvert à l'acceptation des participants, par signature ou d'autre manière, jusqu'au 30 juin 1968.



AGREEMENT RELATING TO THE ENTERING INTO FORCE OF ARTICLE VI
OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

(Extract)

DEUXIEME PARTIE - DISPOSITIONS FINALES

ARTICLE 13

Le présent accord sera ouvert à l'acceptation, par signature ou d'autre manière, des parties contractantes à l'accord général et de La Communauté économique européenne. Il entrera en vigueur le 1er juillet 1968 pour chacune des parties qui l'aura accepté à cette date. Pour chacune des parties acceptant l'accord après cette date, il entrera en vigueur à la date d'acceptation.

MEMORANDUM OF AGREEMENT ON BASIC ELEMENTS FOR THE
NEGOTIATION OF A WORLD GRAIN AGREEMENT

(Extract)

ARTICLE 3

Le présent mémorandum d'accord sera déposé auprès du directeur général des parties contractantes qui remettra sans retard à chaque partie contractante à l'accord général ainsi qu'à la Communauté économique européenne une copie certifiée conforme dudit mémorandum.



ARRANGEMENT CONCERNING CERTAIN DAIRY PRODUCTS

(Extract)

FOURTH SECTION - ARTICLE VII - Administration of the arrangementComité exécutif

1. Il est institué un comité exécutif dans le cadre de l'Accord général sur les tarifs douaniers et le commerce. Ce comité, qui est composé de représentants de tous les participants au présent arrangement, accomplit toutes les fonctions nécessaires à l'exécution des dispositions de l'arrangement. Il bénéficiera des services du secrétariat du GATT.

FIFTH SECTION - ARTICLE VIII - Final DispositionsAcceptation

5. a) Le présent arrangement est ouvert à l'acceptation par voie de signature ou autre, des gouvernements (y compris les autorités compétentes des Communautés européennes) membres des Nations Unies ou d'une de leurs institutions spécialisées.

b) Le présent arrangement sera déposé auprès du Directeur général des PARTIES CONTRACTANTES qui remettra sans retard à chaque participant une copie certifiée conforme du présent arrangement et une notification de chaque acceptation.

PROTOCOL CONCERNING MILK FATS

(Extract)

ARTICLE VII - ADMINISTRATION OF THE PRESENT PROTOCOLComité exécutif

1. Il est institué un Comité exécutif dans le cadre de l'accord général sur les tarifs douaniers et le commerce. Ce comité, qui est composé de représentants de tous les participants au présent protocole, accomplit toutes les fonctions nécessaires à l'exécution des dispositions dudit protocole. Il bénéficie des services du secrétariat du GATT.

ARTICLE VIII - OTHER DISPOSITIONS4. Acceptation

- a) Le présent protocole est ouvert à l'acceptation, par voie de signature ou autrement, des gouvernements (y compris les autorités compétentes des Communautés européennes) membres des Nations Unies ou d'une de leurs institutions spécialisées.
- b) Le présent protocole sera déposé auprès du directeur général des parties contractantes qui remettra sans retard à chaque participant une copie certifiée du présent protocole et une notification de chaque acceptation.

ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

(extract)

ARTICLE 10

1. Il est institué, dans le cadre de l'accord général, un comité des textiles composé des représentants des parties au présent arrangement. Ce comité s'acquittera des fonctions qui lui sont attribuées par le présent arrangement.

ARTICLE 11

1. Le comité des textiles instituera un organe de surveillance des textiles qui sera chargé de veiller à la mise en oeuvre du présent arrangement. Cet organe sera composé d'un président et de huit membres désignés par les parties au présent arrangement selon des modalités que le comité des textiles déterminera à l'effet d'en assurer le fonctionnement efficace. Afin que sa composition reste équilibrée et largement représentative des parties au présent arrangement, des dispositions seront prises pour que l'attribution des sièges se fasse selon un roulement approprié.

ARTICLE 13

1. Le présent arrangement sera déposé auprès du directeur général des parties contractantes à l'accord général. Il sera ouvert à l'acceptation par signature ou autrement, des gouvernements qui sont parties contractantes à l'accord général ou qui ont accédé à titre provisoire audit accord, ainsi que de la Communauté économique européenne.



AGREEMENT UNDER UNESCOAGREEMENT ON THE IMPORTATION OF ARTICLES OF AN
EDUCATIONAL, SCIENTIFIC OR CULTURAL NATURE(Florence Agreement)

(Extract)

CHAPTER VIII - Article 14

- a) Le présent Protocole, dont les textes anglais et français font également foi, portera la date de ce jour et sera ouvert à la signature de tout Etat partie à l'Accord, ainsi qu'à celle des unions douanières ou économiques, sous réserve que tous les Etats membres les constituant soient également parties audit Protocole.

Les termes "Etat" ou "Pays" utilisés dans le présent Protocole, ou dans le Protocole visé au paragraphe 18, sont réputés se référer, selon qu'il résulte du contexte, également aux unions douanières ou économiques, et, dans toutes les matières relevant de la compétence de ces dernières eu égard au champ d'application du présent Protocole, à l'ensemble des territoires des Etats membres les constituant, et non au territoire de chacun de ces Etats.

Il est entendu que, en devenant Partie contractante au présent Protocole, ces unions douanières ou économiques appliqueront également les dispositions de l'Accord sur la même base que celle qui est prévue au paragraphe précédent en ce qui concerne le Protocole.

CONVENTION ON THE SIMPLIFICATION AND THE
HARMONIZATION OF CUSTOMS PROCEDURES

(Kyoto Convention)

(Extract)

CHAPTER IV - Miscellaneous provisionsArticle 9

Contracting Parties which form a customs or economic union may state by notification to the Secretary-General of the Council that for the application of a given Annex to this Convention their territories are to be taken as a single territory. In each instance where, as a result of such notification, differences exist between the provisions of that Annex and those of the legislation applicable to the territories of the Contracting Parties, the States concerned shall enter a reservation to the standard or recommended practice in question under Article 5 of the Convention.

Article 11

7. The provisions of paragraph 1 of this Article shall also apply to the customs of economic unions referred to in Article 9 of this convention in so far as the obligations arising from the instruments establishing such customs or economic unions require the competent bodies thereof to contract in their own name. However, such bodies shall not have the right to vote.



CONVENTION ON THE PROTECTION OF THE
MEDITERRANEAN SEA AGAINST POLLUTION

(Barcelona Convention)

(Extract)

ARTICLE 19 - Special exercise of voting right

Within the areas of their competence, the European Economic Community and any regional economic grouping referred to in article 24 of this Convention shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention and to one or more Protocols; the European Economic Community and any grouping as referred to above shall not exercise their right to vote in cases where the member States concerned exercise theirs, and conversely.

Article 24 - signature

This Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for signature in Barcelona on 16 February 1976 and in Madrid from 17 February 1977 by any State invited as a participant in the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea, held in Barcelona from 2 to 16 February 1976, and by any State entitled to sign any protocol in accordance with the provisions of such Protocol. They shall also be open until the same date for signature by the European Economic Community and by any similar regional economic grouping at least one member of which is a coastal State of the Mediterranean Sea Area and which exercise competences in fields covered by this Convention, as well as by any protocol affecting them.

ARTICLE 26 - Accession

1. As from 17 February 1977, the present Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol concerning the Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency shall be open for accession by the States, by the European Economic Community and by any grouping as referred to in article 24.

2. After the entry into force of the Convention and of any protocol, any State not referred to in article 24 may accede to this Convention and to any protocol, subject to prior approval by three-fourths of the Contracting Parties to the protocol concerned.

3. Instruments of accession shall be deposited with the Depository.

ARTICLE 27 - Entry into force

1. This Convention shall enter into force on the same date as the protocol first entering into force.

2. The Convention shall also enter into force with regard to the States, the European Economic Community and any regional economic grouping referred to in article 24 if they have complied with the formal requirements for becoming Contracting Parties to any other protocol not yet entered into force.

3. Any protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of at least six instruments of ratification, acceptance, or approval of, or accession to such protocol by the Parties referred to in article 24.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State, the European Economic Community and any regional economic grouping referred to in article 24 on the thirtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS
UNDER COVER OF T I R CARNETS

(TIR CONVENTION)

(Extract)

ARTICLE 52

1.
.....

2.
.....

3. Les unions douanières ou économiques peuvent également, conformément aux dispositions des paragraphes 1 et 2 du présent article, devenir Parties contractantes à la présente Convention en même temps que tous leurs Etats membres ou à n'importe quel moment après que tous leurs Etats membres sont devenus Parties contractantes à ladite Convention. Toutefois, ces unions n'auront pas le droit de vote.

CONVENTION ON THE PREVENTION OF MARINE POLLUTION
FROM LAND-BASED SOURCES

(Paris Convention)

(Extract)

ARTICLE 19

Dans le domaines relevant de ses compétences, la Communauté économique européenne exerce son droit de vote avec un nombre de voix égal au nombre de ses Etats membres qui sont Parties Contractantes à la présente Convention.

ARTICLE 22

La présente Convention est ouverte, à Paris, à partir du 4 juin 1974 et jusqu'au 30 juin 1975, à la signature des Etats invités à la Conférence diplomatique sur la Convention pour la prévention de la pollution marine d'origine tellurique, qui s'est tenue à Paris ainsi qu'à la signature de la Communauté économique européenne.

ARTICLE 24

1. Après le 30 juin 1975, la présente Convention sera ouverte à l'adhésion des Etats visés à l'article 22 ainsi qu'à l'adhésion de la Communauté économique européenne.



CONVENTION ON THE PROTECTION OF THE RHINE
AGAINST CHEMICAL POLLUTION

(Bonn Convention)

(Extract)

ARTICLE 16

Pour l'application de la présente Convention la Communauté économique européenne et ses Etats membres agissent dans les domaines relevant de leurs compétences respectives.

CONVENTION CONCERNING THE INTERNATIONAL COMMISSION
FOR THE RHINE

(Berne Convention)

(Extracts)

ARTICLE 6

1. Tout rejet des substances relevant de l'annexe II, susceptible d'affecter la qualité des eaux du Rhin, doit faire l'objet d'une réglementation par les autorités nationales aux fins d'une limitation sévère.
2. Les Gouvernements, Parties à la présente Convention, s'efforcent d'établir dans un délai de deux ans à compter de l'entrée en vigueur de la présente Convention des programmes nationaux de réduction de la pollution des eaux du Rhin par les substances relevant de l'annexe II pour l'exécution desquels ils appliquent en particulier les moyens prévus aux paragraphes 1, 4, 5, 6 et 7 du présent article.
3. Les Parties contractantes se concertent au sein de la Commission Internationale préalablement à l'établissement de ces programmes nationaux. Dans ce but, la Commission Internationale procède régulièrement à une comparaison des projets de programmes nationaux en vue d'assurer la cohérence des objectifs et des moyens de ces projets et présente des propositions en vue d'atteindre notamment des objectifs communs de réduction de la pollution des eaux du Rhin. Ces dernières propositions sont adoptées en application de la procédure prévue à l'article 14 de la présente Convention. La comparaison des projets de programmes nationaux ne peut conduire à retarder à réduire la pollution des eaux du Rhin.
4. Tout rejet susceptible de contenir l'une des substances relevant de l'annexe I est soumis à une autorisation préalable délivrée par l'autorité compétente du Gouvernement concerné et fixant les normes d'émission. Celles-ci sont déterminées en fonction des objectifs de qualité prévus au paragraphe 5.

Les programmes visés au paragraphe 2 ci-dessus comprennent des objectifs de qualité pour les eaux du Rhin.
5. Les programmes peuvent également contenir des dispositions spécifiques relatives à la composition et à l'emploi de substances ou groupes de substances ainsi que de produits, et tiennent compte des derniers progrès techniques économiquement réalisables.
6. Les programmes fixent les délais de leur mise en oeuvre.
7. Les programmes et les résultats de leur application sont communiqués à la Commission Internationale sous forme résumée.

ADDITIONAL AGREEMENT

ARTICLE 1er

La Communauté économique européenne devient, à compter de la date d'entrée en vigueur du présent Accord additionnel, Partie à l'Accord concernant la Commission Internationale pour la protection du Rhin contre la pollution et au protocole de signature y annexé, signés à Berne le 29 avril 1963 (ci-après dénommés "l'Accord").

ARTICLE 2

c) Le paragraphe suivant est inséré dans l'article 6 après le paragraphe 1er :

2. "dans Les domaines relevant de ses compétences, La Communauté économique européenne exerce son droit de vote avec un nombre de voix égal au nombre de ses Etats membres qui sont Parties contractantes à l'Accord. La Communauté économique européenne n'exerce pas son droit de vote dans les cas où ses Etats membres exercent le leur et inversement" .

Le paragraphe 2 de l'article 6 devient le paragraphe 3 de l'article 6.

Le paragraphe 3 de l'article 6 devient le paragraphe 4 de l'article 6 et est complété comme suit :

"Toutefois, cette disposition ne s'applique pas à la délégation de La Communauté économique européenne".

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