

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 519 final.

Brussels, 19 October 1977.

## DRAFT COUNCIL DECISION

GIVING GUIDELINES TO THE COMMISSION FOR THE NEGOTIATION  
OF A SAFEGUARD AGREEMENT BETWEEN THE EAEC, FRANCE AND THE TAEEA

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(Communication from the Commission to the Council)

COM(77) 519 final.



COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

On 16 May 1975, the French Delegation informed the Permanent Representatives Committee that the French Government was prepared to commence negotiations for a verification agreement to be signed between Euratom, France and the IAEA, following the signing of the Verification Agreement between Euratom, the United Kingdom and the IAEA, once Regulations No 7 and 8 of the Commission of the EAEC had been amended in such a way as to permit the IAEA/Euratom Verification Agreement of 5 April 1973 to enter into force. The Euratom/UK/IAEA Agreement was signed on 6 September 1976 and the new Regulation on Euratom safeguards entered into force in January 1977.

The French Permanent Representative's Office confirmed to the Commission last July that the French Government agreed in principle to the negotiation, in conjunction with Euratom, of an agreement with the IAEA. Such an agreement would allow the IAEA to verify the safeguards attached by Euratom in France to certain materials which the IAEA may decide to subject to such verification.

The Member State in question specified that such an agreement should take into account France's special situation as a military nuclear power and that, in particular, the text should be drafted in such a way as to avoid any direct or indirect repercussions on any materials other than those which France would explicitly decide to subject to such safeguards.

The Commission is of the opinion that the signing of such a verification agreement is desirable, since it will make it possible to ensure the necessary homogeneity in the implementation of the Community's and Member States' external commitments in the matter of safeguards. It would be appropriate for IAEA safeguards, when applied in France, to be applied in accordance with procedures based on the same principle (verification of Euratom safeguards by the IAEA) which was the basis of the Agreement signed on 5 April 1973 between Euratom, seven Member States and the IEAE, and the Agreement signed on 6 September 1976 between Euratom, the United Kingdom and the IAEA.

To sum up, the Commission requests the Council to take a decision giving guidelines for the negotiation of a verification agreement between Euratom, France and the International Atomic Energy Agency. A draft decision to this effect is attached to this communication.

**DRAFT COUNCIL DECISION GIVING GUIDELINES TO THE  
COMMISSION FOR THE NEGOTIATION OF A SAFEGUARD AGREEMENT BETWEEN THE EAEC,  
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The Council of the European Communities,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof;

Having regard to the proposal from the Commission;

Whereas the French Government considers it necessary in certain circumstances, and with its agreement, that the International Atomic Energy Agency should be in a position to ensure that certain source materials and special fissile materials located in nuclear installations or parts thereof in France are used exclusively for peaceful means;

Whereas the French Government has expressed its wish for an agreement to be concluded for this purpose with the European Atomic Energy Community, hereinafter called the "Community" and with the International Atomic Energy Agency, hereinafter called the "Agency";

HAS DECIDED AS FOLLOWS:

1. The Commission is hereby instructed to negotiate with the Agency, on the basis of Article 2(h) of Article 77(b) and Article 101 of the Euratom Treaty, an outline agreement permitting application of Agency safeguards in France on such source materials and special fissile materials in nuclear installations or parts thereof situated in France as the French Government agrees to subject to such safeguards.

The obligations resulting from such negotiations shall be incorporated in an agreement which shall be governed by Article 102 of the Euratom Treaty and to which the Community and France shall be parties, each to the extent to which it is concerned.

The negotiations shall be conducted by a delegation comprising representatives of the Commission and France.

2. The Commission shall, to an appropriate extent, base its negotiations on the safeguards procedures laid down in the Agreement of 6 September 1976 between the Community, the United Kingdom and the Agency, subject to any amendments which may be necessary in order to take into account the special situation of France as a nuclear-weapon State and as a non-signatory to the Treaty on the Non-Proliferation of Nuclear Weapons.

3. The agreement shall be based on the principle of verification by the Agency of the results of the system of Community safeguards, due account being taken of the efficiency of this system.

4. The agreement shall be formulated in such a way that its application will involve no direct or indirect effect, in particular as regards the exercise of Euratom safeguards in France, on materials not subject to Agency safeguards.

5. The agreement shall not in any way affect the provisions of the Euratom Treaty.

6. Verification shall be organized in such a way as not to interfere with the free movement within the Community of nuclear materials subject to safeguards as laid down by the agreement.