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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 349 final

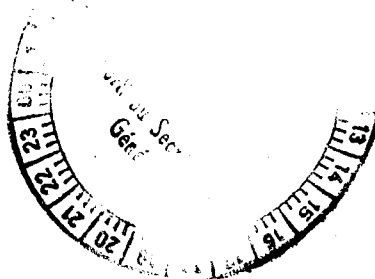
Brussels, 14 June 1983

DRAFT

## COUNCIL DECISION

issuing directives to the Commission on the negotiation of an agreement  
for cooperation between the European Atomic Energy Community and the  
United States of America in the field of controlled thermonuclear  
fusion

(submitted to the Council by the Commission)



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C.OM 349

COMMUNICATION OF THE COMMISSION TO THE COUNCIL

1. International cooperation in the field of fusion was the subject of a note from the Commission (SEC (82) 321-5188/82-ATO 14) which served as a basis for the exchange of views at the Council of 8 March 1982, as well as an Aide-Mémoire (dated 28 June), submitted to the Council of 30 June 1982.
2. This last document mentioned the conversations between Dr. G. KEYWORTH, Chief Science Adviser to the President of the United States, and Vice President DAVIGNON. In the course of these talks the wish was expressed by both sides to explore the possibilities of strengthening cooperation in the field of fusion. As a first step in this exploration, it was proposed to hold a meeting of scientists in order to discuss, with a pragmatic approach, the existing activities and the future programmes in this area.

Such a meeting at the scientific level took place in Germantown on 10 September 1982. On the European side, it was preceded by a preparatory meeting (Garching, 8 July 1982) organized in the frame of the CCFP (Consultative Committee for the Fusion Programme). The results of the Germantown meeting are contained in a short joint document, which was sent to the CCFP on 4 October and distributed to the AQG on 6 December 1982. It includes a list of examples of actions which could be the subjects of possible collaboration. The possibility of envisaging a framework agreement in which these specific actions could be progressively introduced is mentioned.

3. International cooperation in the field of fusion has also been the subject of discussions in the frame of the Working Group 'Technology, Growth, Employment', set up by decision of the Heads of States and Governments at the Versailles Summit. A document on fusion was worked out in this frame and it received unanimous approval from the fusion experts of the countries participating in the Group. The Commission has kept the CCFP informed.

The initiatives taken in this frame could provide an opportunity for international cooperation in the field of fusion in general, and with the United States in particular, to benefit from support and encouragement at the highest political level.

4. Following these events, the Commission has asked the American authorities if they would be prepared to enter into possible discussions with a view to establishing a framework agreement on cooperation in the fusion field.

Such an agreement should cover :

- . Tokamaks, comprising the large projects of the present generation (JET and its American equivalent), and those of the next generation (NET - Next European Torus and its American equivalent),
- . Alternative lines,
- . Technology of Magnetic Confinement fusion.

The cooperation should be carried out principally by means of exchanges of information, meetings and exchanges of visiting experts, the mutual secondment of specialist staff and the participation of each partner in certain studies, projects or experiments undertaken by the other, namely by supplying personnel, components, diagnostics etc.

In the framework of this agreement, specific implementing agreements could be concluded between the associated Organisations of the fusion programme and the competent bodies in the United States.

On 2 March 1983, the American authorities let us know that they were ready to enter into discussions with a view to the possible establishment of such an agreement.

5. The Commission has kept the CCFP regularly informed concerning the evolving situation in this area. The present Draft Council Decision reflects the opinion of the CCFP, which was consulted on 19 April 1983.

The European members of the Joint EURATOM-USA Fusion Committee mentioned under point 4. of the Directive appended to the present Draft Council Decision, will be appointed by the Commission upon nomination by the CCFP.

6. The Commission proposes that the Council adopt, in application of Article 101, 2nd paragraph of the Euratom Treaty, the Decision, attached hereto, issuing a directive to the Commission on the negotiation of an agreement between the European Atomic Energy Community and the United States of America for cooperation in the field of controlled thermonuclear fusion.

DRAFT COUNCIL DECISION ISSUING DIRECTIVES TO THE COMMISSION ON THE  
NEGOTIATION OF AN AGREEMENT FOR COOPERATION BETWEEN THE EUROPEAN ATOMIC  
ENERGY COMMUNITY AND THE UNITED STATES OF AMERICA IN THE FIELD OF  
CONTROLLED THERMONUCLEAR FUSION

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The Council of the European Communities

Having regard to the Treaty establishing the European Atomic Energy  
Community, and in particular Article 101, paragraph 2 thereof,

Having regard to the draft Decision submitted by the Commission,

Whereas the research and training programme (1982 to 1986) in the field of  
controlled thermonuclear fusion adopted by the Council its decision  
82/350/Euratom<sup>1</sup>, is part of a long term collaborative project embracing  
all work carried out in the Member States in this field and is designed to  
lead in due course to the joint construction of prototypes with a view to  
their industrial production and marketing;

Whereas, in view of the extent of the efforts needed to achieve this aim, it is  
appropriate to strengthen the collaboration between the Community fusion  
programme and other programmes being carried out in this field elsewhere;

Whereas the Community fusion programme and that of the United States of  
America have similar objectives and are complementary in certain areas,

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission shall negotiate an agreement for cooperation between the  
European Atomic Energy Community and the United States of America in the  
field of controlled thermonuclear fusion, according to the directive set  
out in the annex.

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<sup>1</sup> OJ No L 157, 8.6.1982, p. 22.

DIRECTIVE ON THE NEGOTIATION OF AN AGREEMENT  
FOR COOPERATION BETWEEN EURATOM AND THE USA,  
IN THE FIELD OF CONTROLLED THERMONUCLEAR FUSION  
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1. The objectives of the agreement should be to maintain and intensify cooperation between the Community and the US, in the areas covered by their respective fusion programmes, on a basis of mutual benefit and overall reciprocity.
2. The agreement should provide a framework for the following forms of cooperation :
  - (a) Exchange of information on policies, planning, activities and scientific and technical results.
  - (b) Meetings of various forms to discuss and exchange information on scientific and technological aspects of general or specific subjects and to identify cooperative actions which may be usefully undertaken.
  - (c) Mutual visits and assignments of scientists, engineers and technicians, for which appropriate arrangements should be provided.
  - (d) Participation of one contracting party in studies, projects or experiments carried out by the other contracting party, by the provision of personnel, pieces of equipment /or funds/.
  - (e) Joint execution of studies, projects or experiments including their joint design, construction and operation.
3. The agreement should establish a framework within which Implementing Agreements on specific cooperative actions, such as the ones mentioned under 2 (d) and (e) above, may be concluded between Euratom or its associated organisations and the US Government or its agencies. Such Implementing Agreements should :
  - . specify details, procedures and financing provisions for individual cooperative activities
  - . assign the responsibility for the operational management of the concerned activity to a single organisation (operating agent)
  - . contain detailed provisions on dissemination of information, intellectual property and patents.

Guidelines on dissemination of information, intellectual property and patents, based on the principle of equal rights, should be contained in the agreement.

4. The agreement should provide for the establishment of a Joint EURATOM-USA Fusion Committee consisting of a number of members appointed by the Commission and an equal number of members appointed by the US. This Joint Committee should have the task of supervising the execution of the agreement in all its parts.