



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 31 October 2006

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REV 1**

**ATO 111
CONOP 55**

NOTE

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

Delegations will find attached the above draft Guidelines as revised in the light of delegations' comments.

While pursuing an objective similar to that of the draft Inter-institutional agreement tabled by the Commission these Guidelines would be non-binding, without prejudice to the division of competence between Member States and Euratom regarding matters covered by the relevant conventions and, to the extent possible, should take advantage of the experience gained on the occasion of Review conferences.

They could be noted by Coreper/Council ¹ should they be agreeable to the Working Party.

¹ As was the case for the reports submitted to the CNS and the Joint Convention.

Guidelines on co-operation in the framework of international conventions to which the European Atomic Energy Community (Euratom) and its Member States are parties²

1. Introduction

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

1.2. These guidelines are without prejudice to :

- the exact nature and sharing of Euratom and Member States competences;
- the Euratom Treaty and the case law of the European Court of Justice.

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

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

2. Euratom reports³ and review meetings:

2.1. Reports to be submitted by Euratom on the measures it has taken to implement the obligations arising out of the Conventions will be prepared in the coordination meetings within the competent Working Party of the Council.

² Relevant conventions are: the Convention on Nuclear Safety, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency, the Convention on the Physical Protection of Nuclear Material.

³ For the time being, only the Joint Convention and the Convention on Nuclear Safety require each Contracting Party to submit for a review a report on the measures it has taken to implement the obligations of the Convention

- 2.2. In order to facilitate timely and thorough preparation, the Commission, in collaboration with the Presidency where necessary, will draft, in the first half of the year in which the report is to be submitted by Euratom, the Commission, in collaboration with the Presidency where necessary, will prepare an indicative timetable of the activities to be carried out including the following: tabling of first draft (preferably not later than two months in advance), comments and questions from Member States, finalisation and submission of the report, handling of questions from other Contracting Parties to Member States, ~~presenting replies to questions from other Contracting Parties to Member States~~, arrangements for composing delegations at review meetings.
- 2.3. Possible questions by Member States, and replies to questions raised by other Contracting Parties on Euratom reports, will be addressed and formulated within the coordination meetings referred to in 1.3. In the course of these meetings, Member States will also have the possibility to comment on the proposed Euratom presentations.
- 2.4. Reports prepared on behalf of Euratom will be presented by the Commission. Practical steps will be taken to give Member States the possibility to take part in Euratom delegation at the meetings reviewing the reports submitted by Euratom.
3. Amendments to the Conventions and review of the procedural arrangements:
- 3.1. Coordination meetings referred to in 1.3 will ~~Prior consultations within the Council should~~ be engaged early enough to facilitate the adoption of common positions. The Presidency and the Commission will work together to ensure an adequate degree of coordination.
- 3.2. ~~These~~ common positions will be presented by the Commission if they concern matters of exclusive Euratom competence

3.3. If the common positions concern matters of shared competence, they will be presented by the Commission or the Presidency, depending on the thrust of the matter. If the matter falls predominantly within Member States competence, the Presidency will present the position. If the preponderance of the matter lies within Euratom competence, the Commission will speak. During the coordination meetings, the Presidency and the Commission will agree on which of them shall present the common position.

3.4. If the Commission and the Member States cannot agree a common position within the coordination meetings, the matter will be referred to the Permanent Representatives Committee and, if necessary, to the Council.

3.5. The Member States will act in accordance with these common positions

3.6. Where no agreement on a common position is reached, Member States may speak and vote on issues falling within their competence. The Commission may do the same on matters falling within Euratom competence.

4. Review

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