

No. 4835

**UNITED STATES OF AMERICA
and
EUROPEAN ATOMIC ENERGY COMMUNITY
(EURATOM)**

**Agreement for co-operation concerning peaceful uses of
atomic energy (with annexes). Signed at Brussels,
on 8 November 1958**

Official texts: English, French, German, Italian and Dutch.

Registered by the United States of America on 6 August 1959.

**ÉTATS-UNIS D'AMÉRIQUE
et
COMMUNAUTÉ EUROPÉENNE DE L'ÉNERGIE
ATOMIQUE (EURATOM)**

**Accord de coopération concernant les utilisations pacifiques
de l'énergie atomique (avec annexes). Signé à Bruxelles,
le 8 novembre 1958**

Textes officiels anglais, français, allemand, italien et néerlandais.

Enregistré par les États-Unis d'Amérique le 6 août 1959.

No. 4835. AGREEMENT¹ FOR CO-OPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM) CONCERNING PEACEFUL USES OF ATOMIC ENERGY. SIGNED AT BRUSSELS, ON 8 NOVEMBER 1958

WHEREAS the Government of the United States of America and the European Atomic Energy Community (EURATOM) on May 29 and June 18, 1959 signed an agreement² which provides a basis for co-operation in programs for the advancement of the peaceful applications of atomic energy;

WHEREAS the Government of the United States of America and the European Atomic Energy Community (EURATOM) recognize that it would be to their mutual benefit to cooperate by establishing a joint program :

(a) To bring into operation within the European Atomic Energy Community (EURATOM) large-scale power plants using nuclear reactors of types on which research and development have been carried to an advanced stage in the United States, having a total installed capacity of approximately one million kilowatts of electricity by December 31, 1963 (except that two reactors may be selected to be in operation by December 31, 1965), and under conditions which would approach the competitive range of conventional energy costs in Europe;

(b) To initiate immediately a joint research and development program centered on these types of reactors;

The Parties agree as follows :

Article I

A. Under the joint program, reactor projects may be proposed, constructed and operated by private or governmental organizations in the Community engaged in the power industry or in the nuclear energy field. Such projects will be selected in accordance with technical standards, criteria (including those relating to radiation protection and reactor safety), and procedures developed by the United States Atomic Energy Commission (hereinafter referred to as the

¹ Came into force on 18 February 1959, the day on which each Party received from the other Party written notification that it had complied with all statutory and constitutional requirements for the entry into force of the said Agreement, in accordance with article XVI.

² United Nations, *Treaty Series*, Vol. 335, No. 4783.

“ United States Commission ”) and the Commission of the European Atomic Energy Community (hereinafter referred to as the “ EURATOM Commission ”). In the evaluation and selection of such reactor projects, the technical and economic features will be considered and approved jointly by the United States Commission and the EURATOM Commission. Other features of such reactor projects will be considered and approved by the EURATOM Commission. Reactors now being planned or constructed in Member States of the Community will be eligible for, and will receive, early consideration under the criteria established pursuant to this paragraph.

B. The total capital cost, exclusive of the fuel inventory, of the nuclear power plants with an installed capacity of approximately one million kilowatts of electricity to be constructed under the program is estimated not to exceed the equivalent of \$350,000,000 to be financed as follows :

1. Approximately \$215,000,000 to be provided by the participating utilities and other European sources of capital, such financing to be arranged with the appropriate assistance of the Community; and
2. Up to \$135,000,000 to be provided by the Government of the United States of America to the Community in the form of a long-term line of credit on terms and conditions to be agreed, including terms and conditions satisfactory to the Parties regarding security for such loan, such funds to be re-lent by the Community for the construction of facilities under this program.

C. The United States Commission and the EURATOM Commission will enter into special arrangements with respect to the fuel cycle of reactors to be constructed and operated under the joint program according to the principles set forth in Annex “ A ”¹ to this Agreement.

Article II

A. The United States Commission and the EURATOM Commission under mutually agreed arrangements intend to initiate a program of research and development to be conducted both in the United States and in Europe on the types of reactors to be constructed under the joint program. This research

¹ See p. 156 of this volume.

and development program will be aimed primarily at the improvement of the performance of these reactors, and at lowering fuel cycle costs. It will also deal with plutonium recycling and other problems relevant to these reactors.

B. The research and development program will be established for a ten (10) year period. During the first five (5) years the financial contribution of the Government of the United States of America and the Community will amount to about \$50,000,000 each. Prior to the completion of the first five-year period the Parties will determine the financial requirements for the remaining five-year period and will undertake to procure funds necessary to carry out the program. Funds for the second five-year period may be in the same order of magnitude.

C. The administration of this program will be conducted under arrangements to be mutually agreed.

Article III

A. The United States Commission will sell to the Community uranium enriched in the isotope U-235 for use in projects designated by the Parties pursuant to the joint program up to a net amount of thirty thousand (30,000) kilograms of contained U-235 in uranium. This net amount shall be the gross quantity of contained U-235 in uranium sold to the Community less the quantity of contained U-235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America or transferred to any other nation or international organization with the approval of the Government of the United States of America. The United States Commission will also from time to time sell to the Community such quantities of special nuclear material, in addition to the quantities of enriched uranium set forth above, as may be agreed.

B. Contracts for the sale of special nuclear materials will specify the quantities to be supplied, composition of material, compensation for material, delivery schedules and other necessary terms and conditions. Such contracts for the sale of enriched uranium for fueling power reactors under the joint program may also provide, under terms and conditions to be agreed, that payment for such enriched uranium may be made on a deferred basis. Such terms and conditions will include an obligation that the Community return to the United States Commission enriched uranium to the extent that there is default in payment. The Community will grant no rights to third parties that may be inconsistent with such obligation. The uranium supplied hereunder for use in reactors designed for production of electric power may be enriched up to twenty percent (20%) by weight in the isotope U-235. The United States Commission, however, may, upon request and in its discretion, make a portion of the foregoing

enriched uranium available as material enriched up to ninety percent (90%) for use in materials testing reactors and research reactors, each capable of operating with a fuel load not to exceed eight (8) kilograms of contained U-235 in uranium, and as highly enriched material for use for research purposes.

C. It is agreed that the Community may distribute special nuclear material to authorized users in the Community; the Community will retain, pursuant to the Treaty establishing the European Atomic Energy Community,¹ title to any special nuclear material which is purchased from the United States Commission.

D. The United States Commission is prepared to perform while such services are available from the Commission to its licensees in the United States, and on terms and conditions to be agreed, chemical reprocessing services with respect to any source or special nuclear material received by the Community from the United States under this program. It is agreed that such reprocessing will be performed at established United States domestic prices in effect upon delivery of such material. It is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from reactors and prior to delivery to the United States Commission or to other facilities. Special nuclear material and other material recoverable from material returned to the United States for reprocessing will be returned to the Community unless otherwise agreed. It is anticipated that any withdrawal by the United States Commission of chemical reprocessing services will be based upon the availability of commercial facilities to meet requirements for such services at reasonable prices, including the requirements of projects in the joint program. The United States Commission will give written notice to the Community of non-availability of its chemical reprocessing services twelve (12) months prior to such non-availability.

E. With respect to any special nuclear material produced in reactors fueled with materials obtained from the United States under this Agreement which is in excess of the need of the Community for such material for the peaceful uses of atomic energy, the International Atomic Energy Agency is granted the right of first option to purchase such material at the announced fuel value price in effect in the United States at the time of purchase. In the event this option is not exercised by the International Atomic Energy Agency, the Government of the United States of America is prepared to purchase such material at the United States announced fuel value price in effect at the time of purchase. However, with respect to plutonium produced in any reactor

¹ United Nations, *Treaty Series*, Vol. 298, p. 167.