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**COM (80)350**

**Vol. 1980/0127**

Historical Archives of the European Commission

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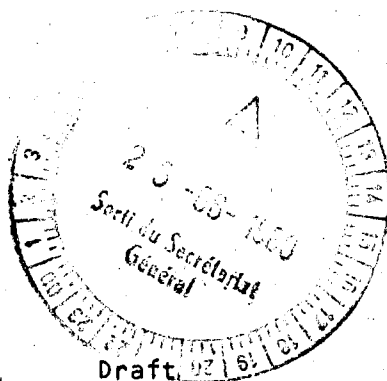
In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 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(80) 350 final

Brussels, 18 June 1980



## COUNCIL DECISION (EAEC)

approving the conclusion by the Commission of an  
agreement for cooperation in the field of controlled  
thermonuclear fusion between the European Atomic  
Energy Community and Spain

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(submitted to the Council by the Commission)

COM(80) 350 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

SUBJECT : Agreement for cooperation in the field of controlled thermal nuclear fusion between the European Atomic Energy Community and Spain

On the basis of article 101, paragraph 2, of the Euratom Treaty, the Commission has negotiated the Agreement under reference, the text of which is appended to this Communication.

By the terms of this Agreement, Spain will be a party to the contract for the promotion of staff mobility concluded by the Commission and its associates in the field of controlled thermal nuclear fusion.

Spain's contribution to the Euratom staff mobility fund will be calculated annually on the basis of the ratio between the gross domestic product of Spain and that of the Community plus Spain.

Article IV contains the clauses relating to the rules governing information and patents ; these clauses are in conformity with the Community's policy in this field.

The Agreement makes provision (Article V) for the setting-up of a "Euratom/Spain Committee" to ensure that the Agreement is properly implemented.

Finally, the duration of the Agreement has been established as three years and is subject to a repudiation clause requiring six months notice.

Accordingly, the Commission forwards to the Council the attached draft decision approving the conclusion of the Agreement by the Commission.

Annexes

Draft

Council Decision (EAEC)

approving the conclusion by the Commission of an agreement for cooperation in the field of controlled thermonuclear fusion between the European Atomic Energy Community and Spain

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 draft of the Commission ;

Whereas the Commission, in accordance with the instructions from the Council, has negotiated an agreement for cooperation with Spain in the field of controlled thermonuclear fusion ,

Whereas it is consequently necessary to approve the conclusion of this agreement by the Commission,

HAS DECIDED AS FOLLOWS :

Sole article

The conclusion by the Commission of the agreement for cooperation between the European Atomic Energy Community and Spain, the text of which is appended to this Decision, is hereby approved.

Done at Brussels,

For the Council,

The President

AGREEMENT FOR COOPERATION  
BETWEEN THE EUROPEAN ATOMIC ENERGY COMMUNITY  
AND THE KINGDOM OF SPAIN  
IN THE FIELD OF CONTROLLED THERMAL NUCLEAR FUSION

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THE EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter called "Euratom", represented by the Commission of the European Communities, hereinafter called the "Commission",

AND THE KINGDOM OF SPAIN,

hereinafter called "Spain", represented by the Spanish Government,

WHEREAS since 1959 Euratom has, as part of a joint long-term programme in the field of controlled nuclear fusion, been implementing multiannual research and training programmes executed, inter alia, by means of contracts of association and of a staff mobility contract, the most recent being the fifth multiannual programme covering the 1979-1983 period and comprising the execution of the JET Project, assigned to the JET Joint Undertaking ;

WHEREAS Spain, having applied for membership of the European Communities, wishes to cooperate with the Community programme for the purpose of developing its own programme in the field of controlled thermal nuclear fusion by becoming a party to the staff mobility contract concluded by the Commission and its associates in this field ;

WHEREAS this cooperation will enable Spain, on the one hand, to send its scientific personnel to work in the laboratories of the Commission and its associates and on the other hand, to invite scientists from these laboratories to Spain for the purpose of developing and implementing a programme compatible with that of the Community with a view to a wider association, particularly in the event of accession by Spain to the Community ;

WHEREAS such participation is in the interests of the Community and of Spain ;

HAVE AGREED AS FOLLOWS :

ARTICLE I

The purpose of this Agreement is to establish cooperation between the Euratom Programme and the programme of Spain in the field of controlled thermonuclear fusion by setting up an exchange of scientists from the Commission and its associates and from Spain, through participation by Spain in the contract for the promotion of staff mobility concluded by the Commission and its associates, for the purpose of orienting and developing the Spanish programme to ensure its compatibility with that of Euratom with a view to more extensive association, particularly in the event of accession by Spain to the Community.

Euratom shall make arrangements to ensure that, as soon as this Agreement enters into force, Spain becomes a party to the contract for the promotion of staff mobility, referred to in the first paragraph of this Article, which will be signed by the Junta de Energia Nuclear.

ARTICLE II

By the terms of this Agreement, the financial contribution of Spain to the Euratom Programme shall be fixed annually at an amount such that the ratio between that amount and that of the financial contribution of Euratom to the contract for the promotion of staff mobility corresponds to the ratio that exists between the Euratom gross domestic product and that of Spain during the antepenultimate year.

At the beginning of each year, the Commission shall inform Spain of the amount laid down for the expenditure relating to the contract for the promotion of staff mobility for the year in question. Spain shall pay the Commission the amount due on the basis of this Article.

ARTICLE III

Officials and other servants of the Commission who are subject to Community tax on salaries wages, and emoluments paid by the Communities and who participate in Spain in the activities referred to in this Agreement shall be exempt from national taxes on salaries wages, and emoluments.



ARTICLE IV

The information and inventions developed by staff belonging to a Spanish body who have been seconded to an associate of the Commission shall be subject to the system laid down in the contract of association of the associate, it being understood that the Spanish body shall have the same rights in respect of such information as those enjoyed by the Commission pursuant to the said contract.

The Spanish body shall enjoy a free, non-exclusive and irrevocable right of use for its own requirements in respect of the patents registered or obtained by the host associate in accordance with the provisions of the previous paragraph, this right of use covering research, work and orders undertaken by third parties for its account.

With regard to information and inventions developed by staff belonging to an associate of the Commission who have been seconded to a Spanish body, that body shall grant the Commission and the associate in question rights identical to those which the two last-mentioned would have enjoyed if the Commission had concluded a similar contract of association with the Spanish body.

ARTICLE V

A mixed committee called "Euratom/Spain Fusion Committee" shall be set up and shall comprise representatives of the Commission and of Spain.

The Euratom/Spain Fusion Committee shall be responsible for the proper implementation of the Agreement. It shall study all measures likely to improve cooperation within the framework of the Agreement.

The Euratom/Spain Fusion Committee shall adopt its own rules of procedure. The Chair shall be occupied alternately by a representative of each of the contracting parties, in conformity with the rules of procedure of the Euratom/Spain Fusion Committee.

The Euratom/Spain Fusion Committee shall meet at the request of either of the contracting parties and at least once per year.

ARTICLE VI

This Agreement shall be approved by the contracting parties in accordance with their own procedures. It shall enter into force as soon as the parties thereto have informed each other that the procedure to be followed in this regard has been properly completed.

This Agreement shall be concluded for a period limited to three years.

Each contracting party may terminate the Agreement at any time by giving six months' notice.

## FINANCIAL RECORD SHEET

### SPAIN'S FINANCIAL CONTRIBUTION

Article II of the Agreement for cooperation lays down that Spain's financial contribution to the Euratom Programme shall be established annually at an amount such that the ratio between that amount and that of Euratom's financial contribution to the contract for the promotion of staff mobility corresponds to the ratio between the Community's gross domestic product and that of Spain during the antepenultimate year.

- According to information from the Statistical Office, the Community's gross domestic product in 1978 amounted to 1.554.665 million EUA and that of Spain to 115.738 million EUA.
- The ratio is thus 
$$\frac{115.738}{1.554.665 + 115.738} = 6,93 \%$$
- Under the fifth-year (1979-1983) programme, the Commission's expenditure in respect of the mobility contract may be estimated at about 200.000 EUA per year.
- Spain's contribution will therefore be about 14.000 UA per year.