



Miscellaneous Series No.1 (2022)

Sixth Protocol

to the Convention of 19 January 1967, as amended by the Protocol of 6 July 1971, between the Government of the French Republic and the Government of the Federal Republic of Germany on the Construction and Operation of a Very High Neutron Flux Reactor, as further amended by the Agreement of 19 July 1974 between the above-mentioned two Governments and the Government of the United Kingdom of Great Britain and Northern Ireland concerning that Government's Accession to the Convention, by the Protocol of 27 July 1976, the Second Protocol of 9 December 1981, the Third Protocol of 25 March 1993, the Fourth Protocol of 4 December 2002 and the Fifth Protocol of 1 July 2013 between the above-mentioned three Governments

Paris, 15 September 2021

[The Protocol is not in force]

*Presented to Parliament
by the Secretary of State for Foreign, Commonwealth and Development Affairs
by Command of Her Majesty
March 2022*



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SIXTH PROTOCOL TO THE CONVENTION OF 19 JANUARY 1967, AS AMENDED BY THE PROTOCOL OF 6 JULY 1971, BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY ON THE CONSTRUCTION AND OPERATION OF A VERY HIGH NEUTRON FLUX REACTOR, AS FURTHER AMENDED BY THE AGREEMENT OF 19 JULY 1974 BETWEEN THE ABOVE-MENTIONED TWO GOVERNMENTS AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND CONCERNING THAT GOVERNMENT'S ACCESSION TO THE CONVENTION, BY THE PROTOCOL OF 27 JULY 1976, THE SECOND PROTOCOL OF 9 DECEMBER 1981, THE THIRD PROTOCOL OF 25 MARCH 1993, THE FOURTH PROTOCOL OF 4 DECEMBER 2002 AND THE FIFTH PROTOCOL OF 1 JULY 2013 BETWEEN THE ABOVE-MENTIONED THREE GOVERNMENTS

The Government of the French Republic,

the Government of the Federal Republic of Germany

and

the Government of the United Kingdom of Great Britain and Northern Ireland,

Considering their successful international cooperation at the Institut Laue–Langevin (ILL), as well as their desire to maintain their mutual commitment to European collaboration in neutron science;

Considering their desire to maintain this research reactor's enduring position as world leader in its achievements in neutron sciences for the coming years;

Considering the increased performances achieved by the investments made by the Governments within the framework of the Endurance ILL programme;

Considering the substantial interest of the European neutron community to have access to a reactor with currently the highest flux available in the world, allowing unique experiments;

Considering the desirability of meeting once a year to follow the evolution of neutron science in Europe and the evolution of the ILL in this context;

With a view to the continuation of their international collaboration,

Have agreed as follows:

ARTICLE 1

Article 1 of the Convention of 19 January 1967, as amended by Article 3 a) of the Agreement of 19 July 1974 shall be replaced by the following provisions:

"1. The operation of the reactor, which is the subject of the present Convention, shall be entrusted to an Association governed by French civil law ("société civile") of which the Associates shall be the Commissariat à l'Energie Atomique et aux Énergies Alternatives, the Centre National de la Recherche Scientifique, the Forschungszentrum Jülich GmbH and United Kingdom Research and Innovation.

2. The Association, whose Statutes have been deposited with the Governments of the French Republic, the Federal Republic of Germany and the United Kingdom of Great Britain and Northern Ireland:

- shall be known as the "Institut Max von Laue–Paul Langevin";
- shall have its seat at Grenoble;
- shall operate the very high flux reactor and be in charge of the decommissioning and radioactive waste management;
- shall undertake activities for peaceful ends only;
- shall have as its Director a distinguished scientist nominated by either the German or British Associate;
- shall have French, German and English as its official and working languages;
- shall establish its own rules on procurement procedures and criteria. This procurement policy shall respect the principles of transparency, equal treatment and non-discrimination.

Furthermore:

- the French, German and British members of the Steering Committee of the Association may only be appointed or have their appointments terminated with the approval of their respective Governments;
- any disputes arising between the Associates shall be submitted to the Governments if no amicable settlement can be reached;
- the Associates shall seek the unanimous assent of the Governments to any amendment of the Statutes."

ARTICLE 2

Article 2 of the Convention of 19 January 1967, as amended by Article 1 of the Protocol of 6 July 1971, Article 3 b) of the Agreement of 19 July 1974, paragraph 1 of Article 1 of the Protocol of 27 July 1976, paragraph 1 of Article 1 of the Second

Protocol of 9 December 1981 and paragraph 1 of Article 1 of the Fifth Protocol of 1 July 2013 shall be replaced by the following provisions:

"1. The Government of the French Republic, the Government of the Federal Republic of Germany and the Government of the United Kingdom shall ensure that annual grants are made available to the French, German and British Associates respectively within the framework of the funds allocated under the relevant heading in the budgets of the French Republic, of the Federal Republic of Germany, and of the United Kingdom. The purpose of these annual grants shall be to cover the costs of the Institute. The costs of the Institute shall be unanimously determined each year by the Steering Committee of the Institute and by the Associates within the framework of a medium-term financial plan.

2. The costs of the Institute related to decommissioning and radioactive waste management as well as the later dissolution of the Association, shall be determined and entirely financed by the above-mentioned Governments in proportion to their contributions to operations as defined in paragraph 3 of this Article, and in accordance with French legislation and implementing regulations governing this matter.

3. The total amount of the grants mentioned above shall be made available as to 34 % by the Government of the French Republic, 33 % by the Government of the Federal Republic of Germany and 33 % by the Government of the United Kingdom. The amount of the grant made by each of the Governments shall take into account certain fiscal duties levied by each of the States in connection with the activities of the Association."

ARTICLE 3

Article 3 of the Convention of 19 January 1967, as amended by Article 3 c) of the Agreement of 19 July 1974, shall be replaced by the following provision:

"In accordance with the relevant laws and regulations of the Governments, the Governments shall seek to facilitate prompt and efficient entry and exit from their territory as well as domestic travel, work and residence of those individuals employed by or doing research for the Association."

ARTICLE 4

Paragraphs 1 and 2 of Article 4 of the Convention of 19 January 1967, as amended by Article 3 d) of the Agreement of 19 July 1974, shall be replaced by the following provisions:

"The present Convention shall be open to accession by third States. Any accession shall require the consent of the three Governments. The conditions

of accession shall be the subject of an agreement between the three Governments and the Government of the acceding State."

ARTICLE 5

Paragraph 4 of Article 5 of the Convention of 19 January 1967, as amended by Article 3 e) of the Agreement of 19 July 1974, shall be replaced by the following provision:

"4. If the time limits specified in paragraph 3 are not observed and no other arrangement is made, each party may request the Secretary-General of the Permanent Court of Arbitration to make the necessary appointments."

ARTICLE 6

Article 6 of the Convention of 19 January 1967 shall be replaced by the following provision:

"The Government of the French Republic shall give access free of charge to the existing public school or schools providing non-French children with education adapted to allow their reintegration into the educational system of their country of origin."

ARTICLE 7

Article 7 of the Convention of 19 January 1967, as amended by Article 6 of the Agreement of 19 July 1974, paragraph 2 of Article 1 of the Second Protocol of 9 December 1981, Article 1 of the Third Protocol of 25 March 1993, Article 1 of the Fourth Protocol of 4 December 2002 and Article 2 of the Fifth Protocol of 1 July 2013 shall be renumbered as Article 8 and its provisions replaced as follows:

"ARTICLE 8

1. The Convention shall remain in force until 31 December 2033. Thereafter it shall be tacitly extended from year to year unless any of the Governments gives written notification to the Depositary of its intention to withdraw from the Convention. Any such withdrawal after 31 December 2033 shall take effect upon the expiry of three years' written notice from the date of receipt of the notification by the Depositary or on such later date as may be specified in the notification.

2. Withdrawal from the Convention shall not affect any rights or obligations arising from the execution of the Convention (which includes the final shut-down of the very high flux reactor) on or before this withdrawal. In the period until the date on which the withdrawal of one of the Governments

takes effect, the three Governments shall establish by mutual agreement the arrangements for the clearance of all financial liabilities related to decommissioning and radioactive waste management operations, as well as the later dissolution of the Association, by the Government that has notified its intention to withdraw from the Convention, in accordance with the provisions of paragraph 1 of this Article."

ARTICLE 8

The following provisions shall be introduced as Article 7 of the Convention of 19 January 1967:

"1. The very high flux reactor shall operate at least until 31 December 2030. By 31 December 2027 at the latest, the Governments shall decide on the continuation of the operation of the reactor. Unless by this date the Governments agree by consensus to extend the operation of the reactor, the final shutdown of the reactor shall take place on 31 December 2030. If the Governments agree by consensus to extend the operation of the reactor, the final shutdown of the reactor shall take place on 31 December 2033.

2. The Association shall be in charge of the decommissioning of the high flux reactor and associated installations and of radioactive waste management operations, in accordance with applicable French legislation and implementing regulations governing this matter."

ARTICLE 9

The Government of the French Republic shall act as Depositary. Each Government shall notify the Government of the French Republic of the completion of the constitutional procedures necessary on its part for the entry into force of the present Protocol to the Convention of 19 January 1967, which shall enter into force on the first day of the second month following the date of receipt of the last notification.

In witness whereof, the undersigned, being duly authorised thereto by their respective Governments, have signed this Protocol.

Done at Paris, this 15th day of September 2021 in the French, German and English languages in a single original. Each of these texts is equally authentic. The original of the Protocol shall be deposited with the Government of the French Republic, which shall send a certified copy to each of the other Governments.

For the Government of the French Republic

FRÉDÉRIQUE VIDAL

For the Government of the Federal Republic of Germany

HANS-DIETER LUCAS

For the Government of the United Kingdom of Great Britain and Northern Ireland

THEO RYCROFT

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