

Explanatory Memorandum on the Fifth 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 and the Forth Protocol of 4 December 2002 between the above-mentioned three Governments

Title of Treaty

Fifth 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 and the Forth Protocol of 4 December 2002 between the above-mentioned three Governments

Command Paper Number **8718**

SUBJECT MATTER

1. The fifth protocol relates to the Institut Laue-Langevin (ILL) facility in Grenoble which is at the leading edge of neutron science and technology. The Institute operates the most powerful neutron source in the world feeding intense beams of neutrons to a suite of 40 high-performance instruments. Research focuses primarily on fundamental science in a variety of fields: condensed matter physics, chemistry, biology, nuclear physics and materials science.
2. The original ILL Convention was signed between France and Germany in 1967. The Convention details how the facility shall be funded, governed and decommissioned. The UK joined in 1974. The Convention has been extended by a series of protocols and the current 4th protocol runs until 31 December 2013. The 5th protocol is an agreement between the three

countries on the continued funding of ILL and on the sharing of decommissioning costs, it was signed on 1 July 2013 and it extends the ILL Convention until 31 December 2023.

3. ILL is owned, funded and managed by France, Germany and the United Kingdom (the Associates); the German and UK shareholdings are 33% each, the French shareholding is 34% (17% CEA and 17% CNRS). Each Associate country has an equal vote and all decisions are made by unanimous agreement of all of the Associates at the ILL Steering Committee, the governing body. The Science and Technology Facilities Council is the shareholder in ILL on behalf of the UK.

4. Eleven further countries are Scientific Members of the ILL (Spain; Switzerland; Italy; Austria; Czech Republic; Hungary; Sweden; Belgium; Denmark; Poland and India) and contribute to the annual operational costs of the facility in return for beam time.

MINISTERIAL RESPONSIBILITY

5.. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for the conclusion and implementation of treaty obligations and responsibility for their application in Overseas Territories. The Secretary of State for Business, Innovation and Skills has primary responsibility for physics research.

GENERAL

6. The Science and Technology Facilities Council (STFC), which is sponsored by BIS, is responsible for the funding of the UK's contribution to ILL's costs. STFC continues to rate highly the scientific research that the ILL makes possible and believes that there is little likelihood of an improved replacement neutron facility becoming available before the expiry of the 5th protocol.

FINANCIAL ISSUES

7. The UK contribution to the ILL in 2013 will be about 18.3M€ and will be a similar figure for 2014. The UK will also pay an additional 2M€ capital contribution to safety work required following the Fukushima incident in Japan.

8. Whilst presently managing and implementing the M-1 Phase of the Millennium Programme and the post-Fukushima work, ILL is also developing its plans for the M-2 Phase of the Millennium Programme, the Endurance Programme, for development of the facility beyond 2015. This is seen as very important for the future viability of the facility following a five-year period of budget contraction (2011-2015). ILL have requested additional contributions

of 1.5M€ per Associate per year for the period 2016-18 inclusive towards the costs of the Endurance Programme.

LEGAL AND PROCEDURAL ISSUES

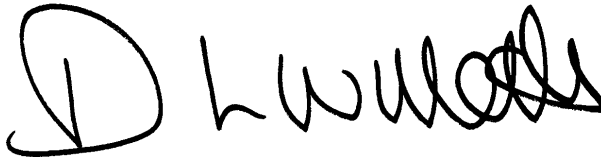
9. No implementing legislation is required. The One-In One-Out rule has been considered as part of the process in concluding the treaty, but is not applicable. Each government shall notify the other governments of the completion of the constitutional procedures necessary on its part for the entry into force of the Protocol to the Convention, which shall take effect on the first day of the second month following the date of receipt of the last notification.

RESERVATIONS OR DECLARATIONS

10. No reservations or declarations have been made

CONSULTATION

11. The Science and Technology Facilities Council consults with its academic community on the support it provides for projects and use of facilities.

A handwritten signature in black ink, appearing to read 'D Willetts', with a large, stylized initial 'D'.

David Willetts MP
Minister for Universities and Science
Department for Business, Innovation and Skills