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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 Fourth Protocol of 4 December 2002 between the above-mentioned three Governments

Paris, 1 July 2013

[The Protocol entered into force for the United Kingdom on 1 November 2015]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
January 2016*

Cm 9166



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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 FOURTH PROTOCOL OF 4 DECEMBER 2002 BETWEEN THE ABOVE-MENTIONED THREE GOVERNMENTS

The Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the French Republic and the Government of the Federal Republic of Germany

Considering their forty years of successful cooperation at the Institut Laue-Langevin (ILL), as well as their desire to maintain their mutual commitment to European cooperation in neutron sciences;

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

Considering the growing interest of the European neutron community, in the life sciences in particular, to have access to a reactor with currently the highest flux available worldwide, allowing unique experiments;

With a view to the continuation of their cooperation;

Have agreed as follows:

ARTICLE 1

Paragraph 1 of 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 and paragraph 1 of Article 1 of the Second Protocol of 9 December 1981, shall be replaced by the following provision:

1. The Government of the United Kingdom, the Government of the French Republic and the Government of the Federal Republic of Germany shall ensure that annual grants are made available to the British, French and German Associates respectively within the framework of the funds allocated under the relevant heading in the budgets of the United Kingdom, of the French Republic and of the Federal Republic of Germany. 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.

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

ARTICLE 2

Paragraph 2 of 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 and Article 1 of the Fourth Protocol of 4 December 2002, shall be replaced by the following provisions:

1. The Convention shall remain in force until 31 December 2023. Thereafter it shall be tacitly extended from year to year unless any of the Governments gives written notification to the other Governments of its intention to withdraw from the Convention. Any such withdrawal shall take effect upon the expiry of two years from the date of receipt of the notification by the last of the other Governments 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 prior to 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 by the Government that has notified its intention to withdraw from the Convention, in accordance with the provisions of paragraph 1 of the present Article.

ARTICLE 3

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 present Protocol to the Convention of 19 January 1967, which shall take effect on the first day of the second month following the date of receipt of the last notification.

Done in triplicate at Paris this first day of July 2013 in the English, French and German languages, each text being equally authentic.

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

HERMIONE GOUGH

For the Government of the French Republic:

GENEVIÈVE FIORASO

For the Government of the Federal Republic of Germany:

DR PETER REUSS

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