

General Conference

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Cooperation Agreements with Intergovernmental Organizations

The conclusion of a cooperation agreement between the International Atomic Energy Agency and the ITER International Fusion Energy Organization

Summary

1. The IAEA has cooperated with the International Thermonuclear Experimental Reactor (ITER) Project since its inception¹. On 21 November 2006, the ITER Parties – China, India, Japan, the Republic of Korea, the Russian Federation, the United States of America and EURATOM – signed the Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project² (hereinafter, the “ITER Establishment Agreement”) which subsequently entered into force on 24 October 2007.
2. With a view to facilitating the effective attainment of the objectives set forth in the ITER Establishment Agreement, the ITER International Fusion Energy Organization has expressed the wish to enter into a formal cooperation agreement with the IAEA.
3. Pursuant to the provisions of Article XVI.A of the Statute of the IAEA, a draft cooperation agreement which provides for mutual consultations, reciprocal representation at conferences and scientific meetings and exchange of information has been prepared. It follows the general pattern of a number of cooperation agreements which have been approved by the Board and concluded between the IAEA and other organizations³.
4. On 3 June 2008, the Board authorized the Director General, subject to the approval of the General Conference, to conclude with the ITER International Fusion Energy Organization the proposed cooperation agreement set forth in the Annex hereto.

¹ See GOV/2006/30.

² Reproduced in INFCIRC/702.

³ Reproduced in document INFCIRC/25 and Addenda 1-7.

Recommended Action

5. It is recommended that the General Conference approve the conclusion of the proposed cooperation agreement with the ITER International Fusion Energy Organization set forth in the Annex hereto.

Draft Cooperation Agreement between the International Atomic Energy Agency and the ITER International Fusion energy Organization

WHEREAS the Statute of the International Atomic Energy Agency (hereinafter referred to as "the Agency") provides for the conclusion of agreements establishing an appropriate relationship between the Agency and any other organizations the work of which is related to that of the Agency;

WHEREAS the ITER International Fusion Energy Organization (hereinafter referred to as "the ITER Organization") has been established to provide for and to promote cooperation on the ITER Project, an international project that aims to demonstrate the scientific and technological feasibility of fusion energy for peaceful purposes;

WHEREAS the ITER Council is seeking to conclude a cooperation agreement with the IAEA;

WHEREAS the Board of Governors of the Agency, on 3 June 2008, decided that the Agency should seek to conclude a cooperation agreement with the ITER Organization;

NOW THEREFORE the Agency and the ITER Organization (hereinafter referred to as "the Parties") have agreed as follows:

Article 1 General Principles

1. With a view to facilitating the effective attainment of the objectives set forth in the Agency's Statute and the Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project, the Parties will maintain close cooperation with each other and will consult each other regularly and as appropriate in regard to matters of common interest.
2. When either Party proposes to initiate a programme or activity for the promotion of fusion energy for peaceful purposes in which the other Party has or may have a substantial interest, it shall consult with the other Party with a view to coordinating their efforts as far as it is appropriate in the light of their respective rights and obligations as defined in the instruments referred to in paragraph 1 above.

Article 2 Reciprocal Representation

1. Representatives of the Agency shall be invited to attend meetings of the ITER Council and any of its scientific committees and to participate without vote in their deliberations in regard to questions of a scientific or technical character.
2. Representatives of the ITER Organization shall be invited to attend the regular annual sessions of the General Conference of the Agency and to participate without vote in the deliberations of that body and, where appropriate, of its committees with regard to items of a scientific or technical character that are of interest to the ITER Organization.
3. As necessary, appropriate arrangements shall be made by agreement for the reciprocal representation of the Agency and the ITER Organization at other meetings, including the International Fusion Research Council (IFRC), Coordinated Research Projects (CRPs) and ITER Scientific and

Technical Meetings, convened under their respective auspices to consider matters of common interest.

Article 3
Exchange of Information

1. The Parties, to the extent practicable and as appropriate, shall exchange information, documents, studies and reports relating to matters of mutual interest in scientific and technological aspects of fusion energy, subject to any measures which may be necessary to meet the respective confidentiality requirements of the Parties.

2. Nothing in this Agreement shall be construed as requiring either party to furnish such information as would, in the judgment of the Party possessing the information, constitute a violation of the confidence of any third party from whom it has received such information.

Article 4
Cooperation

1. The Agency and the ITER Organization may request from each other scientific, technical and research assistance and cooperation in matters of common interest. Such assistance and cooperation may include, but is not limited to the following subjects:

- (a) Training;
- (b) Joint publications and organization of scientific conferences;
- (c) Plasma physics and modelling;
- (d) Materials development;
- (e) Fusion safety and security.

2. If assistance is requested by either Party of the other, consultations shall take place with a view to determining the most equitable manner of meeting the cost of such assistance.

Article 5
Implementation of the Agreement

The Director General of the Agency and the Director General of the ITER Organization may enter into such administrative arrangements for the implementation of this agreement as may be found desirable in the light of the experience of the two Parties.

Article 6
Notification to the United Nations

1. In accordance with its Agreement with the United Nations, the Agency will inform the United Nations forthwith of the terms of this Agreement.

2. Upon entry into force of this Agreement, it will be communicated to the Secretary General of the United Nations for filing and recording.

Article 7
Amendment of the Agreement

The Agreement may be amended by written agreement between the two Parties.

Article 8
Entry into force and termination

This Agreement shall come into force upon its signature by the Director General of the Agency and the Director General of the ITER Organization once the formal requirements of both Parties have been

fulfilled. Either Party may terminate the Agreement by giving six months' written notice to the other Party.

DONE at _____, on the -- day of _____ 2008, in duplicate in the English language.

For the ITER INTERNATIONAL
FUSION ENERGY ORGANIZATION

For the INTERNATIONAL ATOMIC
ENERGY AGENCY