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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(76) 523 final.

Brussels, 30 September 1976.

PROPOSED COUNCIL DECISION

amending Decision No 76/345/ EURATOM adopting a five-year research and training programme (1976/1980) of the European Atomic Energy Community in the field of fusion and plasma physics.

DRAFT JET

(submitted to the Council by the Commission)

COM(76) 523 final.

Explanatory Note

Following the declaration of the Foreign Ministers' Council of 19-20 July 1976 (1) the Commission is submitting to the Council a proposed decision concerning the realization of the JET project in the frame of the Community pluriannual programme 1976/80 in the field of controlled thermonuclear fusion and plasma physics.

This proposal has been prepared taking into account the discussions within the competent consultative bodies of the Commission, in particular the CCF, on the following subject :

- 1) Financial key
- 2) Legal form of the project
- 3) Statute of the staff
- 4) Site.

1. Financial key

1.1 Principles

- 1.1.1 Taking into account the importance of the project for the fusion programme of the Community and taking into account the necessity of realizing a project of such a size as a Community venture, the financing of the project should be undertaken to a large extent by the Community.
- 1.1.2 On the other hand, in order to ensure the direct commitment of the Associated Laboratories to the realization of this joint project, a financial participation on their part is necessary.

(1)" The Council held an exchange of views on the JET research programme on controlled thermonuclear fusion. It formulated a favourable opinion on the rapid initiation of this project in the framework of the Community multiannual research and training programme (1976-1980) ; the necessary decisions will be submitted to the next Council of Ministers responsible for research."

- 1.1.3 In view of the advantages which will result for the host Country from the realization of the project on its territory, this Country should make a special contribution to the Project.

1.2 Proposed solution

- 1.2.1 The Commission maintains its proposal to charge 80 % of the cost (108 MUC(1)) of the project to the general budget of the Communities.
- 1.2.2 The remaining 20 % will be apportioned among all the other Partners in proportion to the contributions of the Commission to the annual budgets of the Associations (excluding the 20 % additional support to priority actions), these contributions being expressed in European Units of Account.
- 1.2.3 The special contributions from the host Country consist of all expenditure necessary for the provision of the site to the Project in "standard condition" (2) and for the de-commissioning of the device at the end of its operation.

Should the Council consider that the host Country must, in addition, make a special financial contribution to the Project, the Commission recommends the following distribution of the remaining 20 % : 5 % to be paid by the host Country and 15 % apportioned among all the Partners as detailed in 1.2.2.

(1) It should be remembered that the cost of JET has been calculated at the prices, without taxes, of March 1975 in Belgian francs, at free market exchange rates, then converted into units of account at the official rate : 50 FB = 1 UC.

(2) in particular : connection of electric power supplies, auxiliary buildings, cooling water.

2. Legal Form of the Project

2.1 Principles

The organization and management of the JET Project shall meet the following requirements :

- 2.1.1. The importance, the scientific and engineering complexity of the Project, together with its size and cost, demand a form of management organization in which decisions can be taken and executed without delays.
- 2.1.2 The management bodies carrying out the Project must carry full responsibility for it on all aspects : scientific, financial and administrative.
- 2.1.3 It will be vital to the prospects of success of the Project that an effective collaboration and interaction is established between the Project and the Associated Laboratories.

2.2 Proposal

- 2.2.1 Considering the importance, the scientific and engineering complexity of the project, together with its size and cost, the Commission proposes to establish a Joint Undertaking in the meaning of Articles 45 to 51 of the treaty establishing EURATOM, provided that the Joint Undertaking shall not bear any financial charge resulting from indirect taxes on commercial dealings included in the price of goods purchased by or services rendered to it.

This condition can be achieved either by means of exemption from or reimbursement of such taxes, or by any other form of financial compensation. These results can be achieved either by application of article 3 of the Protocol on the Privileges and Immunities of the European Communities or by adequate measures taken by the host country.

2.2.2 The Commission will start immediately after the site decision the procedure provided for in Article 46 of the Treaty and will formulate together with the Partners the proposals relating to that Joint Undertaking and submit them to the Council as soon as possible. In the meantime, in order to avoid any delay, the Project can be carried on under a contract between Euratom and all the organizations associated to the fusion programme. This contract will be an extension and an adaptation of the JET Design Agreement.

3. Statute of the staff

3.1 Principles

3.1.1 The Project Team will comprise staff from all the Associated Laboratories, from industry, from other sources, or at present employed by the JRC.

Conditions of employment must be adequate to ensure ability to recruit staff from abroad. These conditions of employment must at the same time ensure a certain homogeneity in order to avoid difficulties within the team. The salaries of this part of the staff should not be subject to income taxes in the host country.

3.1.2 The conditions of employment of the staff provided by the host organization should be the same as those of the other staff of that organization working at the site.

3.1.3 To ensure effective management of the team, it is essential that all the staff is under the authority of the Head of Project.

3.2 Proposed solution

3.2.1 All the staff, except that provided by the host organization, will be employed by the Communities to fill temporarily temporary posts (see Article 2.a of the Conditions of Employment of other servants of the Communities) and assigned to the Joint Undertaking.

The Commission proposes that a maximum of 250 temporary posts be allocated to the Fusion Programme for the construction of JET.

- 3.2.2 The staff provided by the host organization will be seconded to the Project but will remain in the employment of that organization on their normal conditions of service.
- 3.2.3 All the Associations must commit themselves to re-employing their own staff they will have provided to JET at the end of their service with the Project.
- 3.2.4 All the staff will be placed under the direction of the Head of Project.

4. Site

- 4.1 The Commission concluded its communication to the Council on the site of JET, submitted on 29 January 1976 (doc. COM(76) 8 final) with the statement that the site for JET must be Ispra. The Commission maintains its position on this point.
- 4.2 In June 1976 the Commission (1) already stressed the urgency of a final decision. All the arguments put forward are valid "a fortiori" at present.
- 4.3 The Commission proposes that, in case no agreement on the site is reached before the end of 1976, the Council request the Commission to choose the site on the basis of a recommendation by the JET Council (majority of two thirds of votes).

Communication of the Commission to the Council on the JET Project. (doc. COM(76) 271 final).

PROPOSED COUNCIL DECISION

amending Decision No 76/345/Euratom adopting a five-year research and training programme (1976/1980) of the European Atomic Energy Community in the field of fusion and plasma physics.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 7 thereof;

Having regard to the proposal from the Commission submitted after consultation with the Scientific and Technical Committee;

Whereas by Decision No 76/345/Euratom the Council adopted a five-year research and training programme (1976/1980) in the field of fusion and plasma physics;

Whereas it is necessary to provide the Community with a large machine of the Tokamak type (JET: "Joint European Torus");

Whereas the organizations associated to the fusion programme will bear 20% of the total cost of the construction of JET;

(Whereas the Government of the host Country will bear 5% and all the organizations associated to the fusion programme will bear 15% of the total cost of the construction of JET;)

Whereas the host Country will bear all the costs necessary to provide the JET project with the site in the required condition as well as all the costs for de-commissioning the device at the end of its operation ;

Whereas the Government of the host Country commits itself to exempting the JET project from indirect taxes or sale taxes included in the price of movable or immovable property acquired for the execution of the project.

Whereas, in order to ensure the continuity of the said five-year programme which, moreover, takes its place in the wider context of the security of the long-term energy supplies of the Community, it must be adequately supplemented with regard to the realization of the JET project,

HAS DECIDED AS FOLLOWS:

Article 1

The programme set out in the Annex to Decision No 76/345/Euratom shall be replaced by the programme annexed to this Decision.

Article 2

Article 2 of Decision No 76/345/Euratom shall be replaced by the following:

" The maximum amount of expenditure commitments and the staff necessary for the implementation of this programme is estimated at 232 000 000 units of account and 113 Community servants plus 250 temporary servants, the unit of account being defined in Article 10 of the Financial Regulation of 25 April 1973 applicable to the general budget of the European Communities. "

Done at Brussels,

For the Council

The President

ANNEX

FUSION AND PLASMA PHYSICS

1. The subject matter of the programme which will be executed shall be:
 - a) general physics in the sector concerned, in particular studies of a basic character or relating to confinement with suitable devices and to methods for producing and heating plasma;
 - b) research into the confinement, in closed configurations, of plasma of widely varying density and temperature;
 - c) production of and research into plasma of high and very high density;
 - d) improvement of diagnostic methods;
 - e) investigation into technological problems connected with current research and problems relating to thermonuclear reactor technology;
 - f) realization of the JET project.

The work referred to under a), b), c), d) and e) shall be carried out by means of association or limited duration contracts designed to yield the results necessary for the implementation of the programme.

For the realization of the JET project a Joint Undertaking in the meaning of Articles 45 to 51 of the EURATOM treaty will be established. Until this Joint Undertaking is established, the project will be executed by extension and adaptation of the JET Design Agreement.

2. The programme set out in point 1 shall be part of a long-term co-operative project embracing all work carried out in the Member States in the field of fusion and plasma physics. It is designed to lead in due course to the joint construction of prototypes with a view to their industrial-scale production and marketing.

3. A maximum amount of 232 million units of account and a maximum number of 113 employees plus 250 temporary employees for JET shall be allocated to this objective. The amount in question is intended to cover:

- expenditure relating to the construction of JET;
- expenditure on equipment concerned with operations accorded priority status;
- the cost of staff mobility;
- other expenditure relating to operations to be carried out under the programme.

4. Within the upper limit of 232 million units of account:

- a) a maximum amount of 108 million units of account shall be allocated to the financing of the construction of JET, a rate of participation of 80% being applied;
- b) a maximum amount of 39 million units of account shall be allocated to the financing of the operations specified in paragraph 5, a standard preferential rate of participation of about 45% being applied. In return, all partner associations shall have the right to take part in the experiments carried out with this equipment;
- c) a maximum amount of four million units of account shall be set aside for administration costs and for expenditure intended to ensure the mobility of research staff of the Member States necessary if they are to work in organizations cooperating in the implementation of the programme;
- d) the amount not set aside for the operations and expenditure referred to in a), b) and c) shall form the upper limit of financial participation by the Community in other expenditure incurred by the associations. This participation shall be at a standard rate of about 25%.

5. After conducting a technical examination of the various projects, the Commission may, within the following upper limits, finance at a rate of about 45% the operations mentioned below, which are accorded priority status by the liaison group:

	(million units of account)
- Tokamak systems and JET	50
- High-beta systems	20
- Low-beta systems (Stellarator)	5
- Heating and injection processes	12
- Technology	18
- Very high density processes	2

Each of these amounts shall constitute the maximum expenditure to be taken into consideration for each of the above priority operations. Moreover, the total amount for all operations shall not exceed 86.7 million units of account.