

No. 18850

**UNITED STATES OF AMERICA, FRANCE, FEDERAL
REPUBLIC OF GERMANY and SWITZERLAND**

Agreement amending the Agreement concluded on February 11, 1977, between the United States Energy Research and Development Administration and the Federal Minister for Research and Technology of the Federal Republic of Germany in the field of gas-cooled reactor concepts and technology. Signed at Bonn on 30 September 1977

Authentic texts: English, German and French.

Registered by the United States of America on 30 May 1980.

**ÉTATS-UNIS D'AMÉRIQUE, FRANCE,
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE et SUISSE**

Accord modifiant l'Accord signé le 11 février 1977 entre l'Administration des États-Unis pour la Recherche et le développement de l'énergie et le Ministre de la recherche et de la technologie de la République fédérale d'Allemagne dans le domaine des conceptions et de la technologie des réacteurs refroidis au gaz. Signé à Bonn le 30 septembre 1977

Textes authentiques : anglais, allemand et français.

Enregistré par les États-Unis d'Amérique le 30 mai 1980.

AGREEMENT¹ AMENDING THE AGREEMENT CONCLUDED ON FEBRUARY 11, 1977, BETWEEN THE UNITED STATES ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AND THE FEDERAL MINISTER FOR RESEARCH AND TECHNOLOGY OF THE FEDERAL REPUBLIC OF GERMANY IN THE FIELD OF GAS-COOLED REACTOR CONCEPTS AND TECHNOLOGY²

WHEREAS the United States Energy Research and Development Administration (ERDA) and the Federal Minister for Research and Technology of the Federal Republic of Germany (BMFT) have concluded on February 11, 1977, an agreement in the field of gas-cooled reactor concepts and technology,²

The Atomic Energy Commission of the French Republic (CEA) also has an interest in the development of gas-cooled reactors (GCR), in view of their possible application as high temperature gas-cooled reactors (HTR) for steam cycle, direct cycle or process heat, or possibly as gas-cooled fast breeder reactors (GCFR); the Swiss office of Science and Research (AWF) also has an interest in the development of the high-temperature gas-cooled reactor (HTR) and the gas-cooled fast breeder reactor (GCFR), both types of reactors hereinafter referred to as gas-cooled reactors (GCR),

NOW, THEREFORE, the United States Energy Research and Development Administration (ERDA), the Federal Minister for Research and Technology of the Federal Republic of Germany (BMFT), the Atomic Energy Commission of the French Republic (CEA), and the Swiss office of Science and Research (AWF), hereinafter called the parties,

Have agreed as follows:

Article 1. From the date of execution of this Addendum, the Agreement concluded on February 11, 1977, between ERDA and BMFT in the field of gas-cooled reactor concepts and technology shall become a Quadripartite Agreement (hereinafter called the Agreement) among ERDA, BMFT, CEA and AWF.

Article 2. For the implementation of the Agreement, it is agreed that if one of the parties has no specific interest in part or all of one or more of the areas of cooperation defined in article 2 of the Agreement, such party shall not be obliged to participate in the collaboration in such areas or parts of areas. It is understood that such non-participation by such party shall not be construed as a non-fulfillment of such party's commitments under the Agreement. Moreover, such party shall be kept informed of the overall extent and progress of the work such as objectives, plans, funding and policy considerations in the areas or part of areas in which it does not participate. Further, such party shall have the option of joining the collaboration at a later stage, subject to the terms and conditions set forth below.

The rights and obligations of a party under the Agreement shall not apply to areas in which it does not participate, unless the joint committee unanimously agrees otherwise. The joint committee shall unanimously determine the rights and obligations of a party which participates to a limited extent in any particular area. In the event a party wishes to enter the collaboration in any area at a later stage as contemplated above, the members of the joint committee representing this party and such parties already participating in the collaboration in this area shall unanimously determine the consequent rights and obligations of that party, including the degree of access to information previously utilized in and arising from the cooperation in such area. In determining all of the aforementioned

¹ Came into force on 30 September 1977 by signature, in accordance with article 6.

² United Nations, *Treaty Series*, vol. 1123, p. 67.

rights and obligations, the joint committee shall be guided by the principles of mutual benefit, equality and reciprocity.

Article 3. The relevant wording of the Agreement shall be considered as amended to take into account the fact that four parties are involved (e.g., “the other party” or “between the parties” is amended to become “the other parties” or “any other party” or “one of the other parties” or “among the parties”) as applicable.

It is agreed that each of the parties may implement the Agreement, in whole or in part, through its contractors or subcontractors, or through an industrial company. Each of the parties shall act as the point of coordination for contracts and arrangements between commercial firms of the countries of the respective parties when such firms act on behalf of their respective governments under the terms of the Agreement. Article 4, subparagraph 1, and article 14, subparagraph 2, are amended accordingly.

It is agreed that the joint committee described in article 5 of the Agreement shall be a joint ERDA/BMFT/CEA/AWF committee consisting of four members each for ERDA and BMFT, two members for CEA and one member for AWF.

As provided in article 1 of the Agreement, cooperation among the parties shall be on the basis of mutual benefit, equality and reciprocity. It is agreed that one of the functions of the joint committee shall be to evaluate the status of cooperation under the Agreement. This evaluation shall include an annual comprehensive review of each party’s GCR program status and plans, an assessment of the balance of the exchanges among the parties in the various areas of cooperation listed in article 2 of the Agreement, and a consideration of measures required to correct any imbalances among the parties.

The provisions of article 11, subparagraphs 5 and 6, shall apply *mutatis mutandis* to the transport of equipment and materials between and among the countries of each party.

It is agreed that each party may terminate its participation under the Agreement upon one year’s advance notification in writing. Article 18, paragraph 2, is amended accordingly.

The parties agree that additional parties may join the Agreement on terms to be agreed upon by the parties.

Article 4. All the other provisions of the Agreement not amended by this Addendum shall be applicable and binding on the four parties.

Article 5. CEA shall prepare a version in the French language of the Agreement as signed between ERDA and BMFT, which version, after approval by ERDA, BMFT and AWF, shall be considered as equally authentic as the existing versions in the English and German languages.

Article 6. This Addendum shall enter into force upon signature.

DONE at Bonn, in quadruplicate in the English, German and French languages, each text being equally authentic, this thirtieth day of September 1977.

For the United States Energy Research
and Development Administration:

RAYMOND E. VENER

For the Atomic Energy Commission
of the French Republic:

REMY WUSTNER

For the Federal Minister
for Research and Technology
of the Federal Republic of Germany:

REINHARD LOOSCH

For the Swiss Office
of Science and Research:

MICHAEL U. R. VON SCHENCK