

No. 27624

FRANCE
and
FEDERAL REPUBLIC OF GERMANY

Exchange of letters constituting an agreement concerning the treatment at The Hague of combustible nuclear waste originating in German nuclear power generating plants. Bonn, 25 April 1990

Authentic texts: German and French.

Registered by France on 30 October 1990.

FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Échange de lettres constituant un accord relatif au retraitement à La Haye d'éléments combustibles irradiés provenant des centrales nucléaires allemandes. Bonn, 25 avril 1990

Textes authentiques : allemand et français.

Enregistré par la France le 30 octobre 1990.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE TREATMENT AT THE HAGUE OF COMBUSTIBLE NUCLEAR WASTE ORIGINATING IN GERMAN NUCLEAR POWER GENERATING PLANTS

I

THE SECRETARY OF STATE
FOR FOREIGN AFFAIRS

Bonn, 25 April 1990

Sir,

Considering the fact that our two countries are members of the European Community, and considering the commitments made by them with regard to the non-proliferation of nuclear weapons, in particular, the London Guidelines for nuclear transfers and the joint policy declaration of 20 November 1984,

Taking into account the commitments made by the Federal Republic of Germany in the Agreement of 5 April 1973² (IAEA/INFCIRC 193) and by the French Republic in the Agreement of 27 July 1978³ (IAEA/INFCIRC 290) regarding the application of safeguards in the two States,

Bearing in mind the joint declaration of 6 June 1989 concerning cooperation between France and the Federal Republic of Germany in the peaceful uses of nuclear energy, and

With reference to the discussions held in 1989 between the Compagnie générale des matières nucléaires (hereinafter called COGEMA) and the Deutsche Gesellschaft für Wiederaufarbeitung von Kernbrennstoffen (hereinafter called DWK) on the reprocessing by COGEMA, during certain specified periods, of certain quantities of irradiated fuel originating in the Federal Republic of Germany, which discussions led to the joint drafting of two standard contracts,

I have the honour to propose to you, on behalf of the Government of the Federal Republic of Germany, the conclusion of the following Agreement between the Federal Republic of Germany and the Government of the French Republic on Franco-German cooperation in the reprocessing at the French reprocessing facility at The Hague of irradiated fuel originating in German nuclear power generating plants:

¹ Came into force by the exchange of letters, with effect from 25 April 1990, in accordance with the provisions of the said letters.

² United Nations, *Treaty Series*, vol. 1043, p. 213.

³ *Ibid.*, vol. 1259, p. 177.

(1) The two Governments shall apply the London Guidelines for nuclear transfers, in particular the provisions of paragraphs 3 (physical protection) and 10 (controls on retransfer), to all nuclear material covered by contracts concluded in accordance with the aforementioned standard contracts.

(2) The two Governments shall not prevent electric power producers from the Federal Republic of Germany from having access to the reprocessing facilities at the UP3 facility.

(3) The two Governments shall not take any initiative which would prevent the transport of irradiated fuel in their respective territories with a view to its reprocessing by COGEMA, provided that the fuel is in a form which guarantees its safe transport.

(4) Radioactive waste resulting from the reprocessing in France of irradiated nuclear fuel from the Federal Republic of Germany shall be returned to the Federal Republic of Germany, which shall be responsible for storing it permanently.

The authorities of the French Republic shall approve contracts which have been concluded if they are consistent with the clauses on waste of either standard contract. The French Government also reaffirms that at the appropriate time, reprocessing operations shall begin only if the conditions and practical arrangements connected with the return of waste are deemed satisfactory by the two Parties.

The Government of the Federal Republic of Germany guarantees that it will not take any initiative which would prevent COGEMA from transferring radioactive waste to its respective partners in accordance with the relevant clauses of the standard contracts, provided that the waste is in a form which guarantees its safe return to the Federal Republic of Germany.

(5) The two Governments confirm that the nuclear material produced by reprocessing will remain available to users duly authorized to receive it and that it will be returned to the Federal Republic of Germany in accordance with the procedures laid down in the joint policy declaration of 1984.

(6) The French Government confirms that the reprocessing facility at The Hague is subject to inspection by the European Atomic Energy Community in accordance with chapter VII of the EURATOM Treaty.¹ Furthermore, the facility is open to regular inspection by the International Atomic Energy Agency in accordance with the provisions of the Agreement concluded on 27 July 1978 between France, the European Atomic Energy Community and the International Atomic Energy Agency (INFCIRC 290).

(7) Material balances are subject to verification by the competent international inspection authorities. The French Republic alone shall be responsible *vis-à-vis* these authorities with respect to material balances at the UP3 factory.

(8) The two Governments declare that they are prepared to work with international inspection authorities to find practical solutions to any problems which might arise in the two countries as a result of the application of safeguards within the framework of the aforementioned contracts.

¹United Nations, *Treaty Series*, vol. 298, p. 167 (English translation); vol. 294, p. 259 (authentic French text); vol. 295, p. 259 (authentic German text); vol. 296, p. 259 (authentic Italian text); vol. 297, p. 259 (authentic Dutch text); vol. 1376, p. 138 (authentic Danish text); vol. 1377, p. 6 (authentic English text); vol. 1378, p. 6 (authentic Irish text); vol. 1383, p. 146 (authentic Greek text); vol. 1452, p. 306 (authentic Portuguese text) and vol. 1453, p. 332 (authentic Spanish text).

(9) The two Governments confirm that this Agreement does not affect the rights and obligations specified in the Treaty establishing the European Atomic Energy Community.

(10) This Agreement shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany notifies the Government of the French Republic to the contrary within the three months following its entry into force.

If paragraphs 1 to 10 above are acceptable to the French Government, this letter and your reply expressing such agreement shall constitute an Agreement between our two Governments, which shall enter into force on the date of your reply.

Accept, Sir, etc.

[HANS WERNER LAUTENSCHLAGER]

His Excellency

Mr. Serge Boidevaix
Ambassador of the French Republic
Bonn

II

AMBASSADOR OF FRANCE
TO THE FEDERAL REPUBLIC OF GERMANY

Bonn, 25 April 1990

Sir,

I have the honour to acknowledge receipt of your letter of 25 April 1990, which reads as follows:

[See letter I]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the French Republic and that your letter and this reply shall constitute an Agreement between our two Governments on Franco-German cooperation in the reprocessing at the French reprocessing facility at The Hague of irradiated fuel originating in German nuclear power generating plants, which shall enter into force on today's date.

Accept, Sir, etc.

[Signed]

S. BOIDEVAIX
Ambassador of France
to the Federal Republic of Germany

Mr. Hans Werner Lautenschlager
Secretary of State
Federal Ministry of Foreign Affairs
Bonn
