

## **Treaty establishing the EAEC - Annex I: Fields of research concerning nuclear energy referred to in Article 4 of this Treaty**

### **I. Raw materials**

1. Methods for the prospecting and mining of base materials (uranium, thorium and other products of particular importance in the field of nuclear energy).
2. Methods of concentrating these materials and converting them into technically pure compounds.
3. Methods of converting these technically pure compounds into nuclear-grade compounds and metals.
4. Methods for the conversion and processing of these compounds and metals - as well as plutonium, uranium-235 or uranium-233, either pure or combined with such compounds or metals - into fuel elements by the chemical, ceramic or metallurgical industries.
5. Methods of protecting such fuel elements against corrosion or erosion by external agents.
6. Methods of producing, refining, processing and preserving other special materials used in the field of nuclear energy, in particular:
  - (a) moderators, such as heavy water, nuclear-grade graphite, beryllium and beryllium oxide;
  - (b) structural materials such as zirconium (hafnium-free), niobium, lanthanum, titanium, beryllium and their oxides, carbides and other compounds capable of being used in the field of nuclear energy;
  - (c) coolants, such as helium, organic liquids, sodium, sodium-potassium alloys, bismuth; lead-bismuth alloys.
7. Methods of isotope separation:
  - (a) of uranium;
  - (b) of materials in ponderable quantities which can be used in the production of nuclear energy, such as lithium-6, lithium-7, nitrogen-15 and boron-10;
  - (c) of isotopes used in small quantities for research.

### **II. Physics applied to nuclear energy**

1. Applied theoretical physics:
  - (a) low-energy nuclear reactions, in particular neutron-induced reactions;
  - (b) fission;
  - (c) interaction of ionising radiation and photons with matter;
  - (d) solid state theory;
  - (e) study of fusion, with particular reference to the behaviour of an ionised plasma under the action of electromagnetic forces and to the thermodynamics of extremely high temperatures.
2. Applied experimental physics :

- (a) the same subjects as those specified in 1 above;
- (b) study of the properties of transuranic elements of importance in the field of nuclear energy.

### 3. Reactor calculations:

- (a) theoretical macroscopic neutron physics;
- (b) experimental neutron measurements; exponential and critical experiments;
- (c) thermodynamic calculations and calculations of strength of materials;
- (d) corresponding experimental measurements;
- (e) reactor kinetics, reactor control problems and relevant experiments;
- (f) radiation protection calculations and relevant experiments.

## III. Physical chemistry of reactors

1. Study of changes in the physical and chemical structure and of alterations in the technical properties of various materials in reactors brought about by:

- (a) heat;
- (b) the nature of the agents with which they are in contact;
- (c) mechanical factors.

2. Study of degradation and other phenomena produced by irradiation in:

- (a) fuel elements;
- (b) structural materials and coolants;
- (c) moderators.

3. Application of analytical chemistry and analytical physical chemistry to reactor components.

4. Physical chemistry of homogeneous reactors: radiochemistry, corrosion.

## IV. Processing of radioactive material

1. Methods of extracting plutonium and uranium-233 from irradiated fuels, and possible recovery of uranium or thorium.

2. Chemistry and metallurgy of plutonium.

3. Methods of extracting and chemistry of other transuranic elements.

4. Methods of extracting and chemistry of useful radioisotopes:

- (a) fission products
- (b) radioisotopes obtained by irradiation.

5. Concentration and storage of useless radioactive waste.

## V. Applications of radioisotopes

Application of radioisotopes as active elements or tracers in:

- (a) industry and science;
- (b) medicine and biology;
- (c) agriculture.

## VI. Study of the harmful effects of radiation on living organisms

1. Study of the detection and measurement of harmful radiations.
2. Study of adequate preventive and protective measures and the appropriate safety standards.
3. Study of the treatment of radiation effects.

## VII. Equipment

Studies relating to the construction and improvement of equipment specially intended not only for reactors but also for any of the industrial and research installations required for the research activities listed above. As examples may be mentioned:

### 1. The following types of mechanical equipment:

- (a) pumps for special fluids;
- (b) heat exchangers;
- (c) apparatus for nuclear physics research, such as neutron velocity selectors;
- (d) remote handling equipment.

### 2. The following types of electrical equipment:

- (a) instruments for radiation detection and measurement, used particularly in:
  - prospecting for minerals,
  - scientific and technical research,
  - reactor control,
  - health and safety!
- (b) reactor control equipment;
- (c) low-energy particle accelerators (up to 10 MeV).

## VIII. Economic aspects of energy production

1. Comparative studies, both theoretical and experimental, of the various reactor types.
2. Technical and economic study of fuel cycles.

**Treaty establishing the EAEC Annex II: Industrial activities referred to in Article 41 of this Treaty**

1. Mining of uranium and thorium ore.
2. Concentration of such ores.
3. Chemical processing and refining of uranium and thorium concentrates.
4. Preparation of nuclear fuels, in any form.
5. Fabrication of nuclear fuel elements.
6. Production of uranium hexafluoride.
7. Production of enriched uranium.
8. Processing of irradiated fuels for the purpose of separating some or all of the elements contained therein.
9. Production of reactor moderators.
10. Production of hafnium-free zirconium or compounds thereof.
11. Nuclear reactors of all types and for all purposes.
12. Facilities for the industrial processing of radioactive waste, set up in conjunction with one or more of the facilities specified in this list.
13. Semi-industrial installations intended to prepare the way for the construction of plants involved in any of activities 3 to 10.

### **Treaty establishing the EAEC - Annex III: Advantages which may be conferred on Joint Undertakings under Article 48 of this Treaty**

1. (a) Recognition that public interest status in conformity with the national laws applies to the acquisition of immovable property required for the establishment of Joint Undertakings.

(b) Application of national procedures for compulsory acquisition on the grounds of public interest, so that such acquisition may be effected where amicable agreement has not been reached.

2. The right to be granted licences, either through arbitration or under compulsory powers as provided in Articles 17 to 23.

3. Exemption from all duties and charges when Joint Undertakings are established and from all duties on assets contributed.

4. Exemption from all duties and charges levied upon acquisition of immovable property and from all registration and recording charges.

5. Exemption from all direct taxes to which Joint Undertakings, their property, assets and revenue might otherwise be liable.

6. Exemption from all customs duties and charges having equivalent effect and from all prohibitions and restrictions on imports or exports, whether of an economic or of a fiscal nature, with regard to:

(a) scientific and technical equipment, excluding building materials and equipment for administrative purposes;

(b) substances which have been or are to be processed in the Joint Undertaking.

7. Exchange arrangements provided for in Article 182 (6).

8. Exemption from restrictions on entry and residence for nationals of Member States employed by Joint Undertakings and for their spouses and dependent members of their families.

**Treaty establishing the EAEC - Annex IV: List of goods and products subject to the provisions of Chapter IX on the nuclear common market**

LIST A1

Uranium ores containing more than 5 per cent by weight of natural uranium.

Pitchblende containing more than 5 per cent by weight of natural uranium.

Uranium oxide.

Inorganic compounds of natural uranium other than uranium oxide and uranium hexafluoride.

Organic compounds of natural uranium.

Crude or processed natural uranium.

Alloys containing plutonium.

Organic or inorganic compounds of uranium enriched in organic or inorganic compounds or uranium-235.

Organic or inorganic compounds or uranium-233.

Thorium enriched in uranium-233.

Organic or inorganic compounds of plutonium.

Uranium enriched in plutonium.

Uranium enriched in uranium-235.

Alloys containing uranium enriched in uranium-235 or uranium-233.

Plutonium.

Uranium-233.

Uranium hexafluoride.

Monazite.

Thorium ores containing more than 20 per cent by weight of thorium.

Urano-thorianite containing more than 20 per cent of thorium.

Crude or processed thorium.

Thorium oxide.

Inorganic compounds of thorium other than thorium oxide.

Organic compounds of thorium.

## LIST A2

Deuterium and its compounds (including heavy water) in which the ratio of the number of deuterium atoms to normal hydrogen atoms exceeds 1:5,000.

Heavy paraffin in which the ratio of the number of deuterium atoms to normal hydrogen atoms exceeds 1:5,000.

Mixtures and solutions in which the ratio of the number of deuterium atoms to normal hydrogen atoms exceeds 1:5,000.

Nuclear reactors.

Equipment for the separation of uranium isotopes by gaseous diffusion or other methods.

Equipment for the production of deuterium, its compounds (including heavy water) and derivatives, and mixtures or solutions containing deuterium in which the ratio of the number of deuterium atoms to normal hydrogen atoms exceeds 1:5,000:

- equipment operating by the electrolysis of water;
- equipment operating by the distillation of water, liquid hydrogen, etc.;
- equipment operating by isotope exchange between hydrogen sulphide and water by means of a change of temperature;
- equipment operating by other techniques.

Equipment specially designed for the chemical processing of radioactive material:

- equipment for the separation of irradiated fuel:
- by chemical processes (solvents, precipitation, ion exchange, etc.);
- by physical processes (fractional distillation, etc.);
- waste-processing equipment;
- fuel-recycling equipment.

Vehicles specially designed for the transport of highly radioactive substances:

- railway and tramway goods vans, goods wagons and trucks for tracks of any gauge;
- motor lorries;
- motorised works trucks for the handling of goods;
- trailers and semi-trailers and other non-motorised vehicles.

Containers with lead radiation shielding for the transport or storage of radioactive material.

Artificial radioactive isotopes and their inorganic or organic compounds.

Remote-controlled mechanical manipulators specially designed for handling highly radioactive substances:

- mechanical handling gear, fixed or mobile, but not being capable of being operated manually.

## LIST B

Components and parts for nuclear reactors.

Lithium ores and concentrates.

Nuclear-grade metals:

- crude beryllium;
- crude bismuth;
- crude niobium (columbium);
- crude zirconium (hafnium-free);
- crude lithium;
- crude aluminium;
- crude calcium;
- crude magnesium.

Boron trifluoride.

Anhydrous hydrofluoric acid.

Chlorine trifluoride.

Bromine trifluoride.

Lithium hydroxide.

Lithium fluoride.

Lithium chloride.

Lithium hydride.

Lithium carbonate.

Nuclear-grade beryllium oxide.

Refractory bricks of nuclear-grade beryllium oxide.

Other refractory products of nuclear-grade beryllium oxide.

Artificial graphite in the form of blocks or bars in which the boron content is less than or equal to one part per million and in which the total microscopic thermal neutron absorption cross-section is less than or equal to 5 millibarns.

Artificially separated stable isotopes.

Electromagnetic ion separators, including mass spectrographs and mass spectrometers.

Reactor simulators (special analog computers).

Remote-controlled mechanical manipulators:

- hand-controlled (i.e., operated manually like a tool).

Liquid-metal pumps.



High-vacuum pumps.

Heat exchangers specially designed for nuclear power stations.

Radiation detection instruments (and spare parts) of one of the following types, specially designed, or adaptable, for the detection of measurement of nuclear radiation, such as alpha and beta particles, gamma rays, neutrons and protons:

- Geiger counter tubes and proportional counters;
- detection or measuring instruments incorporating Geiger-Muller tubes or proportional counters;
- ionisation chambers;
- instruments incorporating ionisation chambers;
- radiation detection or measuring equipment for mineral prospecting and for reactor, air, water and soil monitoring;
- neutron detector tubes using boron, boron trifluoride, hydrogen or a fissile element;
- detection or measuring instruments incorporating neutron detector tubes using boron, boron trifluoride, hydrogen or a fissile element;
- scintillation crystals, mounted or in a metal casing (solid scintillators);
- detection or measuring instruments incorporating liquid, solid or gaseous scintillators;
- amplifiers specially designed for nuclear measurements, including linear amplifiers, preamplifiers, distributed amplifiers and pulse height analysers;
- coincidence devices for use with radiation detectors;
- electroscopes and electrometers, including dosimeters (but excluding instruments intended for instruction purposes, simple metal leaf electroscopes, dosimeters specially designed for use with medical X-ray equipment and electrostatic measuring instruments);
- instruments capable of measuring a current of less than one picoampere;
- photomultiplier tubes with a photocathode which gives a current of at least 10 microamperes per lumen and in which the average amplification is greater than 10<sup>5</sup>, and an/ other types of electric multiplier activated by positive ions;
- scalers and electronic integrating meters for the detection of radiation.

Cyclotrons, Van de Graaff or Cockcroft-Walton electrostatic generators, linear accelerators and other machines capable of imparting an energy greater than 1 MeV to nuclear particles.

Magnets specially designed and constructed for the above mentioned machines and equipment (cyclotrons, etc.).

Accelerating and focusing tubes of the type used in mass spectrometers and mass spectrographs.

Intense electronic sources of positive ions intended for use with particle accelerators, mass spectrometers and similar devices.

Anti-radiation plate glass:

- cast or rolled plate glass (including wired or flashed glass) in squares or rectangles, surface-ground or polished but not further worked;
- cast or rolled plate glass (whether or not ground or polished) cut to shape other than square or rectangular, or curved or otherwise worked (for example, bevelled or engraved);
- safety glass, consisting of toughened or laminated glass, shaped or not.

Airtight clothing affording protection against radiation or radioactive contamination:

- made of plastic;
- made of rubber;
- made of impregnated or coated fabric :
- for men;
- for women.

Diphenyl (when it is in fact the aromatic hydrocarbon  $C_{12}H_{10}$ ).

Terphenyl.

**Treaty establishing the EAEC - Annex V: Initial research and training programme referred to in Article 215 of this Treaty**

I. Programme of the Joint Centre

1. Laboratories, equipment and infrastructure.

The Joint Centre shall include :

- (a) general laboratories for chemistry, physics, electronics and metallurgy;
- (b) special laboratories for the following subjects :
  - nuclear fusion;
  - separation of isotopes other than uranium 235 (this laboratory shall be equipped with a high-resolution electromagnetic separator);
  - prototypes of prospecting instruments;
  - mineralogy;
  - radiobiology;
- (c) a bureau of standards specialising in nuclear measurements for isotope analysis and absolute measurements of radiation and neutron absorption, equipped with its own experimental reactor.

2. Documentation, information and training.

The Joint Centre shall arrange for a large-scale exchange of information, particularly in the following fields:

- raw materials: methods of prospecting, mining, concentration, conversion, processing, etc.;
- physics applied to nuclear energy;
- physical chemistry of reactors;
- processing of radioactive material;
- applications of radioisotopes.

The Joint Centre shall organise specialised courses relating particularly to the training of prospectors and to the applications of radioisotopes.

The health and safety documentation and study section referred to in Article 39 shall collect the necessary documentation and information.

3. Reactor prototypes.

A group of experts shall be set up as soon as this Treaty enters into force. After comparing the programmes of the Member States, it shall submit to the Commission, as soon as possible, appropriate recommendations on the choices before it in this field and the ways and means of implementing them.

It is planned to construct three or four low-power prototypes and to participate - e.g. by supplying fuel and moderators - in three power reactors.

4. High-flux reactor.

The Centre shall within the shortest possible time have at its disposal a reactor with a high fast-neutron flux for the testing of materials under irradiation.

Preparatory studies shall be undertaken for this purpose as soon as this Treaty enters into force.

The high-flux reactor shall be provided with extensive experimental areas and suitable laboratories for users.

## II. Research carried out under contract outside the Joint Centre

A considerable part of the research work shall be carried out under contract outside the Joint Centre in accordance with Article 10. Such research contracts may take the following forms:

1. Research complementary to that of the Joint Centre shall be carried out in the fields of nuclear fusion, separation of isotopes other than uranium-235, chemistry, physics, electronics, metallurgy and radiobiology.
2. Until the proposed materials-testing reactor comes into operation, the Centre may rent space for experiments in high-flux reactors of Member States,
3. The Centre may make use of the specialised installations of Joint Undertakings to be established in accordance with Chapter V, by assigning to them by contract certain research of a general scientific nature.

**Treaty establishing the EAEC - Protocol on the application of the Treaty to the non-European parts of the Kingdom of the Netherlands**

THE HIGH CONTRACTING PARTIES,

ANXIOUS, at the time of signature of the Treaty establishing the European Atomic Energy Community, to define the scope of the provisions of Article 198 of this Treaty in respect of the Kingdom of the Netherlands,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

The Government of the Kingdom of the Netherlands, by reason of the constitutional structure of the Kingdom resulting from the Statute of 29 December 1954, shall, by way of derogation from Article 198, be entitled to ratify this Treaty either on behalf of the Kingdom of the Netherlands in its entirety or on behalf of the Kingdom in Europe and Netherlands New Guinea. In the event of ratification being limited to the Kingdom in Europe and Netherlands New Guinea, the Government of the Kingdom of the Netherlands may at any time, by notification to the Government of the Italian Republic as depositary of the instruments of ratification, declare this Treaty also applicable either to Surinam, or to the Netherlands Antilles, or to both Surinam and the Netherlands Antilles.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

P. H. Spaak.	J. Ch. Snoy et d'Oppuers.
Adenauer.	Hallstein.
Pineau.	M. Faure.
Antonio Segni.	Gaetano Martino.
Bech.	Lambert Schaus.
J. Luns.	J. Linthorst Homan.

## **Treaty establishing the EAEC - Protocol on the privileges and immunities**

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY,

CONSIDERING that, in accordance with Article 191 of this Treaty, the Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in a separate Protocol,

HAVE DESIGNATED as their Plenipotentiaries to draw up this Protocol:

HIS MAJESTY THE KING OF THE BELGIANS:

Baron J. Ch. SNOY et d'OPPUERS, Secretary-General of the Ministry of Economic Affairs, Head of the Belgian Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Professor Dr. Carl Friedrich OPHÜLS, Ambassador of the Federal Republic of Germany, Head of the German Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Robert MARJOLIN, Professor of Law, Deputy Head of the French Delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. V. BADINI CONFALONIERI, Under-Secretary of State in the Ministry of Foreign Affairs, Head of the Italian Delegation to the Intergovernmental Conference;

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG:

Mr. Lambert SCHAUS, Ambassador of the Grand Duchy of Luxembourg, Head of the Luxembourg Delegation to the Intergovernmental Conference;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr. J. LINTHORST HOMAN, Head of the Netherlands Delegation to the Intergovernmental Conference;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED on the following provisions, which shall be annexed to the Treaty establishing the European Atomic Energy Community.

Chapter 1

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE COMMUNITY

Article 1

The premises and buildings of the Community shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the

Community shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

#### Article 2

The archives of the Community shall be inviolable.

#### Article 3

The Community, its assets, revenues and other property shall be exempt from all direct taxes.

The Governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Community makes, for its official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Community.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

#### Article 4

The Community shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use; articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the Government of that country.

The Community shall also be exempt from any customs duties and any prohibitions and restrictions on imports and exports in respect of its publications.

### Chapter 2

#### COMMUNICATIONS AND LAISSEZ-PASSER

#### Article 5

For their official communications and the transmission of all their documents, the institutions of the Community shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Community shall not be subject to censorship.

#### Article 6

Laissez-passer in a form to be prescribed by the Council, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Community by the Presidents of these institutions. These laissez-passer shall be issued to officials and other servants under conditions laid down in the Staff Regulations and Conditions of Employment provided for in Article 186 of this Treaty.

The Commission may conclude agreements for these laissez-passer to be recognised as valid travel documents within the territory of third countries.

### Chapter 3

#### MEMBERS OF THE ASSEMBLY

#### Article 7

No administrative or other restriction shall be imposed on the free movement of members of the Assembly travelling to or from the place of meeting of the Assembly.

Members of the Assembly shall, in respect of customs and exchange control, be accorded:

- (a) by their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the Governments of other Member States, the same facilities as those accorded to representatives of foreign Governments on temporary official missions.

#### Article 8

Members of the Assembly shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

#### Article 9

During the sessions of the Assembly, its members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to members while they are travelling to and from the place of meeting of the Assembly.

Immunity cannot be claimed when a member is found in the act of committing an offence and shall not prevent the Assembly from exercising its right to waive the immunity of one of its members.

#### Chapter 4

##### REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE COMMUNITY

#### Article 10

Representatives of Member States taking part in the work of the institutions of the Community, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities\*

This Article shall also apply to members of the advisory bodies of the Community\*

#### Chapter 5

##### OFFICIALS AND OTHER SERVANTS OF THE COMMUNITY

#### Article 11

In the territory of each Member State and whatever their nationality, the officials and other servants of the Community referred to in Article 186 of this Treaty shall:

- (a) subject to the provisions of Articles 152 and 188 of this Treaty, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written; they shall continue to enjoy this immunity after they have ceased to hold office;



- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty from the country of their last residence or from the country of which they are nationals, their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the Government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the Government of the country concerned.

#### Article 12

Officials and other servants of the Community shall be liable to a tax for the benefit of the Community on salaries, wages and emoluments paid to them by the Community, in accordance with the conditions and procedure laid down by the Council, acting on proposals submitted by the Commission within one year of the entry into force of this Treaty.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Community.

#### Article 13

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Community, officials and other servants of the Community who, solely by reason of the performance of their duties in the service of the Community, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Community, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Community. This provision shall also apply to a spouse to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of third countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

#### Article 14

The Council shall, acting unanimously on a proposal which the Commission shall make within one year of the entry into force of this Treaty, lay down the scheme of social security benefits for officials and other servants of the Community.

#### Article 15

The Council shall, acting on a proposal from the Commission and after consulting the other institutions concerned, determine the categories of officials and other servants of the Community to whom the provisions of Article 11, the second paragraph of Article 12 and Article 13 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the Governments of the Member States.

#### Chapter 6

#### PRIVILEGES AND IMMUNITIES OF MISSIONS ACCREDITED TO THE COMMUNITY

#### Article 16

The Member State in whose territory the Community has its seat shall accord the customary diplomatic immunities to missions of third countries accredited to the Community.

#### Chapter 7

#### GENERAL PROVISIONS

#### Article 17

Privileges, immunities and facilities shall be accorded to officials and other servants of the Community solely in the interests of the Community.

Each institution of the Community shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Community.

#### Article 18

The institutions of the Community shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

#### Article 19

Article 11 to 14 and Article 17 shall apply to members of the Commission.

#### Article 20

Articles 11 to 14 and Article 17 shall apply to the Judges, the Advocates-General, the Registrar and the Assistant Rapporteurs of the Court of Justice, without prejudice to the provisions of Article 3 of the Protocol on the Statute of the Court of Justice concerning immunity from legal proceedings of Judges and Advocates-General.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Protocol.

Done at Brussels this seventeenth day of April in the year one thousand nine hundred and fifty-seven.

J. Ch. SNOY et d'OPPUERS.

C. P. OPHÜLS.

Robert MARJOLIN

Vittorio BADINI

Lambert SCHAUS

J. LINTHORST HOMAN

**Treaty establishing the EAEC - Protocol on the Statute of the Court of justice of the European Atomic Energy Community**

THE HIGH CONTRACTING PARTIES TO THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY,

DESIROUS of fixing the Statute of the Court laid down in Article 160 of this Treaty,

HAVE DESIGNATED as their Plenipotentiaries for this purpose:

HIS MAJESTY THE KING OF THE BELGIANS:

Baron J. Ch. SNOY et d'OPPÜERS, Secretary-General of the Ministry of Economic Affairs, Head of the Belgian delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Professor Dr. Carl Friedrich OPHÜLS, Ambassador of the Federal Republic of Germany, Head of the German delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Robert MARJOLIN, Professor of Faculties of Law, Deputy Head of the French delegation to the Intergovernmental Conference;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. V. BADINI CONFALONIERI, Under-Secretary of State in the Ministry of Foreign Affairs, Head of the Italian delegation to the Intergovernmental Conference;

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG:

Mr. Lambert SCHAUS, Ambassador of the Grand Duchy of Luxembourg, Head of the Luxembourg delegation to the Intergovernmental Conference;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr. J. LINTHORST HOMAN, Head of the Netherlands delegation to the Intergovernmental Conference;

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED upon the following provisions annexed to the Treaty establishing the European Atomic Energy Community.

Article 1

The Court established by Article 3 of this Treaty shall be constituted and shall perform its duties in accordance with the provisions of this Treaty and of this Statute.

TITLE ONE - Status of the Judges and the Advocates-general

Article 2

Before entering upon his duties each judge shall in open court take an oath to perform his duties impartially and conscientiously and to preserve the secrecy of the Court's deliberations.

### Article 3

The judges shall be immune from legal process. They shall continue to benefit from such immunity after their functions have ceased for all acts performed by them in their official capacity, including their words spoken or written.

The Court, in plenary session, may suspend this immunity.

Only an agency competent to judge the members of the highest national judiciary in each Member State shall have jurisdiction in criminal proceedings against judges whose immunity has been suspended.

### Article 4

The judges may not hold any political or administrative office.

They may not engage in any paid or unpaid professional activities except by special exemption granted by the Council.

When entering upon their duties, they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations resulting therefrom, in particular the duty of exercising honesty and discretion as regards the acceptance, after their term of office, of certain functions or advantages.

In case of doubt a decision shall be made by the Court.

### Article 5

Apart from retirements in regular rotation and the case of death the duties of a judge shall be terminated in individual cases by resignation.

Where a judge resigns, his letter of resignation shall be addressed to the President of the Court for transmission to the President of the Council. This notification shall constitute vacation of office.

Except for instances in which Article 6 applies, a judge shall continue to hold office until his successor enters upon his duties.

### Article 6

The judges may be deprived of office or of their right to a pension or alternative advantages only if, in the unanimous opinion of the judges and advocates-general of the Court, they no longer fulfil the required conditions or meet the obligations resulting from their office. The judge concerned shall not take part in these deliberations.

The registrar of the Court shall communicate the Court's decision to the President of the Assembly and to the President of the Commission and shall notify it to the President of the Council.

In the case of a decision removing a judge from his office, such notification shall constitute vacation of office,

#### Article 7

A judge appointed to replace a member whose term of office has not expired shall be appointed for the remainder of that member's term of office.

#### Article 8

The provisions of Articles 2 to 7 inclusive shall apply to the advocates-general.

### TITLE TWO - Organisation

#### Article 9

The registrar shall take an oath before the Court to perform his duties impartially and conscientiously and to preserve the secrecy of the Court's deliberations.

#### Article 10

The Court shall arrange for the registrar to be replaced if he is unable to carry out his duties.

#### Article 11

The Court shall have officials and other employees to ensure its functioning. They shall be responsible to the registrar under the authority of the President.

#### Article 12

The Council, acting by means of a unanimous vote on a proposal of the Court, may provide for the appointment of assistant rapporteurs and lay down their statute of service. The assistant rapporteurs may be required under conditions to be fixed by the rules of procedure to participate in the examination of cases pending before the Court and to collaborate with the reporting judge.

The assistant rapporteurs shall be chosen from among persons who are of indisputable independence and who possess the necessary legal qualifications; they shall be appointed by the Council. They shall take an oath before the Court to perform their duties impartially and conscientiously and to preserve the secrecy of the Court's deliberations.

#### Article 13

The judges, advocates-general and the registrar shall reside at the seat of the Court.

#### Article 14

The Court shall sit permanently. The length of judicial recesses shall be fixed by the Court with due regard for its judicial obligations.

#### Article 15

The Court may sit validly only with an uneven number of members. The deliberations of the Court meeting in plenary session shall be valid if five members are present. The deliberations of the chambers are valid only if they are conducted by three judges; in

the event of one of the judges of a chamber being unable to carry out his duties, a judge of another chamber may be asked to sit in accordance with conditions which shall be laid down by the rules of procedure.

#### Article 16

The judges and advocates-general may not participate in the settlement of any case in which they have previously participated as a representative, counsel or advocate of one of the parties, or on which they have been called upon to decide as a member of a tribunal, of a commission of inquiry or in any other capacity.

If, for some special reason, any judge or advocate-general considers that he should not take part in the judgment or examination of a particular case, he shall so inform the President. If the President considers that any judge or advocate-general should not, for some special reason, sit or submit conclusions in a particular case, he shall give notice thereof to the person concerned.

The Court shall decide in case of any difficulties arising from the application of this Article.

A party may not invoke either the nationality of a judge or the absence from the bench or from one chamber of a judge of his own nationality, in order to ask for a change in the composition of the Court or of one of its chambers.

### TITLE THREE - Procedure

#### Article 17

The States and the institutions of the Community shall be represented before the Court by a representative appointed for each case; the representative may be assisted by counsel or by an advocate who is a member of the Bar of one of the Member States.

Other parties shall be represented by an advocate member of the Bar of one of the Member States.

The representatives, counsel and advocates appearing before the Court shall have the rights and guarantees necessary for the independent performance of their duties, under conditions to be laid down by the rules of procedure.

The Court shall have, with respect to the counsel and advocates who appear before it, the powers normally accorded to courts and tribunals, under conditions to be laid down by the same rules.

Professors being nationals of the Member States whose municipal law accords to them the right to plead shall have the same rights before the Court as are accorded by this Article to advocates.

#### Article 18

The procedure before the Court entails two stages: one written and the other oral.

The written procedure shall include communication to the parties as well as to the institutions of the Community whose decisions are in dispute, of the petitions, memoranda, defence and observations and answers, if any, as well as of all documentary evidence and supporting papers or of certified copies thereof.

Such communications shall be made by the registrar in the sequence and within the time-limits fixed by the rules of procedure.

The oral procedure shall include the reading of the report presented by a reporting judge, the hearing by the Court of representatives, counsel and advocates and of the conclusions of the advocate-general as well as the hearing, if necessary, of witnesses and experts.

#### Article 19

Matters shall be referred to the Court by a petition addressed to the registrar. The petition shall contain the name and the domicile of the petitioner and the capacity of the signatory, the name of the party against whom the petition is lodged, the subject-matter of the dispute, the arguments and a short summary of the grounds on which the petition is based.

The petition shall be accompanied, where appropriate, by the act whose annulment is sought or, in the case mentioned in Article 148 of this Treaty, by documentary evidence of the date of issue of the invitation referred to in that article. If these documents are not annexed to the petition, the registrar shall ask the party concerned to produce them within a reasonable period; in that case the rights of the party shall not lapse even if such documents are produced after the expiry of the time-limit set for the appeal.

#### Article 20

In cases provided for under Article 18 of this Treaty reference shall be made to the Court by an appeal addressed to the registrar. Such appeal shall contain the name and domicile of the appellant and the capacity of the signatory, shall specify the decision against which the appeal is made, shall name the opposing parties, and give the subject-matter of the dispute, the arguments and a short summary of the grounds on which the appeal is based.

The appeal shall be accompanied by a certified copy of the decision of the Arbitration Committee against which the appeal is made.  
If the Court rejects the appeal, the decision of the Arbitration Committee shall become final.

If the Court annuls the decision of the Arbitration Committee, the proceedings may, where appropriate, be re-opened at the request of one of the parties before the Arbitration Committee. The latter shall act in accordance with the points of law laid down by the Court.

#### Article 21

In cases provided for under Article 150 of this Treaty, the decision of the domestic court or tribunal which suspends its proceedings and makes a reference to the Court shall be notified to the Court by the domestic court or tribunal concerned. Such decision shall then be notified by the registrar to the parties in the case, to the Member States and to the Commission, and also to the Council if the act whose validity or interpretation is in dispute originates from the Council.

The parties, the Member States, the Commission and, where appropriate, the Council are entitled to submit to the Court, within a period of two months after the latter notification, memoranda or written comments.

## Article 22

The Court may request the parties to produce all documents and to supply all information which the Court considers desirable. In case of refusal, the Court shall take judicial notice thereof.

The Court may also request Member States and institutions not being parties to the case to supply all information which the Court considers necessary for the proceedings.

## Article 23

The Court may at any time charge any person, body, office, commission or organ of its own choice with the duty of making an expert study.

## Article 24

Witnesses may be heard under the conditions which shall be determined by the rules of procedure.

## Article 25

The Court shall have, with respect to defaulting witnesses, the powers generally accorded to courts and tribunals and may impose pecuniary sanctions under conditions to be laid down by the rules of procedure.

## Article 26

Witnesses and experts may be heard under oath in the form laid down by the rules of procedure or in the manner fixed by the municipal law of the witness or expert.

## Article 27

The Court may order that a witness or expert be heard by the judicial authority of his domicile.

This order shall be sent for execution to the competent judicial authority under conditions laid down by the rules of procedure. The documents resulting from the execution of this rogatory commission shall be sent to the Court under the same conditions.

The Court shall be responsible for the expenses incurred, subject to the right to charge these expenses, where appropriate, to the parties concerned.

## Article 28

Each Member State shall regard any violation of an oath by witnesses and experts as if the same offence had been committed before a domestic court or tribunal dealing with a case in civil law. When the Court reports such a violation the Member State concerned shall prosecute the offender before the competent domestic court or tribunal.

## Article 29



Hearings shall be public unless the Court, ex officio or at the request of the parties, shall, for substantial reasons, decide otherwise.

#### Article 30

During the hearings the Court may examine the experts, the witnesses and the parties themselves. The latter may only plead through their representative.

#### Article 31

Minutes shall be kept of each hearing, signed by the President and the registrar.

#### Article 32

The list of cases shall be fixed by the President.

#### Article 33

The Court's deliberations shall be and shall remain secret.

#### Article 34

Judgments shall be supported by reasons. They shall state the names of the judges who have deliberated.

#### Article 35

Judgments shall be signed by the President and the registrar. They shall be read in open Court.

#### Article 36

Cost shall be determined by the Court.

#### Article 37

The President of the Court may, in accordance with a summary procedure which derogates, as far as necessary, from certain provisions of this Statute and under conditions which shall be laid down in the rules of procedure, rule either upon submissions for the granting of suspension of execution, as provided for in Article 157 of this Treaty, or for the application of interim orders pursuant to Article 158, or for the suspension of forced execution in accordance with Article 164, last paragraph.

In the event of the President being prevented from carrying out his duties, he shall be replaced by another judge under conditions laid down by the rules of procedure.

The ruling of the President or of his alternate shall be provisional and shall in no way prejudice the decision of the Court on the substance.

#### Article 38

The Member States and the institutions of the Community may intervene in cases before the Court.

The same right is given to any other person establishing an interest in the result of any case referred to the Court, except in cases between Member States, between institutions of the Community or between Member States and institutions of the Community.

The submission of third parties intervening in a case shall be limited to the support of the arguments of either party.

#### Article 39

Where the defendant, after having been duly notified, fails to file written conclusions, a judgment may be made on his case in default. This judgment may be appealed against within a period of one month after the date of notification. Such appeal shall not stay the execution of the judgment by default unless the Court decides otherwise.

#### Article 40

The Member States, the institutions of the Community and any other natural or legal persons may, in cases and under conditions to be determined by the rules of procedure, institute third party proceedings to contest judgments which have been given without their having been heard, where such judgments are prejudicial to their rights.

#### Article 41

In case of difficulty as to the meaning or scope of a judgment, it shall be to the Court to interpret such judgment upon the request of any party or any institution of the Community establishing an interest therein.

#### Article 42

The Court may be asked to review a judgment only on grounds of the discovery of a fact capable of exerting a decisive influence and which was unknown to the Court and to the party requesting such review prior to the pronouncement of such a judgment.

The procedure for review shall commence by a judgment of the Court explicitly finding that a new fact exists, recognising therein the characteristics giving rise to review and holding the request for review to be admissible for that reason.

No request for review may be introduced after the expiry of a period of ten years after the date of the judgment.

#### Article 43

Periods of grace on grounds of distance shall be determined by the rules of procedure.

There shall be no lapse of rights though the expiry of time-limits if the party concerned proves the existence of an Act of God or force majeure.

#### Article 44

Proceedings against the Community in matters arising from non-contractual responsibility shall be statute-barred after a period of five years from the occurrence of the circumstance giving rise thereto. This limitation is superseded by a petition to the Court or by a previous request which the injured party may direct to the relevant

institution of the Community. In this last case, the petition must be filed within the period of two months provided for in Article 146; the provisions of Article 148, paragraph 2, shall apply where appropriate.

#### Article 45

The rules of procedure of the Court provided for under Article 160 of this Treaty shall contain, apart from the provisions contemplated by this Statute, any other provisions necessary for its application and, where necessary, for its completion.

#### Article 46

The Council, acting by means of a unanimous vote, may make such further amendments to the provisions of this Statute as may be required by reason of measures taken by the Council under the terms of Article 137, last paragraph, of this Treaty.

#### Article 47

Immediately after the taking of the oath, the President of the Council shall proceed to choose by lot the judges and the advocates-general whose term of office is to expire at the end of the first period of three years in accordance with Article 139, second and third paragraphs, of this Treaty.

IN FAITH WHEREOF, the undersigned Plenipotentiaries have placed their signatures at the end of the present Protocol.

Done at Brussels, on the seventeenth day of April in the year one thousand nine hundred and fifty-seven.

J. Ch. SNOY et d'OPPUERS.  
C. F. OPHÜLS.  
Robert MARLIN.  
Vittorio BADINI.  
Lambert SCHAUS.  
J. LINTHORST HOMAN.