

1957 STATUTE OF THE ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT NUCLEAR ENERGY AGENCY

Adopted in Paris, France on 20 December 1957 as amended on 13 July 1995

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PART I

ARTICLE 1

- a. There is hereby established within the framework of the Organisation an OECD Nuclear Energy Agency (hereinafter referred to as the "Agency").
- b. Taking due account of the public interest and mindful of the need to prevent the proliferation of nuclear explosive devices, the purpose of the Agency shall be to further the development of the production and uses of nuclear energy, including applications of ionizing radiations, for peaceful purposes by the participating countries, through co-operation between those countries and a harmonization of measures taken at the national level.

ARTICLE 2

The tasks assigned to the Agency shall be carried out, under the authority of the Council, by the Steering Committee for Nuclear Energy (hereinafter referred to as the "Steering Committee"), by the bodies which the latter has established in conformity with the provisions set forth below to assist it in its work or perform tasks of common interest to a group of countries, and by the Secretariat of the Agency which shall form part of the Secretariat of the Organisation.

ARTICLE 3

The Steering Committee shall be competent to deal with any question relevant to the purpose of the Agency under conditions resulting from the provisions set forth below and from other applicable decisions of the Council.

ARTICLE 4

- a. The Agency shall promote technical and economic studies and undertake consultations on the programme and projects of participating countries relating to the development of research and industry in the field of the production and uses of nuclear energy for peaceful purposes, in collaboration with other bodies of the Organisation in matters falling within their competence.
- b. To this end, the programmes and projects shall be examined by the Steering Committee according to a procedure to be laid down by it.

ARTICLE 5

- a. The Agency shall, where appropriate, promote the formation of joint undertakings for the production and uses of nuclear energy for peaceful purposes, endeavouring to secure the participation of the greatest possible number of countries.

- b. If a group of participating countries declares its intention to set up a joint undertaking, the countries concerned may agree to undertake the necessary work for this purpose among themselves within the Organisation at their own cost, whatever the position adopted by other participating countries. The Working Parties or Study Groups set up in accordance with this paragraph shall keep the Steering Committee informed of their progress and report to it on their conclusions.
- c. When joint undertakings have been established on the initiative or with the assistance of the Agency.
 - i. The Steering Committee – or a Restricted Group of the Steering Committee composed of representatives of the countries which take part in the undertaking – shall exercise the functions assigned to it by the agreements concluded for the establishment of the undertakings concerned;
 - ii. The joint undertakings shall report each year to the Steering Committee and, where appropriate, to a Restricted Group of the Steering Committee on the state of their affairs and their development;
 - iii. The Steering Committee shall consider such problems of general interest as may be raised by the operation of joint undertakings, with a view to proposing any necessary measures to the Governments;
 - iv. The agreements concluded for the creation of joint undertakings should contain provisions under which participating countries or groups of participating countries not taking part in joint undertakings might subsequently accede to them or benefit from the results of their activities.

ARTICLE 6

- a. Given the need to prevent the proliferation of nuclear explosive devices, a security control shall be established with a view to ensuring that the operation of joint undertakings and the materials, equipment and services made available by the Agency or under its supervision shall be used solely for peaceful purposes.
- b. The security control may be applied, at the request of the parties, to any bilateral or multilateral agreement, or, at the request of a participating country, to any of that country's activities in the field of nuclear energy.
- c. The organisation of this control and the functions of the Agency relating to its exercise shall be the subject of a special Convention on security control.

ARTICLE 7

- a. The Agency shall encourage the development of research into the production and uses of nuclear energy for peaceful purposes in participating countries.
- b. To this end, it shall, where appropriate, promote the conclusion of agreements for the joint use of research installations built by participating countries and, in accordance with the conditions set forth in Article 5 above, the creation of joint research establishments.
- c. The Agency shall encourage the exchange of scientific and technical information related to its purposes between participating countries.

ARTICLE 8

- a. The Agency shall:
- i. contribute to the promotion, by the responsible national authorities, of the protection of workers and the public against the hazards of ionizing radiations and of the preservation of the environment;
 - ii. contribute to the promotion of the safety of nuclear installations and materials by the responsible national authorities;
 - iii. contribute to the promotion of a system for third party liability and insurance with respect to nuclear damage;
 - iv. encourage measures to ensure the most efficient use of patented inventions in the field of nuclear energy;
 - v. so far as may be consistent with Article 1(b) above, contribute to the elimination of obstacles to international trade or to development of the nuclear industry;
 - vi. contribute to the dissemination of information which may be freely distributed on the peaceful uses of nuclear energy, in particular on the safety and regulation of nuclear activities as well as on the physical protection of nuclear installations and materials.
- b. For the purpose of the above-mentioned objectives, the Steering Committee shall:
- i. submit to the participating countries recommendations or common rules to serve as a basis for harmonizing national laws and regulations;
 - ii. encourage the establishment between participating countries of joint services necessary, in particular, for the protection of public health and the prevention of accidents in the nuclear industry.
- c. The Agency shall undertake its activities referred to in paragraphs (a) and (b) above, as far as possible in collaboration with the International Atomic Energy Agency and the Commission of the European Communities.

PART II

ARTICLE 9

The Steering Committee shall be composed of representatives of all Governments which participate in the present Decision.

ARTICLE 10

- a. The Steering Committee shall designate each year a Chairman and Vice-Chairmen from among its members. It shall adopt its own Rules of Procedure.
- b. The Steering Committee may give its advice, in particular, in the form of recommendations, to participating countries on any question within its competence.

- c. Whenever it is necessary to take decisions which are binding on Governments and which exceed the powers specially conferred on the Steering Committee, the latter shall submit proposals to the Council to this end.
- d. The Steering Committee shall report each year to the Council on the execution of its duties and on the situation and prospects of the nuclear industry in participating countries.

ARTICLE 11

- a. The reports and proposals prepared by the Steering Committee shall, when appropriate, call attention to the different attitudes adopted by the members.
- b. The decisions, opinions or recommendations of the Steering Committee shall be adopted by mutual agreement of those of its members present and voting.
- c. However, decisions of the Steering Committee which relate to the adoption of the agenda, the undertaking of studies, the establishment of Working Parties and the submission of questionnaires to participating countries, shall be adopted by a majority of the members of the Steering Committee present.
- d. Decisions which are binding on Governments and which are taken by the Steering Committee within the powers conferred upon it shall commit only those countries which have accepted them.

ARTICLE 12

- a. The Steering Committee may establish such Commissions and Working Parties as it may consider necessary to assist it in the performance of its duties and entrust them with the execution of any task relevant to the purpose of the Agency.
- b. Restricted bodies may be established to study questions or execute functions of interest to a group of participating countries, in accordance with the conditions set forth in Article 5 above or in a decision of the Council. Special expenditure assignable to the work of these bodies, such as the cost of studies or the remuneration of experts, shall be chargeable to the countries concerned.

ARTICLE 13

- a. The Steering Committee shall perform its duties in collaboration with the competent bodies of the Organisation.
- b. The Steering Committee shall consult these bodies on questions which come within their competence. These bodies shall consult the Steering Committee on all questions relating to the production and uses of nuclear energy for peaceful purposes.

ARTICLE 14

- a. The Steering Committee and its subsidiary bodies shall be assisted by the Secretariat of the Agency.
- b. Expenditures relating to the working of the Agency shall be covered by the Budget of the Organisation. To this end, the Steering Committee shall prepare annual estimates of expenditure, which shall be submitted to the Council for approval.

- c. Expenditure of the Agency which is subject to special financial rules shall be covered by separate budgetary provisions and countries which make no financial contributions to such expenses shall abstain when the relevant item in the Budget is approved.

ARTICLE 15

- a. In the performance of its duties, the Steering Committee shall take account of the work done by other international Organisations concerned and may, subject to paragraphs (b) and (c) below, co-operate with them.
- b. The Steering Committee shall, in agreement with the Council, establish relations with international governmental Organisations concerned with nuclear energy questions.
- c. The Steering Committee may establish contact with international non-governmental Organisations concerned, within the framework of decisions or arrangements approved by the Council.

ARTICLE 16

- a. The provisions of the present Decision do not affect rights and obligations resulting from treaties previously entered into by Governments participating in the present Decision.
- b. Since the present Decision does not affect the exercise of competences granted to the European Atomic Energy Community (EURATOM) by the Treaty entered into at Rome on 25 March 1957, the Agency shall establish with the said Community a close collaboration, details of which shall be determined by common agreement.

ARTICLE 17

- a. Participating countries shall be countries the Governments of which participate in the present Decision.
- b. Any Member country of the Organisation, the Government of which does not participate in the present Decision, may notify the Secretary-General of its wish to do so and shall become a participant in the Decision upon approval of the Council on the recommendation of the Steering Committee.
- c. Any other Government invited by the Organisation to participate in the present Decision may do so by addressing to the Secretary-General an acceptance of that invitation. The Organisation may suspend or terminate that participation by giving one month's written notice of suspension or twelve months' written notice of termination to that Government.
- d. Any Government participating in the present decision may terminate the application thereof to itself by giving twelve months' notice to that effect to the Secretary-General.

ARTICLE 18

The provisions of Supplementary Protocol No. 1 to the Convention on the Organisation for Economic Co-operation and Development shall apply to the representation of the European Atomic Energy Community (EURATOM) in the Agency and in its Steering Committee as well as to the participation of the Commission of the European Communities in the work of the Agency and of its Steering Committee.

ARTICLE 19

The present Decision shall enter into force on 1 February 1958.