



THE EUROPEAN JOINT UNDERTAKING FOR ITER AND THE DEVELOPMENT OF FUSION ENERGY

DECISION OF THE EXECUTIVE COMMITTEE OF THE EUROPEAN JOINT UNDERTAKING FOR ITER AND THE DEVELOPMENT OF FUSION ENERGY ADOPTING ITS RULES OF PROCEDURE

Having regard to the Statutes annexed to the Council Decision (Euratom) No 198/2007¹ of 27/03/2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy (hereinafter "the Joint Undertaking") and conferring advantages upon it (hereinafter "the Statutes") and in particular to Article 7 thereof²,

Having regard to the prior approval of the Rules of Procedure of the Executive Committee of the Joint Undertaking by the Governing Board of the Joint Undertaking at its meeting of the 28/06/2007³,

THE FOLLOWING RULES OF PROCEDURE ARE ADOPTED:

I. COMPOSITION

Rule 1

Members

1. The Executive Committee (hereinafter "the Committee") shall be composed of thirteen members.
2. The members of the Committee (hereinafter "the members") shall be appointed by the Governing Board from among persons of recognized standing and professional experience in scientific, technical and financial matters relevant to the functions set out in Article 7 of the Statutes.
3. One member of the Committee shall be Euratom.
4. Members of the Committee other than Euratom shall not serve as Representatives on the Governing Board.
5. The members of the Committee shall not be bound by any instructions. They shall be completely independent in the performance of their duties, in the general interest of the Joint Undertaking.

¹ O.J. L90, 30.03.2007, p. 58.

² Article 6 (9) stipulates that the Governing Board shall adopt its rules of procedure.

³ Document Reference: F4E(07)-GB01-04.2

6. The term of office for members shall be two years renewable once. Every two years at least seven of the members shall be replaced.
7. On expiry of their term of office members shall remain in office until their appointment is renewed or they are replaced. If a member resigns, he⁴ shall remain in office until he is replaced.
8. Alternate members are not admissible.

II. CHAIRMANSHIP

Rule 2

1. The Governing Board shall elect from among the members a Chairperson (hereinafter "the Chair") and Vice-Chairperson (hereinafter "the Vice-Chair") who shall each serve for a term of two years renewable once.
2. If the Chair is unable to fulfil his functions, the Vice-Chair shall act as the Chair. If both the Chair and the Vice-Chair are unable to fulfil their functions, the meeting of the Committee shall be re-scheduled unless it is urgent, in which case the meeting shall be chaired by a member elected by the Committee for that meeting only.
3. When acting as Chair, the Vice-Chair, or the Representative elected in accordance with paragraph 2, shall have the same powers and duties as the Chair.

III. SECRETARY

Rule 3

1. The Director of the Joint Undertaking (hereinafter "the Director") shall provide a secretariat for the Committee. The Director, in consultation with the Chair, shall designate a secretary (hereinafter "the Secretary"), who shall be a member of the staff of the Joint Undertaking.
2. The Secretary shall perform his duties independently with a view solely to the interests of the Committee and shall neither seek nor take instructions from any Member of the Joint Undertaking, organisation or authority other than the Committee, except that he shall remain subject to all of the rules and regulations of the Joint Undertaking and any other conditions of his employment contract.

⁴ "He" shall include "he/she" throughout

IV MEETINGS

Rule 4

The Convening of and Attendance at meetings

1. The Committee shall meet when convened by the Chair, at least six times per year. The Committee may also be convened at the request of at least three members, or at the request of the Chair of the Governing Board, the Director or Euratom.
2. The meetings shall normally take place at the seat of the Joint Undertaking, unless the Committee decides otherwise.
3. Any member who is unable to attend a meeting shall notify the Chair in advance.
4. The Director shall attend the meetings of the Committee and may be assisted by other staff of the Joint Undertaking.
5. The Committee, acting upon a proposal from the Chair, may authorise experts or other persons to attend a meeting of the Committee.
6. Meetings of the Committee shall not be held in public unless otherwise decided by the Committee in agreement with the Chair of the Governing Board.

Rule 5

Quorum

1. At least nine members shall constitute the quorum necessary for a meeting of the Committee to be valid.
2. In the absence of a quorum, the Chair shall close the meeting and convene another as soon as possible.

Rule 6

Agenda

1. Having received approval of the draft agenda from the Chair, the Secretary shall send it by electronic means together with relevant material to the members and the Director at least 7 calendar days before the date of the meeting.
2. The provisional agenda shall consist of those items in respect of which a request for inclusion by a member, the Chair of the Governing Board or the Director is

received by the Chair at least 14 calendar days before the date of the meeting of the Committee.

3. The agenda shall be adopted by the Committee at the beginning of each of its meetings.
4. If the Committee so decides, the agenda may be changed and relevant documentation circulated at any time prior to the end of the meeting.

V. CONDUCT OF BUSINESS

Rule 7

Voting Rights and Procedure

1. Each member shall have one vote.
2. Unless otherwise stated, decisions by the Committee shall require a majority of nine votes in favour.
3. Without prejudice to Paragraph 2, abstentions or non-attendance at meetings of the Committee shall not prevent the adoption of decisions.
4. For each decision adopted by the Committee, the result shall be recorded. The decision shall be accompanied by a written statement of the views of the minority, where the latter so requests.
5. The Committee may decide not to vote on a proposal for a decision submitted and discussed at the meeting, but it shall be deemed to have been approved, if the Secretary does not receive any written objections within a period to be fixed by the Committee case by case. The Secretary shall inform the members about the adoption of the decision without delay.
6. Between Committee meetings, the Chair through the Secretary may transmit proposals for a decision to the members in writing. Such proposals shall not be subject to any amendment by the members. They shall be deemed approved if within 14 days from the date on which the proposals were sent to the members:
 - (a) nine members voted in favour of the proposals in their entirety and notified the Chair accordingly; and
 - (b) the Chair did not receive any objection from any member against the proposals.
7. For urgent decisions, the time limit referred to in Paragraph 6 may be exceptionally reduced by the Chair to 7 calendar days.

VI. RECORD OF DECISIONS AND MINUTES

Rule 8

1. At the conclusion of each meeting, the Committee shall approve its Record of Decisions on the basis of a draft prepared by the Secretary under the direction of the Chair.
2. After each meeting of the Committee, the Secretary shall prepare the draft minutes of the meeting. After approval by the Chair, draft minutes shall be submitted by the Secretary to the members before the next meeting of the Committee and in any case within 21 calendar days after the date of the meeting.
3. The minutes shall include *inter alia*:
 - (a) The list of those present;
 - (b) The substance of the discussions and the conclusions reached.
4. Proposals for amendments to the draft minutes shall be sent by the members to the Secretary before the next meeting of the Committee.
5. The final version of the minutes shall be approved by the Committee at the beginning of its next meeting.
6. Once approved, the minutes and supporting documents shall be signed by the Chair and the Secretary and be kept by the secretariat.
7. A copy of the approved minutes of the Committee shall be sent to the members, the Chair of the Governing Board and the Director.

VII. RELATIONS WITH THE GOVERNING BOARD

Rule 9

1. In accordance with Article 7 of the Statutes, the Committee shall assist the Governing Board in the preparation of its decisions and shall undertake any other tasks which the Governing Board may delegate to it.
2. The Committee shall, as necessary, provide comments and recommendations to the Governing Board on the proposals for the project plan, work programmes, resources estimates plan and budgets drawn up by the Director.
3. Upon request of the Governing Board, the Committee shall transmit advice, opinion, comments or recommendations to the Governing Board on any other matters than referred to in Paragraph 2.

4. The Committee shall submit to the Governing Board, upon request of Euratom or a majority of its members, decisions on the awarding of contracts or any other matters.
5. The Chair shall attend meetings of the Governing Board unless the Governing Board decides otherwise.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Rule 10

1. The Commission shall act as the Chair until such time as the Chair has been appointed by the Governing Board.
2. The Commission shall provide the secretariat for the Committee until such time as the Joint Undertaking can make staff available to assume this function.

Rule 11

Reimbursement of Expenses

Without prejudice to Rule 5, all travel and subsistence expenses incurred by members attending meetings of the Committee and experts or other persons invited by the Committee in connection with meetings of the Committee, shall be paid by the Joint Undertaking in accordance with the scales laid down in Annex VII of the Staff Regulations of Officials and the conditions of employment of other servants of the European Communities⁵.

Rule 12

Correspondence

All correspondence intended for the Committee shall be addressed to the Secretary at the Joint Undertaking who shall inform the Chair accordingly.

Rule 13

Declaration of Conflicts of Interest and Confidentiality

Members shall comply with the rules of the Joint Undertaking concerning confidentiality, independence and conflicts of interest.

⁵ OJ L 56, 4.3.1968, p. 1. as amended by Regulation (CE, Euratom) no. 723/2004 of 22 March 2004 (OJ L 124, 27.4.2004) and as last amended by Corrigendum (OJ L 051, 24/02/2005 p. 0028)

Rule 14

Language Regime

The Committee shall conduct its business in English.

Rule 15

Amendment

Upon proposal of the Committee or Governing Board, these rules may be amended by the Committee with the prior approval of the Governing Board.

Rule 16

Interpretation

1. In the event of any conflict between any provision of these rules and the Statutes of the Joint Undertaking or the Rules of Procedure of the Governing Board, the latter two shall prevail.
2. In the event of any conflict between any provision of these rules and the Rules of Procedure of the Scientific Programme Board, the former shall prevail.

Rule 17

Entry into Force

These Rules shall enter into force on the date of their approval by the Governing Board and shall be published on the official website of the Joint Undertaking.

Done at Barcelona, 14 September 2007

For the Executive Committee



Karl Tichmann

Chair of the Executive Committee