



FUSION FOR ENERGY

The European Joint Undertaking for ITER and the Development of Fusion Energy

THE GOVERNING BOARD

DECISION BY THE GOVERNING BOARD OF FUSION FOR ENERGY APPROVING THE THIRD AMENDED RULES OF PROCEDURE OF THE EXECUTIVE COMMITTEE

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 "Fusion for Energy") and conferring advantages upon it, and in particular to Article 7 thereof;

Whereas the Executive Committee of Fusion for Energy should adopt its rules of procedure subject to the prior approval of the Governing Board,

THE GOVERNING BOARD HAS ADOPTED THIS DECISION:

Article 1

The rules of procedure for the Executive Committee annexed to this decision are hereby approved.

Article 2

The Executive Committee is invited to adopt the rules referred to in Article 1.

Article 3

This Decision shall have immediate effect.

Done at Barcelona, 1st June 2011

For the Governing Board

Carlos Varandas
Chair of the Governing Board

¹ OJ L90 , 30.03.2007, p. 58.

ANNEX

**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 198/2007² of 27/03/2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy (hereinafter "Fusion for Energy") and conferring advantages upon it (hereinafter "the Statutes") and in particular to Article 7 thereof³,

Having regard to the prior approval of the Rules of Procedure of the Executive Committee of Fusion for Energy by the Governing Board at its meeting of the 09/07/2009⁴,

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 Fusion for Energy.
6. The term of office for members shall be two years renewable once. Every two years at least one-half of the members who are reaching the end of their mandate shall be replaced.

² O.J. L90, 30.03.2007, p. 58.

³ Article 6 (9) stipulates that the Governing Board shall adopt its rules of procedure.

⁴ F4E(09)-GB10-0X

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, he⁵ shall remain in office until he is replaced.
8. Alternate members are not admissible.

II. CHAIRMANSHIP

Rule 2

1. The Governing Board shall elect a Chairperson (hereinafter "the Chair") who shall serve for a term of two years renewable once.
2. The Governing Board shall elect from among the Committee members a Vice-Chairperson (hereinafter "the Vice-Chair") who shall serve for a term of two years renewable once.
3. 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.
4. 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 Fusion for Energy (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 Fusion for Energy.
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 Fusion for Energy, organisation or authority other than the Committee, except that he shall remain subject to all of the rules and regulations of Fusion for Energy and any other conditions of his employment contract.

⁵ "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 Fusion for Energy, unless the Chair decides otherwise.
3. Any member who is unable to physically participate in a meeting may exceptionally participate remotely having obtained the approval of the Chair in advance.
4. Remote attendance at Committee meetings shall be subject to the strict confidentiality requirements of Committee meetings.
5. A member may remotely attend up to one Committee meeting in a given calendar year.
6. Any member who is unable to attend a meeting in person or remotely shall notify the Chair in advance.
7. The Director shall attend the meetings of the Committee and may be assisted by other staff of Fusion for Energy.
8. The Chair may authorise experts or other persons to attend a meeting of the Committee.
9. 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 physically present 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.
5. An item may be removed from the agenda at the request of the Chair or of at least four members if the related documents were not submitted to the members in due time.

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. 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.
4. In case the Committee disapproves an agenda item or a proposal for a decision, the Committee shall provide a justification of its decision which shall be recorded.
5. Voting by secret ballot is not permitted.
6. 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.

7. 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.
8. For urgent decisions, the time limit referred to in Paragraph 6 may be shortened by the Chair.
9. Decisions taken by written procedure shall be recorded in the minutes of the subsequent meeting of the Committee.

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. The minutes shall not refer to individual names of the members unless the members explicitly request otherwise.
5. Proposals for amendments to the draft minutes shall be sent by the members to the Secretary before the next meeting of the Committee.
6. The final version of the minutes shall be approved by the Committee during its next meeting.
7. Once approved, the minutes and supporting documents shall be signed by the Chair and the Secretary and be kept by the secretariat.
8. 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 AND TECHNICAL ADVISORY PANEL

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 Governing Board requests that the Committee shall prioritise the following tasks:
 - (a) To approve the award of contracts and grants in excess of the thresholds laid down in the Implementing Rules of the Financial Regulation;
 - (b) To comment on draft ITER Procurement Arrangements before their signature by F4E;
 - (c) To comment upon the overall strategies proposed by F4E for delivering each ITER procurement package as described in the Project Plan;
 - (d) To approve the individual procurement strategy as well as the individual calls for tender or proposals in advance of launching major contracts or grants;
 - (e) To keep under review the effectiveness of F4E's procurement strategies and to recommend changes when required;
 - (f) To keep under review the effectiveness of F4E's industrial policy and to provide recommendations to the Governing Board on its implementation.
 - (g) To comment on the draft Work Programme and Project Plan and provide recommendations to the Governing Board via the Bureau;
 - (h) To monitor the execution of the Work Programme, in particular the performance of contracts and grants;
 - (i) To comment on the Annual Report and provide a recommendation to the Governing Board via the Bureau;
 - (j) To comment on the draft Resource Estimates Plan and Budget and provide recommendations to the Governing Board via the Bureau;
 - (k) To approve the model procurement contracts, grant agreements and framework partnership agreements.
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.
6. The Chair may refer matters of a technical or scientific nature to the Technical Advisory Panel for an opinion.
7. In agreement with the Technical Advisory Panel Chair, the Committee may organise joint meetings with the Technical Advisory Panel.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Rule 10

Reimbursement of Expenses

Travel and subsistence expenses incurred:

- a) by the Chair to attend meetings of the Executive Committee and other meetings in his official capacity as Chair;
- b) by members attending meetings of the Executive Committee and experts or other persons invited by the Committee in connection with its meetings,

shall be reimbursed by Fusion for Energy in accordance with the rules applied by Fusion for Energy for the reimbursement of expenses to experts⁶.

Rule 11

Correspondence

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

⁶ These rules are based on Commission Decision C(2007)5858) on the "Rules of reimbursement of expenses incurred by people from the Commission invited to attend meetings in an expert capacity".

Rule 12

Declaration of Conflicts of Interest and Confidentiality

Members and other attendees shall comply with the rules of Fusion for Energy concerning confidentiality, independence and conflicts of interest.

Rule 13

Language Regime

The Committee shall conduct its business in English.

Rule 14

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 15

Interpretation

1. In the event of any conflict between any provision of these rules and the Statutes of Fusion for Energy 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 16

Entry into Force

These Rules shall enter into force on the date of their adoption by the Executive Committee and shall be published on the official website of Fusion for Energy.

Done at Barcelona, [*Date to be inserted*] 2011

For the Executive Committee

Karl Tichmann
Chair of the Executive Committee