



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.3.2005
COM(2005) 68 final

Proposal for a

COUNCIL DECISION

**amending Council Decision of 16 December 1980 setting up the consultative committee
for the fusion programme**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The study of fusion by magnetic confinement is one of the fields of research in nuclear energy referred to Article 4 of the Treaty establishing the European Atomic Energy Community (Euratom). By successive Council Decisions since the Initial Research and Training Programme of the Euratom in 1958, the Community fusion programme is intended to embrace all the work carried out in the field of controlled thermonuclear fusion by magnetic confinement, in the Member States and in the third Countries fully associated with Euratom¹.
2. By virtue of Article 7(4) of the Euratom Treaty, the Commission shall ensure that the fusion programme is carried out. For the purposes of implementing the fusion programme, the Commission is assisted by a consultative committee.
3. A consultative committee (CCFP) was set up pursuant to Article 4 of Council Decision 4151/81 ATO 103 of 16 December 1980, which also defined the committee's rules of procedure including in particular a weighted voting system as stipulated in article 14 thereof. By referring to the above Council Decision of 1980, the consultative committee was re-established by successive Council Decisions adopting the specific programmes of research and training of Euratom. The CCFP was renamed CCE-FU on 17/11/1999, when it adopted its own rules of procedure, pursuant to Article 12 of the Council Decision of 16 December 1980.
4. The Council Decision 2002/668/Euratom² of 3 June 2002 established the sixth framework programme of the Euratom for nuclear research and training activities, also contributing to the creation of the European Research Area (2002 to 2006).
5. Based on Article 6.2 of the Council Decision 2002/837/Euratom of 30 September 2002³, the Commission shall be assisted by a consultative committee for the implementation of the fusion related aspects of the Specific programme (Euratom) for research, development and training on nuclear energy (2002-2006). The consultative committee's composition and detailed operational rules and procedures

¹ The Cooperation with Switzerland in this field is based on the Agreement concluded between Euratom and the Swiss Confederation on 30.05.1979 (OJ L 242, 4.9.1978, p.2); the Cooperation with Bulgaria in this field is based on a Memorandum of Understanding between the European Communities and Bulgaria on Bulgaria's association with the sixth framework of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002-2006), and with the sixth framework programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities, also contributing to the creation of the European Research Area (2002-2006), signed on 29/10/2002, and entered into force on 24/2/2003, OJ C 64, 18.3.2003, p.23; the Cooperation with Romania in this field is based on a Memorandum of Understanding between the European Communities and Romania on Romania's association with the sixth framework of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002-2006), and with the sixth framework programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities, also contributing to the creation of the European Research Area (2002-2006), signed on 29/10/2002 and entered into force on 29/10/2003, OJ C 64, 18.3.2003, p.19.

² OJ L 232, 29.8.2002, p.34.

³ OJ L 294, 29.10.2002, p.74.

applicable to it, including the weighted voting system are all based on the Council Decision of 16 December 1980.

6. The voting rights of the CCE-FU (formerly CCFP) were amended accordingly after each accession of new Member States. They were last amended following Council Decision 95/1/EC EURATOM, ECSC of 1.1.1995, after the accession of Austria, Finland, and Sweden, and they are provided in Annex 1 attached herewith. Following request by the Greek delegation to the CCE-FU, the CCE-FU unanimously recommended in June 2002 to amend its weighted voting system so that it become similar to the voting system applied in the frame of the European Fusion Development Agreement (EFDA⁴). The recommendation by the CCE-FU entailed that the voting rights of Greece, Ireland and Finland be adapted from one vote to two votes each. The proposed amendment was adopted by the Commission on 27/3/03 – COM(2003)149 final but it has been not as yet adopted by the Council.
7. Following the accession of the ten new Member States on 1/5/2004 and having regard to the Act⁵ concerning their conditions of accession of 23/9/2003 and in particular article 51 thereof, that calls for adaptations to the rules of the Committees established by the original Treaties and to their rules of procedure, necessitated by the accession, shall be made as soon as possible after accession, the CCE-FU unanimously recommended on 21 October 2004 to amend accordingly their weighted voting system.
8. In the light of the above-mentioned considerations, the Commission proposes that the Council:
 - Decide on the amendment of the Council Decision of 16 December 1980 setting up the consultative committee for the fusion programme.

⁴ The Agreement was concluded by Commission Decision C(1999) 612 on 17.3.1999 and was amended thereafter by the Commission Decisions C(1999) 3230 on 12.10.1999, C(1999) 1725 on 3.7.2000, C(2002) 1813 on 7.3.2002 and C(2004) 1385 on 16.4.2004.

⁵ OJ L 236, 23.9.2003, p.33.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular to the fourth paragraph of Article 7 thereof,

Having regard to the Council Decision 2002/668/Euratom⁶ of 3 June 2002 concerning the sixth framework programme of the Euratom for nuclear research and training activities, also contributing to the creation of the European Research Area (2002 to 2006),

Having regard to the Council Decision 2002/837/Euratom⁷ of 30 September 2002 adopting a specific programme (Euratom) for research and training on nuclear energy (2002-2006) and in particular to Article 6.2 thereof that provides that, for the purposes of implementing the specific programme, the Commission shall be assisted by a consultative committee and that, for fusion-related aspects, the composition of this committee and the detailed operational rules and procedures applicable to it shall be as laid down in the Council Decision of 16 December 1980,

Having regard to the Act⁸ concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments of the Treaties on which the European Union is founded, and in particular article 51 thereof,

Having regard to the Council Decision 4151/81 ATO 103 of 16 December 1980 setting up a Consultative Committee for the fusion programme, and in particular to article 14 thereof that lays down a voting system for this Committee, as last amended by Council Decision 95/1/EC Euratom, ECSC of 1 January 1995⁹,

Whereas:

- (1) The consultative committee for the fusion programme (CCE-FU) shall deliver its opinions by means of a weighted voting system when relating to §5.g) of the Council decision of 16 December 1980, to “*define priority actions with a view to allocation of preferential support*”.

⁶ OJ L 232, 29.8.2002, p.34.

⁷ OJ L 294, 29.10.2002, p.74.

⁸ OJ L 236, 23.9.2003, p.33.

⁹ OJ L 1, 1.1.1995, p.1.

- (2) The consultative committee for the fusion programme (CCE-FU) unanimously recommended on 21 October 2004 to update its weighted voting system which should be applied within the committee referred to Article 14 of Council Decision of 16 December 1980, when dealing with fusion related aspects, in order to include the voting rights of the new Member States following their accession.
- (3) In view of the above, it is now appropriate to modify accordingly the Council Decision of 16 December 1980 setting up the consultative committee for the fusion programme,

HAS DECIDED AS FOLLOWS:

Sole Article

In paragraph 14 of Council Decision of 16 December 1980 setting up the consultative committee for the fusion programme, the last two sentences are replaced by the following text:

'Opinions relating to point (g) of paragraph 5 shall be adopted by the following weighted voting system:

Belgium	2
Czech Republic	2
Denmark	2
Germany	5
Estonia	1
Greece	2
Spain	3
France	5
Ireland	2
Italy	5
Cyprus	1
Latvia	1
Lithuania	2
Luxembourg	1
Hungary	2
Malta	1

Netherlands	2
Austria	2
Poland	3
Portugal	2
Slovenia	1
Slovakia	2
Finland	2
Sweden	2
United Kingdom	5
Switzerland	2
Total	60

For the adoption of an opinion, the required majority shall be 31 votes in favour by at least fourteen delegations.’

Done at Brussels,

*For the Council
The President*