



## 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 ADOPTING THE RULES OF PROCEDURE OF THE ADMINISTRATION AND FINANCE COMMITTEE

Having regard to the Statutes annexed to the Council Decision (Euratom) No 198/2007<sup>1</sup> 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 6(3)(r) thereof;

THE GOVERNING BOARD HAS ADOPTED THIS DECISION:

#### *Article 1*

The rules of procedure for the Administration and Finance Committee annexed to this decision are hereby adopted.

#### *Article 2*

This Decision shall have immediate effect.

Done at Barcelona, 1<sup>st</sup> June 2011

For the Governing Board

**Carlos Varandas**  
Chair of the Governing Board

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<sup>1</sup> OJ L90 , 30.03.2007, p. 58.

## ANNEX

### **THE RULES OF PROCEDURE OF THE ADMINISTRATION AND FINANCE COMMITTEE**

Having regard to the Statutes annexed to the Council Decision (Euratom) No 198/2007<sup>2</sup> 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 6(3)(r) thereof<sup>3</sup>,

THE FOLLOWING RULES OF PROCEDURE ARE ADOPTED:

#### **I. MANDATE**

The Administration and Finance Committee (AFC) assists the Governing Board in administrative and financial matters related to ITER, the Broader Approach and preparations for demonstration fusion reactors (DEMO), in particular by:

- preparing opinions and recommendations to the Governing Board on
  - Financial Planning and Budget proposals;
  - Annual Accounts;
  - Work Programme (financial aspects);
  - Project Plan (financial aspects);
  - Resources estimate plan and related matters;
  - Staff establishment plan and related matters.
- providing advice or recommendations on specific administrative and financial issues upon request of the Director or the Governing Board;
- performing any other functions as may be requested by the Governing Board.

#### **II. COMPOSITION**

##### *Rule 1*

##### **Members**

1. The Administration and Finance Committee (hereinafter "the AFC") shall be composed of members (hereinafter "members") appointed by the Governing Board for a period of two years.

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<sup>2</sup> O.J. L90, 30.03.2007, p. 58.

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

2. Each GB Member, or consortium of GB Members, may jointly nominate one AFC member through their representatives in the GB.
3. One member of the Committee shall be Euratom.
4. There shall be no more than one AFC member per Governing Board Member.
5. Changes in membership shall be approved by the Governing Board.
6. Alternate members are not admissible.

### **III. CHAIRMANSHIP**

#### *Rule 2*

1. The Governing Board shall appoint one of its Vice-Chairs to be Chair of the AFC.
2. The Governing Board shall elect from among the AFC members a Vice-Chairperson (hereinafter "the Vice-Chair").
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 AFC shall be re-scheduled unless it is urgent, in which case the meeting shall be chaired by a member elected by the AFC for that meeting only.
4. When acting as Chair, the Vice-Chair, or the Representative elected in accordance with paragraph 3, shall have the same powers and duties as the Chair.

### **IV. SECRETARY**

#### *Rule 3*

1. The Director of Fusion for Energy (hereinafter "the Director") shall provide a secretariat for the AFC. 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 AFC and shall neither seek nor take instructions from any Member of Fusion for Energy, organisation or authority other than the AFC, 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.

**V MEETINGS**

*Rule 4*

**The Convening of and Attendance at meetings**

1. The AFC shall meet when convened by the Chair. The AFC may also be convened at the request of at least one quarter of its 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 AFC meetings shall be subject to the strict confidentiality requirements of AFC meetings.
5. Unless decided otherwise by the Chair, the Director shall attend the meetings of the AFC and may be assisted by other staff of Fusion for Energy.
6. The Chair may authorise experts or other persons to attend a meeting of the AFC.

*Rule 5*

***Quorum***

1. At least two thirds physically present members shall constitute the quorum necessary for a meeting of the AFC 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 seven 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 AFC.

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

## VI. CONDUCT OF BUSINESS

### *Rule 7*

1. The AFC shall adopt opinions by common consensus as far as possible.
2. For each opinion adopted by the AFC, 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.
3. Between AFC meetings, the Chair through the Secretary may transmit proposals for an opinion to the members in writing. Such proposals shall not be subject to any amendment by the members. They shall be deemed adopted if the Chair does not receive any written objections within a period to be fixed by the AFC case by case. The Secretary shall inform the members about the adoption of the opinion without delay.
4. Decisions taken by written procedure shall be recorded in the minutes of the subsequent meeting of the AFC.

## VII. RECORD OF DECISIONS AND MINUTES

### *Rule 8*

1. At the conclusion of each meeting, the AFC shall approve its Record of Recommendations on the basis of a draft prepared by the Secretary under the direction of the Chair.
2. After each meeting of the AFC, 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 AFC 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 AFC.
5. The final version of the minutes shall be approved by the AFC during 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 AFC shall be sent to the members, the Chair of the Governing Board, the GB Members and the Director.

## **IX. RELATIONS WITH THE GOVERNING BOARD**

### *Rule 9*

1. The AFC shall assist the Governing Board in accordance with its mandate.
2. The AFC shall, as necessary, provide comments and recommendations to the Governing Board on the proposals for the Project Plan, Work Programme, Resources Estimates Plan, Budget and Annual Accounts drawn up by the Director.
3. Upon request of the Governing Board, the AFC shall transmit advice, opinion, comments or recommendations to the Governing Board on any other matters than referred to in Paragraph 2.

## **X. TRANSITIONAL AND FINAL PROVISIONS**

### *Rule 10*

#### **Reimbursement of Expenses**

Travel and subsistence expenses incurred:

- a) by the Chair to attend meetings of the AFC and other meetings in his official capacity as Chair;

shall be reimbursed by Fusion for Energy in accordance with the rules applied by Fusion for Energy for the reimbursement of expenses to experts<sup>4</sup>.

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<sup>4</sup> 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 11*

**Correspondence**

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

*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 AFC shall conduct its business in English.

