

P6_TA(2007)0502

Statutes for the Euratom Supply Agency *

European Parliament legislative resolution of 13 November 2007 on the proposal for a Council decision establishing Statutes for the Euratom Supply Agency (COM(2007)0119 – C6-0131/2007 – 2007/0043(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0119),
 - having regard to Article 54(2) of the Euratom Treaty, pursuant to which the Council consulted Parliament (C6-0131/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Budgets (A6-0376/2007),
1. Approves the Commission proposal as amended;
 2. Considers that the cost of the Euratom Supply Agency to the budget of the European Union must be compatible with the relevant ceiling of the new multiannual financial framework and with the provisions of point 47 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management¹ (IIA);
 3. Recalls that the opinion delivered by the Committee on Budgets does not pre-empt the outcome of the procedure laid down in point 47 of the IIA which applies to the establishment of the Euratom Supply Agency;
 4. Calls on the Commission to alter its proposal accordingly, pursuant to Article 119, second paragraph, of the Euratom Treaty;
 5. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 6. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 7. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

¹ OJ C 139, 14.6.2006, p. 1.

Amendment 1
Citation 1 a (new)

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management¹, and in particular point 47 thereof,

¹ OJ C 139, 14.6.2006, p. 1.

Amendment 2
Annex, Article 1, paragraph 1, point (a)

a) execute competencies conferred *to* it by the Treaty;

a) execute *the* competencies conferred *on* it by the Treaty *and secondary legislation*;

Amendment 3
Annex, Article 1, paragraph 1, point (b)

b) *execute other* tasks entrusted to it *by the Commission*;

b) *to that end, carry out the* tasks entrusted to it *under Article 52 and subsequent articles of the Treaty*;

Amendment 4
Annex, Article 1, paragraph 1 a (new)

1a. In order to meet its objectives, the Agency shall carry out the following particular tasks, acting, in accordance with the objectives of the Treaty, as an energy observatory in the field of the supply of nuclear materials and services:

a) monitor and analyse supply and demand as well as market trends affecting the security of supply of nuclear materials;

b) provide the Member States and the industry with periodic market surveys of European Union stockpiles of nuclear materials and European Union utilities' long-term contract coverage and with periodic risk analyses of the market, with the aim of:

– averting shortages or interruptions in the supply of nuclear materials at all stages of the nuclear fuel production cycle (from mining to conversion, enrichment and fabrication),

– ensuring the long-term vision necessary to create a framework for investment in fabrication plants and mining exploration,

– preserving fair competition on the market;

c) in close coordination with the Advisory Committee referred to in Article 11, develop a high level of expertise and produce information and prospective analyses, and in particular a prospective report on supply and demand, a report on the implementation of supply policy and periodical surveys of market trends, based on relevant analyses performed jointly with the Advisory Committee, so as to enable it to give guidance to the industry, formulate recommendations to producers and utilities and make proposals to the Commission for regulation in the relevant fields.

Amendment 5

Annex, Article 2, paragraph 1

1. The Agency has legal personality according to Article 54 of the Treaty. The Agency shall be recognised as an institution of public interest status and it shall operate on a non profit making basis.

1. The Agency has legal personality according to Article 54 of the Treaty. ***It shall enjoy in every Member State the most extensive legal capacity accorded to legal persons under national law. In particular, it shall have the capacity to acquire and dispose of movable and immovable property and be a party to legal proceedings.*** The Agency shall be recognised as an institution of public interest status and it shall operate on a non profit making basis.

Amendment 6

Annex, Article 2, paragraph 3

3. The Agency shall have its seat in one of the locations of the Commission services. The **Commission** shall take decision in this regard.

3. The Agency shall have its seat in one of the locations of the Commission services. The **Council** shall take *a* decision in this regard, ***on a proposal from the Commission, after consulting the Advisory Committee.***

Amendment 7
Annex, Article 2, paragraph 4

4. It may on its own initiative take any further measures concerning its own internal *organization* which may be required for the carrying out of its tasks both within and outside the Community.

4. It may on its own initiative take any further measures concerning its own internal *organisation* which may be required for the carrying out of its tasks both within and outside the Community, ***provided that these measures do not have significant financial implications. It shall notify the European Parliament and the Council (hereinafter together the "budgetary authority") of any project which may have significant financial implications for the funding of its budget, in particular any project relating to property such as the rental or purchase of buildings, and shall inform the Commission thereof.***

Amendment 8
Annex, Article 3, paragraph 1

1. The Director General shall be appointed by the Commission.

1. The Director General shall be appointed by the Commission, ***after consulting the Advisory Committee. The Director General shall work full time for the Agency and shall not act as an agent of the Commission.***

Amendment 9
Annex, Article 3, paragraph 3, indents 2 to 5

– for the ***day-to-day administration*** of the Agency;

– for the ***management*** of the Agency, ***its administration and its resources, including staff matters;***

–for managing all the Agency resources;

– for the preparation of the draft statement of estimates of the Agency's revenue and expenditure, and execution of its budget;

– for the preparation of the draft statement of estimates of the Agency's revenue and expenditure, and execution of its budget;

– for all staff matters.

– for conducting any study and producing any specific report deemed necessary in accordance with Article 1(1a) and sending such studies and reports to the Commission, the European Parliament, and the Council;

– for ensuring that the tasks specified in Article 1 are performed in accordance with the general interest of the Community.

Amendment 10

Annex, Article 3, paragraph 4

4. *Each* year the Director General shall submit to the Commission a report covering the activities of the Agency in the previous year and a work programme for the coming year.

4. *By 31 March each* year the Director General shall, *after consulting the Advisory Committee*, submit to the Commission a report covering the activities of the Agency in the previous year and a work programme for the coming year. *The Director General shall forward this annual report together with a work programme to the European Parliament, the Council, the Court of Auditors and the Member States, together with the opinion of the Advisory Committee.*

Amendment 11

Annex, Article 4, paragraph 1

1. *The Director General and the staff of the Agency shall be officials of the European Communities governed by the Staff Regulations of officials of the European Communities and by the rules adopted jointly by the institutions of the European Communities for the purposes of the application of those Staff Regulations. The officials shall be appointed by and their salaries shall be paid by the Commission.*

1. *The Staff Regulations of officials of the European Communities, the Conditions of Employment of Other Servants of the European Communities and the rules adopted jointly by the institutions of the European Communities for the purposes of the application of those Staff Regulations and Conditions of Employment shall apply to the staff of the Agency.*

Amendment 12

Annex, Article 4, paragraph 1 a (new)

1a. In respect of its staff, the Agency shall exercise the powers conferred on the

appointing authority.

Amendment 13
Annex, Article 5, paragraph 5

5. Any act of the Agency referred to in Article 53 of the Treaty may be referred to the Commission by the party concerned within ***ten working days*** of notification being received, or, failing such notification, within ***ten working days*** following publication. Failing notification and publication, the period shall run from the day on which the party concerned learns of the act.

5. Any act of the Agency referred to in Article 53 of the Treaty may be referred to the Commission by the party concerned within ***fifteen working days*** of notification being received, or, failing such notification, within ***fifteen working days*** following publication. Failing notification and publication, the period shall run from the day on which the party concerned learns of the act.

Amendment 14
Annex, Article 7, paragraph 3

3. The Agency's revenue shall consist of a contribution from the Community, bank interest and income from its capital and bank investments, and, if necessary, a charge as *foreseen* in Article 54 of the Treaty and borrowings.

3. The Agency's revenue shall consist of a contribution from the Community ***entered in the general budget of the European Union (Commission section)***, bank interest and income from its capital and bank investments, and, if necessary, a charge as *provided for* in Article 54 of the Treaty and borrowings. ***The funding of the Agency shall be subject to the agreement of the budgetary authority, as provided for in the Interinstitutional Agreement of 17 May 2006.***

Amendment 15
Annex, Article 7, paragraph 4

4. The expenditure of the Agency shall ***consist of*** administrative expenses ***of its staff and of the Advisory Committee, as well as*** expenses resulting from contracts entered into with third parties.

4. The expenditure of the Agency shall ***include its staff,*** administrative, ***infrastructure and operational*** expenses, ***including*** expenses resulting from contracts entered into with third parties.

Amendment 16
Annex, Article 7, paragraph 5 a (new)

5a. The estimate shall be transmitted by the Commission to the budgetary authority together with the preliminary draft general

budget of the European Union.

Amendment 17

Annex, Article 7, paragraph 6

6. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget.

6. On the basis of the estimate, the Commission shall enter in the preliminary draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, ***which it shall place before the budgetary authority in accordance with Article 272 of the Treaty establishing the European Community.***

Amendment 18

Annex, Article 7, paragraph 7

7. In the framework of the budgetary procedure, the budget authority shall authorise the appropriations for the subsidy to the Agency and shall adopt the establishment plan for the Agency, which shall ***appear*** separately in the ***establishment plan of the Commission.***

7. In the framework of the budgetary procedure, the budget authority shall authorise the appropriations for the subsidy to the Agency and shall adopt the establishment plan for the Agency, which shall ***be published*** separately in the ***general budget of the European Union.***

Amendment 19

Annex, Article 7, paragraph 9

9. Any modification of the establishment plan and of the budget of the Agency shall be the subject of an amending budget adopted ***by the same procedure as the initial budget. Modifications of the establishment plan are submitted to the budget authority. The amending budgets are forwarded for information to the European Parliament and Council.***

9. Any modification of the establishment plan and of the budget of the Agency shall be the subject of an amending budget ***and shall be adopted in accordance with the procedure laid down in paragraphs 5 to 8.***

Amendment 20

Annex, Article 8, paragraph 10

10. The financial regulation applicable to the Agency shall be adopted in accordance *to* Articles 183 of the Treaty.

10. The financial regulation applicable to the Agency shall be adopted in accordance *with* Article 183 of the Treaty. ***It shall be consistent with Commission Regulation***

(EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities¹, unless specifically required for the Agency's operation and with the Commission's prior consent.

¹ OJ L 357, 31.12.2002, p. 72. Corrected in OJ L 2, 7.1.2003, p. 39.

Amendment 21
Annex, Article 10, paragraph 1, subparagraph 2

The provisions concerning this charge shall be detailed in an implementing decision.

The Commission shall, after consulting the Council, determine the rate of the charge and the terms upon which it is to be levied. The Commission shall act on a proposal from the Director General who shall obtain the opinion of the Advisory Committee referred to in Article 11. The provisions concerning the practical arrangements for this charge shall be detailed in an implementing decision.

Amendment 22
Annex, Article 11, paragraph 1, subparagraph 1

1. The Advisory Committee (hereinafter: the 'Committee') shall be composed of one member for each Member State ***without*** nuclear fuel cycle activities and two members for each Member State ***with*** nuclear fuel cycle activities. However a Member State may choose not to participate in ***it***. Each member may have an alternate member who may participate in the meetings of the Committee ***in addition to*** the full member ***but may not vote if the full member is also present***. If a member resigns or is unable to perform his/her duties, a successor shall be appointed for the remainder of the term of office.

1. The Advisory Committee (hereinafter: the 'Committee') shall be composed of one member for each Member State ***having no*** nuclear fuel cycle activities and two members for each Member State ***having*** nuclear fuel cycle activities. ***It shall have one additional member for each Member State having nuclear fuel cycle activities and subscribing more than EUR 300 000.*** However a Member State may choose not to participate in ***the Committee***. Each member may have an alternate member who may participate in the meetings of the Committee ***where*** the full member is ***unavailable***. If a member resigns or is unable to perform his/her duties, a successor shall be appointed for the

remainder of the term of office.

Amendment 23

Annex, Article 11, paragraph 1, subparagraph 2

Committee members and their alternate members shall be appointed by their respective Member States on the basis of their degree of relevant experience and expertise in the field of the nuclear fuel cycle or nuclear power generation. The duration of the term of office shall be three years. The term of office may be renewed ***once***.

Committee members and their alternate members shall be appointed by their respective Member States on the basis of their degree of relevant experience and expertise in the field of the nuclear fuel cycle or nuclear power generation. The duration of the term of office shall be three years. The term of office may be renewed.

Amendment 24

Annex, Article 12, paragraph 1 a (new)

1a. The Committee may nominate two members as advisors to the executive officers. The executive officers and their advisors shall form the Bureau of the Committee and shall have the task of maintaining all necessary relations on behalf of the Committee. The Bureau shall act as a link between the Committee members and the Director General of the Agency and shall coordinate the activity of the Committee in particular with regard to the preparation, assessment and evaluation of its reports and dissemination of its expertise.

Amendment 25

Annex, Article 12, paragraph 2

2. The terms of office of the Chairperson ***and*** the Vice-Chairpersons shall be three years. Their term of office shall ***not*** be renewable, and the chairmanship shall alternate between different sides of the industry. The mandate of the Chairperson or any Vice-Chairperson shall automatically terminate, if his/her term of office as member of the Committee expires without renewal.

2. The terms of office of the Chairperson, the Vice-Chairpersons ***and the two advisors to the executive officers*** shall be three years. Their term of office shall be renewable ***once***, and the chairmanship shall alternate between different sides of the industry. The mandate of the Chairperson or any Vice-Chairperson ***or any advisor to the executive officers*** shall automatically terminate, if his/her term of office as member of the Committee expires without renewal.

Amendment 26
Annex, Article 13, paragraph 1

1. The Committee shall assist the Agency in carrying out its tasks by giving opinions and providing information. It shall act as a link between the Agency and both producers and users in the nuclear industry.

1. The Committee shall assist the Agency in carrying out its tasks by giving opinions and providing ***analyses and*** information. ***That assistance shall also extend to the preparation of the reports, surveys and analyses referred to in Article 1(1a).*** It shall act as a link between the Agency and both producers and users in the nuclear industry.

Amendment 27
Annex, Article 13, paragraph 2

2. The Committee may be consulted upon all matters within the competence of the Agency in verbal form at its meetings or written form in between such meetings. The Committee may also issue opinions upon any such matters on the initiative of at least one third of its members.

2. The Committee may be consulted upon all matters within the competence of the Agency in verbal form at its meetings or written form in between such meetings. ***The Committee shall in particular be consulted where this Decision expressly so provides.*** The Committee may also issue opinions upon any such matters on the initiative of at least one third of its members.

Amendment 28
Annex, Article 13, paragraph 3, point (c)

(c) the application of a charge on transactions, designed to defray the operating expenses of the Agency (Article 54 (5) of the Treaty);

(c) the application of a charge on transactions, designed to defray the operating expenses of the Agency (Article 54(5) of the Treaty) ***and its rate;***

Amendment 29
Annex, Article 13, paragraph 3, point (c a) (new)

(ca) the criteria for borrowings, as referred to in Article 6(3);

Amendment 30
Annex, Article 13, paragraph 3, point (c b) (new)

(cb) the criteria for defining the pricing practices prohibited by Article 68 of the Treaty;

Amendment 31
Annex, Article 13, paragraph 3, point (d a) (new)

(da) keeping the Special Fissile Materials Financial Account referred to in Article 88 of the Treaty;

Amendment 32
Annex, Article 13, paragraph 3, point (e)

(e) the financial regulation for the Agency annual budget, ***accounts, market report and work programme.***

(e) the financial regulation for the Agency annual budget ***and the Agency's special account referred to in Article 171(2) of the Treaty;***

Amendment 33
Annex, Article 13, paragraph 3, point (e a) (new)

(ea) the annual report and the work programme.

Amendment 34
Annex, Article 14, paragraph 1, introductory part

1. The Committee shall be convened at the seat of the Agency:

1. The Committee shall be convened ***by the Chairperson*** at the seat of the Agency:

Amendment 35
Annex, Article 14, paragraph 1, point (a)

(a) normally twice every year;

(a) normally twice every year ***and whenever deemed necessary by the Chairperson;***

Amendment 36
Annex, Article 14, paragraph 6

6. The secretariat for the Committee shall be provided by the Agency.

6. The secretariat for the Committee shall be provided by the Agency. ***The secretariat, in collaboration with the Chairperson, shall draw up the agenda to be approved by the Committee, send all relevant documents to the Committee members at least 15 working days before the date of a meeting, and draft the minutes of the Committee meetings and meetings of the executive officers.***

Amendment 37
Annex, Article 14, paragraph 7

7. Travel expenses of one Committee member shall be reimbursed by the Agency.

7. Travel expenses of one Committee member *per Member State* shall be reimbursed by the Agency.

Amendment 38
Annex, Final provisions and Article 15

Final provisions

deleted

Article 15 - Legal capacity of the Agency

In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.