



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.7.2007  
COM(2007) 455 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 Euratom<sup>1</sup>.
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 2006/970/Euratom<sup>2</sup> of 18 December 2006 established the Seventh Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities, while contributing towards the creation of a knowledge-based society, building on the European Research Area.
5. Based on the Article 7.2 of the Council Decision 2006/976/Euratom of 19 December 2006<sup>3</sup>, the Commission shall be assisted by a consultative committee for the implementation of the fusion related aspects of the Specific Programme (Euratom) for nuclear research and training activities (2007-2011). The consultative committee's composition and detailed operational rules and procedures applicable to it, including the weighted voting system shall be as laid down in 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 7368/05 RECH 59, ATO 41, OC 180 of 18/04/05, after the 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 they are provided in Annex 1<sup>4</sup> attached herewith.
7. Following the accession of the two new Member States on 1/1/2007<sup>5</sup> and having regard to the Act<sup>6</sup> concerning their conditions of accession of 21/6/2005 and in

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<sup>1</sup> 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), amended in 1982.

<sup>2</sup> OJ L 400, 30.12.2006, p. 60.

<sup>3</sup> OJ L 400, 30.12.2006, p. 404.

<sup>4</sup> Annex 1 describes the voting rights of the CCE-FU, currently in force, as stipulated in paragraph 14 of Council Decision 7368/05 RECH 59, ATO 41, OC 180 of 18/04/05.

<sup>5</sup> OJ C 321, 29.12.2006, p. 1.

<sup>6</sup> OJ L 157, 21.6.2005, p. 203.

particular Article 50 thereof that stipulates that "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 March 2007 to amend accordingly its weighted voting system.

8. In the light of the above-mentioned considerations, the Commission proposes that the Council:
  - **Approve the attached proposal for a Council decision amending the Council Decision of 16 December 1980 setting up the consultative committee for the fusion programme.**

Proposal for a

## COUNCIL DECISION

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

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 2006/970/Euratom<sup>7</sup> concerning the Seventh Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities, also contributing towards the creation of a knowledge-based society, building on the European Research Area,

Having regard to the Council Decision 2006/976/Euratom<sup>8</sup> of 19 December 2006 concerning the Specific Programme for nuclear research and training activities (2007 to 2011) and in particular to Article 7.2 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 Act<sup>9</sup> concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments of the Treaties on which the European Union is founded, and in particular Article 50 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 7368/05 RECH 59, ATO 41, OC 180 of 18/4/2005<sup>10</sup>,

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"*.
- (2) The consultative committee for the fusion programme (CCE-FU) unanimously recommended on 21 March 2007 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.

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<sup>7</sup> OJ L 400, 30.12.2006, p. 60.

<sup>8</sup> OJ L 400, 30.12.2006, p. 404.

<sup>9</sup> OJ L 157, 21.6.2005, p. 203; OJ C 321, 29.12.2006, p. 1.

<sup>10</sup> OJ L 108, 29.4.2005, p. 64.

(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
<b>Bulgaria</b>	<b>2</b>
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
<b>Romania</b>	<b>2</b>
Slovenia	1
Slovakia	2
Finland	2
Sweden	2
United Kingdom	5

Switzerland 2

**Total 64**

For the adoption of an opinion, the required majority shall be 33 votes in favour by at least fifteen delegations'.

Done at Brussels,

*For the Council  
The President*

## ANNEX 1<sup>11</sup>

### CCE-FU Voting system in force (last amended by Council Decision of 18 April 2005)

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
Luxemburg	1
Hungary	2
Malta	1
Netherlands	2
Austria	2
Poland	3
Portugal	2
Slovenia	1
Slovakia	2
Finland	2
Sweden	2
United Kingdom	5
<u>Switzerland</u>	<u>2</u>
<b>Total</b>	<b>60</b>

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

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<sup>11</sup> Country order is as followed in the Accession Act § 12