

Euratom Supply Agency: statutes

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The Committee on Industry, Research and Energy adopted, with amendments, - at 1st reading of the consultation procedure - the report drafted by Romana Jordan **CIZELJ** (EPP-ED, SL) on the proposal for a Council decision establishing Statutes for the Euratom Supply Agency. The committee made the following amendments:

Revision of the Statutes: the Statutes of the Agency date from 1958, and in 1978 the Agency adopted its Accounting instructions. Following the enlargement of the EU, there is a need to apply **modern financial provisions** to the Agency and **to determine its headquarters**, therefore **new Statutes** will have to be adopted.

The report states that the Euratom Supply Agency is set up as a new agency. This has to be reflected in the legal bases referred to in the Decision.

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 EU utilities' long-term contract coverage and with periodic risk analyses of the market, with the aim of: i) 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); ii) 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, 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.

Headquarters: the report proposes that only the Council is qualified to determine where an agency should have its seat (and only after consulting the Advisory Committee), on the understanding that the seat will have to be in one of the Commission's places of work. The Agency shall have its seat in one of the locations of the Commission services.

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 ("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.

Director General: the Director General shall be appointed by the Commission, after consulting the Advisory Committee. He shall work full time for the Agency and shall not act as an agent of the Commission. He shall ensure: i) the management of the Agency, its administration and its resources, including staff matters; the preparation of the draft statement of estimates of the Agency's revenue and expenditure, and execution of its budget; ii) the preparation of studies and specific reports deemed necessary and send such studies and reports to the Commission, the European Parliament, and the Council.

Role of the Advisory Committee: according to the report, it 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. It shall act as a link between the Agency and both producers and users in the nuclear industry. MEPs suggest that the principle of obligatory consultation instituted by the current statutes be maintained.

Composition of the Advisory Committee: the report states that 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. This modification would lead to a slight increase (5 members in comparison with the Commission proposal).

Monitoring, reporting and transparency: the report underlines the need to ensure the association of the European Parliament on matters under the supply's provisions of the Treaty and in particular:

- to better define the role of the Parliament in the budgetary procedure and at least to enable it to be informed;
- to give the Parliament the tools to be tightly informed and to follow the activity of the Agency : the EP should be the recipient of the work programme and the annual report of the Agency and of any specific report and studies produced by the Director General.

Lastly, MEPs deleted an Article concerning the legal capacity of the Agency: this Article states that 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.