

Nuclear Transparency Watch (NTW) - Statutes

Unofficial translation

07 November 2013

Preamble

1. Nuclear activities are associated with, health, social, environmental, economic, political and cultural risks or impacts that may affect territories far beyond the location of these activities.
2. Nuclear electric(power) generation is a technological activity, whose safety requires a very high level of vigilance and the maintenance of favourable economic, social, political, technical and scientific conditions. This high vigilance must be maintained for many decades, both in countries using or developing this energy and also in countries that have chosen to abandon nuclear energy to adopt other forms of energy production and which will have to manage the phase out of nuclear activities as well as the nuclear waste from past activities.
3. The operating framework for nuclear activities is today mainly determined by national authorities, but it incorporates policies that are defined at international level and increasingly at European level¹. The risk of a nuclear accident in the EU or in neighboring countries cannot be excluded and its consequences would not be confined only to the State in which the accident occurred. This transnational dimension requires enhanced European cooperation.
4. Strengthening and maintaining a high level of nuclear safety in Europe is a common good for all people in Europe, regardless of the opinion each country may have about nuclear energy.
5. Nuclear safety is primarily the responsibility of institutional actors, operators, experts, national and international authorities. In accordance with the Aarhus Convention, the involvement of civil society in the monitoring of nuclear activities and in the radiation protection of populations is a necessary component to ensure the quality of decision-making in the fields of environment and health.
6. Today, several components of civil society organizations are involved at local and national levels in monitoring nuclear activities in European countries. However, their presence is very uneven across countries and these organizations do not usually benefit from the necessary technical, legal and political support to effectively carry out their

¹ That is including coordinated activities and networks of national institutions at European level (Europe means here EU or a wider European perspective), as well as involvement of EU institutions (European Council, European Parliament, European Commission, etc.)

actions. Thus a wide gap may exist between European countries in the awareness and capacity of their civil society effectively to exercise their rights under the Aarhus Convention.

7. Furthermore, many decisions concerning nuclear activities are now taken at European level and involve a structured action by civil society towards European decision-makers and European institutions. There is still a long way to go to develop effective contributions by civil society to the safety of nuclear facilities in all European countries and at European level.
8. On December 4, 2012 in Brussels, members of the European Parliament from different political families launched a call to European Institutions and to Member States to increase the transparency of nuclear activities and the engagement of civil society to achieve and maintain a high level of nuclear safety in the European Union and at its borders.

TITLE I - Form - Objectives - Name – Registered office- Duration

Article 1: Name, form and objectives of the Association

It is created, under the name “**Nuclear Transparency Watch**”, a non-profit Association. Nuclear Transparency Watch is a European Association under French law (law as of 1st July 1901, and decree as of 16 August 1901), gathering civil society organizations involved in or concerned by daily monitoring of nuclear activities as well as national or international institutions interested in the development of the work of civil society. Nuclear Transparency Watch – hereafter “the Association” - is governed by the present statutes.

The objectives of the Association are:

1. To raise the awareness of policy-makers and European civil society regarding the importance of transparency in the monitoring of nuclear activities to improve the safety of their facilities.
2. To provide support to local and national initiatives and organizations of civil society (in each European country) seeking to promote transparency of nuclear activities and to ensure that broader account is taken of the contribution of civil society in the governance of nuclear activities, including through better implementation of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice, and the corresponding European Directives.
3. To demonstrate the capacity of civil society to improve the quality of decision-making by generating or coordinating as appropriate their actions of monitoring and vigilance at local, national and European level.
4. To exchange information between civil society participants in European countries, and to build collective evaluations at European level if necessary.
5. To initiate partnerships with independent expert organisations or public institutions of expertise that can provide technical support to the monitoring of nuclear activities and their safety.
6. To bring the voice of civil society into the European decision-making process regarding nuclear activities, and to provide information to European institutions, members of the European Parliament and European civil society.
7. To compare and assess developments regarding nuclear transparency in the various European countries.
8. To establish means of mutual information across borders and between the various representatives of civil society in Europe.

Article 2: Registered office

The Association's head office is located in Paris, in France. The Association's head office can be transferred to any other place by simple decision of the Management Board. The postal address of the Association's head office is the following:

Nuclear Transparency Watch
38, rue Saint Sabin
75011 Paris - France

Article 3: Duration

The Association is created with an unlimited duration.

TITLE II – Membership

Article 4: Members of the Association.

The Association is a corporate body, composed of members divided in two categories:

- Qualified members (individuals),
- Organizations (institutions)

Only members, or their representatives duly authorized, have voting rights in the Association.

Applications for new members are approved by members of the Bureau.

Article 4 -1: Qualified members

Qualified members are individuals having a real qualification and / or experience regarding monitoring of nuclear activities, or represent the interests of civil society.

Each qualified member has one vote.

Each qualified member is committed to pay an annual fee the amount of which is determined by the General Assembly on the proposal of the Bureau.

Article 4-2: Member Organizations

The member organizations include civil society organizations and national or international institutions that are interested in the development of the work of civil society in the monitoring of nuclear activities.

Each member organisation elects or designates one of its members to represent it in the Association.

Each member organization may revoke its representative at any time and appoint a new one. It then informs the Association immediately.

Each member organization is committed to pay an annual fee the amount of which is determined by the General Assembly on the proposal of the Bureau.

Each member organization has one vote.

Article 4-3: Resignation – Exclusion or loss of membership

The status of member is withdrawn:

- 1) In case of death;
- 2) When the member organisation is dissolved or ceases activity;
- 3) Following a letter of resignation sent to the serving Chairperson;
- 4) Following exclusion decided by the Management Board.

Exclusion can be decided by the Management Board notably for the non-payment of the annual fee, for inactivity or disregard of the statutes of the Association. The member organisation, to which the individual member belongs and represents, is firstly given notice of the Management Board's decision of exclusion. For members, any fees paid or due for the current period are established to belong to the Association.

In the case of resignation or exclusion of a member organisation, its representative also loses his or her membership status.

TITLE III – Capital and assets

Article 5: Resources

The Association has the following resources:

1. Member organisations' fees.
2. Funding credit or grants that may be given by the European Union, States, regional or local authorities, or public bodies.
3. Special subsidies granted by any organization interested in the Association's objectives.
4. The remuneration generated by the participation of the Association in research projects or tenders relating to the subject or to the interests of the Association and launched by public institutions or foundations.
5. Gifts or receipts in kind by members or results of fundraising organized by the Association.

6. Resources allowed by legal and regulatory texts.
7. Interests and incomes from goods and values belonging to the Association.
8. Any other resources compatible with the statutes of the Association.

The Association should not accept any funding coming from nuclear industries or any other sources that could compromise the integrity of its objectives.”

The considered sources of funding for the Association will be submitted to the Bureau for acceptance.

Article 6: Reserve Fund

In order to cover expenses related to its activities on the one hand, and to ensure its sustainability on the other hand, the Association can set up a reserve fund. The aim of this reserve is to meet all or part of the obligations to which the Association subscribes, whatever their nature; the principles of this reserve are set by the Management Board.

The funding reserve notably includes savings from the annual budget.

When the Association enjoys the use of property, fixed or portable, or gives right of use of its own properties to a third party, a memorandum of agreement is signed to establish relations between the Association and the owner, or between the Association and the temporary user.

Article 7: Expenses

Expenses related to the purchase and installation of equipment will be borne by the Association or some of its members.

In the latter case, the equipment may remain the property of the purchaser or be assigned, for a fee or free of charge, to the Association.

The operating costs of the Association are covered principally by resources as defined in article 6 and by the Reserve fund.

Article 8: Budget

The Association establishes a budget, an operating account and a balance sheet on an annual basis.

The account period runs from 1st January to 31st December.

The Management Board of the Association names an Auditor and a deputy; the auditor applies the rules of accounting practice established for companies as far as they can be transferred to associations.

Article 9: Duties and responsibilities of the Association members

The Association's patrimony is the sole guarantee of commitments made in its name, none of the members or the administrators is personally liable for these commitments, subject to provisions of the Commercial Law on receivership and compulsory liquidation of companies.

TITLE IV – Management and operation

Article 10: Ordinary General Assembly

The Ordinary General Assembly is composed of all members, as defined in article 4, and possibly invited persons or organisations.

Each member can attend the General Assembly or be represented by another member, who has then the same rights and number of votes as the represented member, by proxy letter handed to the Secretary before the meeting.

The Ordinary General Assembly elects the members of the Management Board.

The Management Board reports to the General Assembly about the management and situation of the Association, and its activities; the accounts of the year ended are approved by the General Assembly and the provisional budget is adopted. Full discharge is given to the treasurer. The General Assembly also addresses the other topical issues brought to the agenda either by the Management Board, or on proposal of at least one third of the members, at least fifteen days before the date of the meeting.

The notice of meeting including the agenda must be sent by the Secretary by individual letter or e-mail to each member at least fifteen days before the meeting.

The Ordinary General Assembly convenes at least once a year after the end of the financial year proposed by the Management Board or at the request of a majority of the members of the General Assembly.

The General Assembly Meeting may deliberate and take valid decisions if at least half of its members are present, virtually present or validly represented.

If this quorum is not reached, the meeting is adjourned. A new meeting is convened with the same agenda, and the notice shall be sent within ten (10) days. Every adjourned and reconvened General Assembly can then deliberate and make valid decisions, regardless of the number of members present or represented.

The decisions are taken by simple majority of the votes cast by the members present or represented. In the case of an equal number of votes being recorded the Chairperson shall give a casting vote.

Article 11: Bureau and Management Board

The Management Board is composed of members belonging to the General Assembly and will be elected by the Assembly. The Management Board is elected for a duration of five years.

The number of Management Board members shall be nine at the minimum.

Each member of the Management Board has one vote.

The Management Board elects a Chairperson, and four Vice-chairmen, one Secretary and one Assistant Secretary, one Treasurer and one Assistant Treasurer. These elected members will constitute the Bureau of the Association.

The notice of meeting including the agenda must be sent by the Secretary by individual letter or email to each member at least fifteen days before the meeting.

The Management Board will meet once a year as a minimum. The Bureau will meet twice a year as a minimum.

The Management Board can validly deliberate only in the presence of at least a third (1/3) of its members present or represented.

The decisions are taken by simple majority of the votes cast by the present or represented members of the Management Board. In the case of an equal number of votes being recorded the Chairperson shall give a casting vote.

The Management Board may invite any person it deems appropriate to include in its work; these people participate in an advisory capacity and do not take part in the votes.

To ensure the daily operation and organization of the network formed by the Association, the Management Board may hire one or more permanent persons, depending on the resources available.

The Bureau is responsible for the validation of membership of new members who must meet the criteria for membership as defined in Article 4. The motivation and the quality of new members must be considered compatible with the objectives of the Association.

Article 12: Extraordinary General Assembly

Any modification to the Constitution of the Association shall require an Extraordinary General Assembly. An Extraordinary General Assembly may be convened after an Ordinary General Assembly meeting.

The Extraordinary General Assembly can decide the extension or the dissolution of the Association or its fusion or its union with other associations working towards a similar end.

The notice of meeting including the agenda must be sent by the Secretary by individual letter or email to each member at least fifteen days before the meeting.

The Extraordinary General Assembly may deliberate and take valid decisions if at least half of the members are present, virtually present or validly represented by proxy.

If this quorum is not reached, the meeting is adjourned. A new meeting is convened with the same agenda, and the notice shall be sent within ten (10) days. Every adjourned and reconvened Extraordinary General Assembly can then deliberate and take valid decisions, regardless of the number of members present or represented.

In all cases, decisions are taken by majority vote of members present or represented. In the case of an equal number of votes being recorded the Chairperson shall give a casting vote.

Article 13: Minutes

The deliberations of the Ordinary or Extraordinary General Assemblies are re-transcribed on official minutes recorded on a specific register.

The minutes record the number of present members and the number of warrants.

The originals are signed by the Chairperson and the Secretary. The copies or extracts are signed by the Chairperson or the Secretary.

TITLE V – Dissolution - Fusion

Article 14: Dissolution - Fusion

The dissolution of the Association, its fusion or its union with other associations working towards a similar end, can be decided by the Extraordinary General Assembly.

In this case, the General Assembly can appoint one or more commissioners in charge of liquidation. After recovery of any monies due, payments of all debts and liabilities of the Association as well as expenses of liquidation, the available assets will be allotted, in accordance with the law, to the rightful owners indicated by resolution of the General Assembly.

TITLE VI – Transitional arrangements - Formalities

At the time of constitution, the depositors constitute the provisional Bureau.

The provisional Bureau is charged to set up the structures envisaged by these statutes and to convene a General Assembly within one year.

Made in Brussels on

The Chair

The Secretary