

Nuclear Transparency Watch (NTW) - Statutes

Unofficial translation

25 January 2024

Preamble

1. Nuclear Transparency Watch was founded on the basis of a call on December 4, 2012, in Brussels by members of the European Parliament from different political families 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.
2. 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.
3. Nuclear activities are technological activities 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 centuries in countries using or developing this technology as the decommissioning processes of nuclear installations and nuclear waste from past activities must be managed.
4. The risk of a nuclear accident can never be excluded, and its consequences would not be confined only to the country in which the accident occurred. This transnational dimension requires enhanced European and international cooperation and vigilance.
5. Strengthening and maintaining a high level of nuclear safety is a common good.
6. Transparency in monitoring, public participation in decision making, access to justice in environmental matters and access to resources in relation to all aspects of nuclear activities, is essential to improving nuclear safety.
7. Nuclear safety is the responsibility of institutional actors, operators, and national and international authorities. In accordance with the Aarhus Convention, the involvement of independent experts and civil society organizations concerned with public interest goals in the monitoring of nuclear activities and in the radiation protection of populations heightens the quality of decision-making in the fields of environment and health.
8. While components of civil society organizations are involved at local and national levels in monitoring nuclear activities their presence is very uneven across countries, and they do not benefit from the necessary technical, legal and political support to effectively carry out their actions. Thus, a wide gap exists between different countries in the capacity of such actors to exercise their rights under the Aarhus Convention.
9. Furthermore, many decisions concerning nuclear activities are taken at European and international level that require structured, coordinated action by civil society within European and international decision-making frameworks. For the contributions of parties concerned with nuclear safety to be effective, developed strategies and coordinated efforts must be fostered.

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 civil society, non-profit Association. Nuclear Transparency Watch is an international Association under French law (law as of 1st July 1901, and decree as of 16 August 1901), network of civil society organisations involved in or concerned with monitoring nuclear activities, as well as national or international institutions interested in the development of the work of civil society. Nuclear Transparency Watch – hereafter “NTW” - is governed by the present statutes.

In the spirit of the Aarhus Convention the objectives of NTW are to:

1. Promote nuclear transparency and safety.
2. Promote the rights of access to information, public participation in decision-making, access to justice in environmental matters and access to resources in relation to all aspects of nuclear activities.
3. Raise the awareness of policymakers and civil society regarding the importance of, public participation in decision-making, access to justice in environmental matters and access to resources in relation to all aspects of nuclear activities in order improve the safety of their facilities.
4. Provide support to local and national civil society initiatives seeking to strengthen the aforementioned rights the implementation of Aarhus Convention rights and the corresponding European Directives.
5. Improve the quality of decision-making in nuclear issues.
6. Generating or coordinating as appropriate monitoring activities and vigilance at the local, national, European and international level.
7. Encourage and facilitate the exchange of information between civil society participants and beyond, and to evaluate the collectively generated data including the production of publications.
8. 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.
9. Strengthen the voice of public interest- oriented civil society associations in the decision-making process in Europe and beyond regarding nuclear activities, and to provide information to European institutions and civil society.
10. Compare and assess developments regarding nuclear transparency in various countries.
11. Create a forum for discussion, deliberation, and open exchanges of viewpoints on nuclear-related topics. In this regard, NTW aims to utilize all channels of communication and deliberation, and encourage the engagement of nuclear sector stakeholders in other public fora such as conferences, roundtables, seminars, webinars, scientific and non-scientific papers, etc.

Article 2: Registered office

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

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

Article 3: Duration

NTW is created with an unlimited duration.

TITLE II – Membership

Article 4: Members of NTW.

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

- Qualified members (individuals),
- Organizations (formal associations)

NTW may call on the services of any consultant it deems useful to its work. These enjoy no voting rights in NTW governance.

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

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

NTW members are united around a common concern - without prejudice to each other's positions on nuclear energy - and have a desire to see NTW's core missions realized.

Article 4 -1: Qualified members

Qualified members are individuals having a relevant qualification and/or experience in monitoring, research or past involvement in nuclear activities and/or representing the interests of civil society regarding nuclear activities.

Each qualified member has one vote.

Each member is invited to pay a membership fee of his or her choice, the minimum amount being determined by the Annual General Meeting on the recommendation of the Management Board.

Article 4-2: Member Organizations

The member organisations include civil society organisations and national or international institutions that are engaged in monitoring of nuclear activities with a common concern for safety, transparency and public participation in the nuclear sector.

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

Each member organisation may revoke its representative at any time and appoint a new one. It then informs NTW immediately.

Each member organisation is invited to pay a membership fee, the minimum amount of which is determined at the General Assembly on the recommendation of the Management Board.

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 inactivity or disregard of the statutes of the NTW. 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 a given period are established to belong to NTW.

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

NTW has the following resources:

1. Voluntary member organisations' fees.
2. Funding credit or grants that may be given by the European Union, States, regional or local authorities, public bodies or foundations.
3. Special subsidies granted by any organization interested in NTW's objectives.
4. The remuneration generated by the participation of NTW in research projects or tenders germane to its statutory objectives.
5. Gifts or receipts in kind by members or results of fundraising organized by NTW.
6. Other resources allowed by laws and regulations.
7. Interests and incomes from goods and values belonging to NTW.
8. Any other resources compatible with the statutes of NTW.

Considered sources of funding for NTW will be submitted to the Management Board for acceptance.

For the purpose of transparency and accountability, if the source of funding for NTW activities, or for the projects of individuals acting in the name of NTW, is from external sources the content of projects or proposals must be shared, upon request, with the Management Board, who may evaluate the consistency of the output with the NTW mission.

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, NTW can set up a reserve fund. The aim of this reserve is to meet all or part of the obligations to which NTW 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 NTW 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 NTW and the owner, or between NTW and the temporary user.

Article 7: Expenses

Expenses related to the purchase and installation of equipment will be borne by NTW 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 NTW by means of an agreement specifying the future of the equipment.

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

Article 8: Budget

NTW establishes a budget, an operating account and a balance sheet on an annual basis, which must be presented to the General Assembly in a simplified but sufficiently comprehensible format to the Members.

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

The Management Board of NTW names a chartered accountant, and if needed an auditor and a deputy. The chartered accountant and the auditor apply the rules of accounting practice established for companies as far as they can be transferred to associations.

Article 9: Duties and responsibilities of the NTW members

NTW'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 Chairperson or employee representative 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 Chairperson or employee representative 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.

Management Board members who are unable to attend 3 consecutive meetings could lose Board Member status.

The minimum number of members of the Management Board is nine.

Each qualified member of the Management Board is elected *intuitu personae* and has one vote. Each organisation member of the Management Board is elected as an organisation with one representative who has one vote.

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

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

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

The Bureau will meet as often as necessary and at least 3 times a year.

The Management Board can validly deliberate only in the presence of at least half 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 can, on its own initiative, invite any person it deems appropriate to participate in its activities in an advisory capacity and invite NTW members to participate in the Management Board meetings as observers. They do not have the right to vote.

To ensure the daily operation and organisation of the network formed by NTW, 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 and sign the NTW Charter of Commitment. The motivation and the relevancy of new members must be considered compatible with the objectives of NTW.

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 Chairperson or employee representative 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 a third 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 NTW, 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

In the period of transition (re-election of the Management Board and Bureau), the outgoing Chairperson is responsible for day-to-day business during the transition period. The transitional period should be as short as possible.

In the period of transition, full powers are granted to the Chairperson, with the option to freely delegate among NTW members, to carry out all formalities and procedures required by law for the normal operation of NTW in regard to all administrations and companies as well as pending completion of the formalities for the amending declaration.

Made in Paris on

The Chair

The Secretary