



## FUSION FOR ENERGY

The European Joint Undertaking for ITER and the Development of Fusion Energy

THE GOVERNING BOARD

### DECISION OF THE GOVERNING BOARD OF FUSION FOR ENERGY ADOPTING AMENDMENTS TO THE IMPLEMENTING RULES OF THE FINANCIAL REGULATION

The Governing Board,

Having regard to the Council Decision (Euratom) No 198/2007 of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy (hereinafter "the Joint Undertaking") and conferring advantages upon it<sup>1</sup> (hereinafter "the Constituent instrument") and in particular Article 5 thereof,

Having regard to the Statutes annexed to the Constituent instrument (hereinafter "the Statutes") and in particular Article 6(3) (h), Article 13, and Annex III thereof,

Having regard to the Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup> (hereinafter "the general Financial Regulation"),

Having regard to Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union<sup>3</sup>,

Having regard to the Financial Regulation of the Joint Undertaking, adopted by its Governing Board on 22 October 2007<sup>4</sup>, as last amended by Decision of the Governing Board on 24-25 November 2011<sup>5</sup> (hereinafter "the Financial Regulation"),

Whereas:

- (1) In accordance with Article 5(1) of the Constituent instrument, "the Joint Undertaking shall have a distinct financial regulation based on the principles of the Framework Financial Regulation",
- (2) In accordance with Article 135 of the Financial Regulation and Article 206 of its Implementing Rules, it is necessary that the Governing Board adopts amendments to the implementing rules,
- (3) With a view to fostering a better and more durable partnership between beneficiaries and the Joint Undertaking, it is necessary to amend the Joint Undertaking's Implementing Rules to reflect key recommendations of the Ad-Hoc Working Group on European Fusion Laboratories endorsed by the Governing Board on 27 June 2013;

<sup>1</sup> OJ L 90, 30.3.2007, p. 58

<sup>2</sup> OJ L 298, 26.10.2012, p. 1

<sup>3</sup> OJ L 362, 31.12.2012, p. 1

<sup>4</sup> F4E(07)-GB03-11

<sup>5</sup> F4E(11)-GB21-10b, adopted on 25/11/2011

Has adopted this decision:

*Article 1*

The Implementing Rules of the Financial Regulation of the Joint Undertaking are amended as follows:

1. In Article 147(2), the third subparagraph is deleted.
2. In Article 153(1), the following is added after the first sentence:

*'For the purchase of durable equipment or assets and of ancillary services approved by the Joint Undertaking as necessary to carry out such activities, the financial contribution of the Joint Undertaking may reach a maximum of 70% of the total eligible costs.'*

3. In Article 167, the following paragraph 3a is added after paragraph 3:

*'3a. The authorising officer may, where appropriate, divide the evaluation process into two procedural stages. The rules governing the process shall be announced in the call for proposals.'*

*Where a call for proposals specifies a two-stage submission procedure, only those applicants whose outline proposals satisfy the evaluation criteria for the first stage shall be requested to submit a complete proposal in the second stage.*

*Where a call for proposals specifies a two-stage evaluation procedure, only those proposals that pass the first stage, based on the evaluation against a limited set of criteria, shall go forward to further evaluation.*

*The applicants whose proposals are rejected at any stage shall be informed in accordance with Article 105(3) of the Financial Regulation.*

*The second stage of the procedure must be clearly distinct from the first one.*

*The same documents and information shall not be required more than once during the same procedure.'*

4. In Article 167, the following paragraph 4a is added after paragraph 4:

*'4a. When only a single admissible application has been submitted in response to a call for proposals, the Joint Undertaking may negotiate with the applicant in order to adapt the application to the requirements of the Joint Undertaking, provided that the content of the activities of the call for proposals will not be substantially affected.'*

*Article 2*

1. This Decision shall take effect on 1 January 2014.
2. This Decision shall apply to calls for proposals published after the date referred to in paragraph 1.

Done at Barcelona, 11<sup>th</sup> December 2012

For the Governing Board

A handwritten signature in black ink, appearing to read 'Stuart Ward', with a horizontal line underneath the name.

**Stuart Ward**

Chair of the Governing Board

For the Secretariat

**Raymond Monk**

Secretary of the Governing Board