



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 AN AMENDMENT TO THE IMPLEMENTING RULES OF THE FINANCIAL REGULATION

THE GOVERNING BOARD OF FUSION FOR ENERGY,

Having regard to the Decision of the Governing Board of 8 September 2008¹ adopting the Implementing Rules of the Financial Regulation of Fusion for Energy (hereinafter “the Implementing Rules”) and Article 81 (2) thereof.

HAS ADOPTED THIS DECISION:

Article 1

Article 81 (2) of the Implementing rules shall read as follows:

“The participation in procurement procedures may also be open to other economic operators than referred to in Paragraph 1 , if so decided by the Director with the prior approval of the Governing Board, in justified cases such as:

- (a) *the supply, service or work may not be obtained in the territory of a Member of the Joint Undertaking, or may not be obtained under reasonable terms and conditions; or*
- (b) *for the sector concerned, a monopoly situation may exist in the territory of the Members of the Joint Undertaking; or*
- (c) *different participation conditions than those set out in the paragraph 1 are required under an international agreement or other international arrangement.”*

Article 2

This Decision shall have immediate effect.

¹ F4E(08)-GB06-06a of 08/09/2008.

Done at Barcelona, 2nd December 2010

For the Governing Board



Carlos Varandas
Chair of the Governing Board