



## FUSION FOR ENERGY

The European Joint Undertaking for ITER and the Development of Fusion Energy  
**THE GOVERNING BOARD**

### **DECISION OF THE GOVERNING BOARD APPROVING A CHARTER OF TASKS AND RESPONSIBILITIES OF THE FUSION FOR ENERGY ACCOUNTING OFFICER**

THE GOVERNING BOARD,

HAVING REGARD to the Statutes annexed 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 "Fusion for Energy") and conferring advantages upon it<sup>1</sup> (hereinafter "the Statutes") and in particular Article 5 thereof,

HAVING REGARD to the Financial Regulation of Fusion for Energy<sup>2</sup> adopted by the Governing Board on 22 October 2007, last amended on 25th November 2011<sup>3</sup> (hereinafter "the Financial Regulation"), and in particular Article 46 thereof;

HAVING REGARD to the Governing Board decision of 8<sup>th</sup> July 2008 appointing Mr. Roberto ABAD VILLANUEVA as the Fusion for Energy Accounting Officer<sup>4</sup>,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The annexed charter of tasks and responsibilities of the Fusion for Energy Accounting Officer (hereinafter "the Charter") is hereby approved.

#### *Article 2*

The Chair of the Governing Board, the Fusion for Energy Director and the Accounting Officer are invited to sign the Charter.

#### *Article 3*

This decision has immediate effect.

Done at Barcelona, 28<sup>th</sup> March 2012

For the Governing Board

**Stuart Ward**  
Chair of the Governing Board

<sup>1</sup> O.J. L 90, 30.03.2007, p. 58.

<sup>2</sup> F4E(07)-GB03-11 Adopted 22/10/2007

<sup>3</sup> F4E(11)-GB21-10c Adopted 25/11/2011

<sup>4</sup> F4E(08)-GB06-Summary Adopted 08/07/2008

## ANNEX

### **CHARTER OF TASKS AND RESPONSIBILITIES OF THE FUSION FOR ENERGY ACCOUNTING OFFICER**

#### **1. PREAMBLE**

- 1.1 This "Charter", which has been drawn up in accordance with the provisions of the Staff Regulations and the Financial Regulation, identifies the tasks entrusted to the Accounting Officer of the European Joint Undertaking for ITER and the Development of Fusion Energy (hereinafter "F4E"), his rights and duties and the responsibilities he assumes in the exercise of his functions.
- 1.2 The Charter is part of a drive towards transparency which is aimed at describing the responsibilities of the Accounting Officer in the light of the objectives assigned to him by the financial legislation. It is not an exhaustive or restrictive description of the duties of the Accounting Officer; these are laid down in the F4E Financial Regulation of 22<sup>nd</sup> October 2007 and its implementing rules of the same date.
- 1.3 This Charter sets out the relationship between F4E and the Accounting Officer, and the relationship of the Accounting Officer with the Authorising Officers.

#### **2. DEFINITIONS**

- 2.1 The Accounting Officer is the official or temporary agent responsible in F4E, in accordance with Article 46 of the Financial Regulation, for:
- (a) proper implementation of payments, collection of revenue and recovery of amounts established as being receivable;
  - (b) preparing and presenting the accounts in accordance with Title VIII of the F4E Financial Regulation;
  - (c) keeping the accounts in accordance with Title VIII of the F4E Financial Regulation;
  - (d) laying down, in accordance with Title VIII of the Financial Regulation, the accounting rules and methods and the chart of accounts in accordance with the provisions adopted by the European Commission's Accounting Officer;
  - (e) laying down and validating the accounting systems and where appropriate validating systems laid down by the Authorising Officer to supply or justify accounting information;
  - (f) treasury management.

He is also responsible for setting up and endowing imprest accounts, in accordance with Article 47 of the F4E Financial Regulation.

- 2.2. The term "document" shall apply to both paper and electronic documents, and both paper and electronic documents may be signed.

### **3. DESIGNATION OF THE ACCOUNTING OFFICER**

- 3.1 The Accounting Officer shall be appointed by the Governing Board of F4E. He shall be subject to the Staff Regulations and Rules applicable to officials and other servants of the European Communities.

The Accounting Officer shall be chosen on the grounds of his particular qualifications as demonstrated by diplomas or by equivalent experience.

- 3.2. The Accounting Officer shall perform his duties in accordance with the provisions of the F4E Financial Regulation and its Implementing Rules and shall perform his task with honesty and probity and with due regard for the protection of F4E's financial interests.

F4E shall make available to the Accounting Officer the staff and equipment necessary for the proper performance of his tasks.

- 3.3 The tasks performed by the Accounting Officer shall be incompatible with those of Authorising Officer, Imprest Administrator and Internal Auditor.

- 3.4 The Accounting Officer may, in the performance of his duties, delegate certain tasks to subordinates subject to the Staff Regulations or the Conditions of Employment of Other Servants.

Unless specifically amended or revoked by the newly appointed Accounting Officer, the delegation of powers granted by his predecessor shall remain valid.

- 3.5 In the event of termination of duties of the Accounting Officer, unless this falls at the end of a financial year, an interim statement of account shall be drawn up as soon as possible. The statement shall cover the accounts provided for in Title VIII of the F4E Financial Regulation as at the date corresponding to the end of the month in which the Accounting Officer's duties are terminated.

The interim statement or, when termination occurs at the end of a financial year, the provisional accounts referred to in Article 111 of the F4E Financial Regulation shall be sent by the outgoing Accounting Officer or, if this is not possible, by the official temporarily replacing him to the new Accounting Officer, who shall, within no more than a month following transmission, sign for acceptance and may enter reservations.

#### **4. MISSION OF THE ACCOUNTING OFFICER**

##### *Preparation of the accounts and accounting*

4.1 The Accounting Officer shall be responsible for preparing the F4E's provisional annual accounts (financial statements and budget implementation statements) and for sending the provisional annual accounts together with the report on budgetary and financial management to the Commission's Accounting Officer as referred to in Article 117 of the F4E Financial Regulation.

The Accounting Officer shall obtain from Authorising Officers, who shall guarantee its reliability, all the information necessary for the production of accounts which give a true and fair view of F4E's assets and of budget implementation.

4.2 The Accounting Officer shall prepare F4E's final annual accounts after receiving the observations of the Court of Auditors on the provisional annual accounts.

4.3 The annual accounts must comply with the rules and be accurate and comprehensive and present a true and fair view of F4E's assets and liabilities, the financial situation and the outturn of the financial year. To this end, the annual accounts shall be drawn up on the basis of generally accepted accounting principles:

- (a) going-concern basis;
- (b) prudence;
- (c) consistent accounting methods;
- (d) comparability of information;
- (e) materiality;
- (f) no netting;
- (g) reality over appearance;
- (h) accrual-based accounting.

In accordance with the procedure set out in Article 117 of the F4E Financial Regulation, the Accounting Officer shall submit the provisional annual accounts to the Commission's Accounting Officer and to the Court of Auditors by 1<sup>st</sup> March. He shall take account of any observations of the Court of Auditors and shall submit the final annual accounts to the Commission's Accounting Officer and to the Governing Board of F4E in time for them to be adopted by 1<sup>st</sup> July, as provided for by Article 118 of the F4E Financial Regulation. He shall also send the report on F4E's budgetary and financial management to the Commission's Accounting Officer, European Parliament, the Council and the Court of Auditors, as provided for by Article 118 of the F4E Financial Regulation.

The Accounting Officer shall, after the close of the budgetary year and up to the date of the presentation of the accounts, make any adjustments which, without involving disbursement or collection in respect of that year, are necessary for a true and fair presentation of the accounts which complies with the rules.

4.4 The Accounting Officer must ensure that F4E has accounting rules and methods and a chart of accounts which will allow accounts to be drawn up giving a true and fair view of F4E's assets and liabilities.

The Accounting Officer shall ensure that the chart of accounts and the accounting rules and methods are regularly updated in line with the instructions coming from the Commission Accounting Officer and the specific nature of F4E activities.

4.5 The Accounting Officer shall provide the F4E Director, for the purpose of drafting his annual report, with information on transactions he has entered and validated in the central accounting application.

4.6 The Accounting Officer shall draw up and keep updated documents describing the organisation of F4E's accounts and its accounting procedures.

The Accounting Officer must ensure that F4E's accounting system enables the trial balance to be established, covering all the accounts of the general accounts, including accounts closed in the course of the financial year with, in each case, the account number, the account name, the starting balance, total debits, total credits, and the final balance.

4.7 The Accounting Officer shall reconcile the cash at bank with the account statements and the cash in hand with the data in the cash book on a monthly basis at least, and in any event whenever the accounts are closed.

4.8 The Accounting Officer shall ensure the regular monitoring of the regularisation of non-budget operations by booking to the budget. To this end, he shall send appropriate reminders to the Authorising Officers.

4.9 The Accounting Officer shall keep the documents relating to the accounts and accounting for five years from the date the European Parliament grants discharge for the budgetary year to which the documents relate.

He shall keep documents relating to operations not definitively closed for a longer period, until the end of the year following that in which the operations are closed.

#### ***Devising and validating accounting systems***

4.10. The Accounting Officer shall be responsible for devising and validating the F4E's central accounting systems.

He shall validate local financial management systems devised by Authorising Officers which supply data for the accounts or may substantiate such data. He must give his agreement to their introduction and to any modification.

The responsibility of the Accounting Officer in internal control is to ensure the integrity of the accounting system. The Authorising Officer shall be responsible for the data entered in the system and for ensuring the reliability and accuracy of the information entered. The Accounting Officer shall be responsible for the subsequent processing and output of the information entered in the accounting system, including through local information systems which he has validated.

The Accounting Officer shall periodically, and at least at the annual closure, reconcile the balance of the accounts in the trial balance with the data from the management systems used by Authorising Officers for the management of assets and liabilities and for the daily input into the central accounting system.

The Accounting Officer shall also be consulted by Authorising Officers on the introduction and modification of the systems for the inventory and for the valuation of assets and liabilities.

- 4.11. The Accounting Officer shall lay down the rules for Authorising Officers to supply him with the financial and management information required for the performance of his duties.

***Implementation of payments***

- 4.12 Payments shall be made by the Accounting Officer within the limits of the funds available.

The Accounting Officer shall make payments promptly, having due regard to the time limits laid down by Article 67 of the Implementing Rules of the F4E Financial Regulation.

- 4.13. Payments shall be made by bank credit transfer or exceptionally by credit card or by cheque.

The Accounting Officer may make payments by bank credit transfer only if the beneficiary's banking details have first been entered in the third-party file on the basis of a document certified by the beneficiary's bank.

The terms governing the opening, operation and use of accounts shall stipulate that cheques and bank credit transfer orders must be signed by one or more duly authorised members of staff. To this end the Accounting Officer shall communicate to the financial institutions with which it has opened accounts the names and specimen signatures of the authorised officials.

***Collection of receipts and recovery of established entitlements***

- 4.14 The Accounting Officer shall exercise due diligence in the collection of receipts corresponding to entitlements established by the Authorising Officers. He shall calculate the interest due in respect of any amount receivable which has not been repaid by the due date, as stipulated in Article 48 of the rules for the implementation of the F4E Financial Regulation.

- 4.15 Where an entitlement has not been recovered by the date set for payment, the Accounting Officer shall without delay launch the procedure for effecting recovery by any means offered by the law, including, where appropriate, by calling in any guarantee requested and retained by the Authorising Officer. Where an advance guarantee exists, the Accounting Officer shall proceed to recover the F4E entitlement by calling in the guarantee after informing the Authorising Officer responsible and the debtor.

The Accounting Officer shall, after informing the Authorising Officer responsible and the debtor, recover F4E entitlements by offsetting where the debtor also has a claim on F4E that is certain, of a fixed amount and due and has been established by a payment order.

- 4.16 The Accounting Officer may, in consultation with the Authorising Officer by delegation and on a written request by the debtor stating the reasons for the request, allow additional time for repayment, subject to an undertaking by the debtor to pay the default interest stipulated from the initial date on which the debt became due and for the whole of the additional time allowed for repayment and to lodge guarantees covering the principal and the interest.

At any stage in the procedure the Accounting Officer shall, where necessary, take appropriate measures to safeguard the Communities' financial interests.

- 4.17 The Accounting Officer shall adopt the necessary provisions concerning the minimum content of the files submitted to him by Authorising Officers during the recovery of entitlements by judicial action - particularly as regards the type and character of the information required.

- 4.18 The Accounting Officer shall, at the end of each quarter, send the Authorising Officers an age-based balance of recovery orders together with reports with relevant indicators for analysis on which to base decisions as to whether to recover or waive an established debt.

Each year the Accounting Officer shall send the Authorising Officers concerned a note drawing their attention to a list of F4E entitlements for which they may make a waiver proposal, namely old entitlements, established three or more years previously, involving small amounts and those where all appropriate steps have been taken but have failed to secure recovery.

### *Imprests*

- 4.19 On a duly substantiated proposal from the Authorising Officer responsible, the Accounting Officer shall take decisions creating imprest accounts, appointing the Imprest Administrator and making any changes to the operating terms. Unless specifically amended or revoked by the newly appointed Accounting Officer, the decisions of his predecessor regarding imprests shall remain valid.

The Accounting Officer shall be empowered to endow imprest accounts, which nevertheless remain the responsibility of the Imprest Administrator appointed. The Accounting Officer shall make the payment endowing imprest accounts and shall monitor the financial aspects from the point of view of opening bank accounts, delegation of signatures and controls on the spot and in the centralised accounts.

The Accounting Officer shall himself, or through an official or other servant from his own department or in the authorising department, carry out checks, as a rule on the spot and without warning, to verify the existence of the funds allocated to the Imprest Administrators and the bookkeeping and to check that imprest transactions are settled within the time limit set. He shall communicate the findings of these checks to the Authorising Officer responsible.

***Treasury management***

- 4.20 The Accounting Officer is alone empowered to manage monies and other assets. He shall be responsible for their safekeeping.

The Accounting Officer shall ensure that F4E has at its disposal sufficient funds to cover cash requirements arising from budget implementation. For this purpose he shall set up cash management systems enabling him to draw up cash-flow forecasts.

- 4.21 In order to carry out the financial operations which arise from the execution of the budget, the Accounting Officer shall have the necessary accounts opened at financial institutions, after negotiating the conditions governing their operation in accordance with the principles of sound financial management, efficiency and competitive tendering. In duly substantiated circumstances, he may open accounts in currencies other than in Euros.

The Accounting Officer shall ensure compliance with the conditions of operation of F4E's accounts opened at financial institutions, as defined in the agreements concluded with these institutions.

- 4.22 The Accounting Officer shall authorise transfers between accounts opened in the name of F4E. He must ensure that the balance on bank accounts does not deviate significantly from the cash-flow forecasts he has drawn up and that in any event none of these accounts is in debit. Where the accounts are in foreign currencies, he shall periodically convert the balance into Euros.

The Accounting Officer may not maintain balances in foreign currency accounts which might cause excessive losses to the institution as a result of exchange rate fluctuations.

The Accounting Officer shall reconcile the bank accounts with the bookkeeping on a monthly basis at least. He must investigate and, if necessary, regularise any differences which may be found.

**5. LIABILITY OF THE ACCOUNTING OFFICER**

- 5.1. The liability of the Accounting Officer shall be governed by the provisions of the Staff Regulations applicable to officials and other servants, and, more specifically, by the Financial Regulation and its implementing rules. The responsibility of his subordinates shall in no way release him from his own responsibility.

- 5.2. In accordance with Article 22 of the Staff Regulations, the Accounting Officer may be required to make good, in whole or in part, any damage suffered by F4E as a result of serious misconduct on his part.



- 5.3. In the performance of his specific tasks, the Accounting Officer may in particular be liable to disciplinary action and to payment of compensation:
- where monies, assets and documents in his charge are lost or damaged;
  - where he wrongly alters bank accounts or postal giro accounts;
  - where he recovers or pays amounts that do not tally with the corresponding recovery or payment orders;
  - he fails to collect revenue due.

## 6. FRAUD, CORRUPTION, CONFLICT OF INTERESTS

- 6.1. The provisions of this Charter are without prejudice, in cases of fraud or corruption, to the liability under criminal law of the Accounting Officer as laid down in the national law applicable and in the provisions in force concerning the protection of the European Communities' financial interests and the fight against corruption involving officials of the European Communities or of the Member States of the European Union.
- 6.2. The Accounting Officer shall be prohibited from taking any measures of budget implementation which may bring their own interests into conflict with those of F4E, in accordance with the definition of conflict of interests contained in Article 37 of the F4E Financial Regulation. Should such a case arise, the Accounting Officer must refrain from such measures and refer the matter to the competent authority.

In accordance with Article 11a of the Staff Regulations, the Accounting Officer sub-delegation shall not, in the performance of duties, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests. However, if it falls to him to deal with such a matter, he shall immediately inform F4E's director, which shall take any appropriate measure and may, in particular, relieve him from responsibility in this matter.

## 7. DISQUALIFICATION

- 7.1. In accordance with the Financial Regulation, the Accounting Officer may be temporarily or definitively suspended from his duties by the Governing Board of F4E in the event of failure to comply with the rules contained in this Charter, without prejudice to any disciplinary action.

F4E Director:  
Frank Briscoe

Chair of the Governing Board:  
Stuart Ward

Accounting Officer:  
Roberto Abad Villanueva