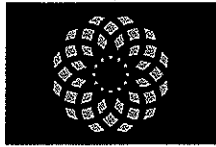


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## FUSION FOR ENERGY

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

### **DECISION OF THE GOVERNING BOARD OF THE EUROPEAN JOINT UNDERTAKING FOR ITER AND THE DEVELOPMENT OF FUSION ENERGY ADOPTING THE AMENDMENTS TO THE FINANCIAL REGULATION**

THE GOVERNING BOARD OF THE EUROPEAN JOINT UNDERTAKING FOR ITER  
AND THE DEVELOPMENT OF FUSION ENERGY,

Having regard to the Decision of the Governing Board of 22 October 2007 adopting the  
Financial Regulation of the Joint Undertaking<sup>1</sup>,

Having regard to the final opinion of the Commission of 6 November 2007 on the draft  
Financial Regulation of the Joint Undertaking<sup>2</sup>,

Whereas:

- (1) The Governing Board adopted the Financial Regulation subject to the positive opinion  
of the Commission;
- (2) It is necessary to amend the Financial Regulation taking into account the final opinion  
of the Commission.

HAS ADOPTED THIS DECISION:

#### *Article 1*

The amendments to the Financial Regulation of the Joint Undertaking set out in the Annex of  
this Decision are hereby adopted.

#### *Article 2*

This Decision shall have immediate effect.

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<sup>1</sup> F4E(07)-GB03-11 of 22/10/2007  
<sup>2</sup> C(2007)5200 of 06/11/2007

Done at Barcelona, 18 December 2007

For the Governing Board

*Car Varandas*

**Carlos Varandas**

Chair of the Governing Board

**ANNEX**

**Amendments proposed by the Commission to the draft Financial Regulation of the European Joint Undertaking for ITER and the Development of Fusion Energy as approved by its Governing Board on 28 June 2007**

- (1) Recital (11), third subparagraph shall be amended as follows:

"For the award of administrative contracts, the relevant provisions of the general Financial Regulation and its implementing rules should apply."

- (2) Article 15(2) shall be amended as follows:

"Commitment appropriations may not exceed the relevant Euratom annual contributions available through the Community research and training programmes adopted pursuant to Article 7 of the Treaty, plus annual membership contributions from other members than Euratom, revenue from the contribution from ITER Host State and any other revenue referred to in Article 5."

- (3) Article 81(2), first subparagraph shall be amended as follows:

"[...] in the [...]" shall be deleted.

- (4) Article 83(1)(g) shall be deleted.

- (5) Article 85 shall be amended as follows:

"A central database set up and operated by the Commission under relevant provisions of the general Financial Regulation containing details of candidates and tenderers which are in the situations of exclusion shall be common to the Joint Undertaking and shall be used by the Joint Undertaking in accordance with the relevant rules adopted by the Commission."

- (6) Article 86 shall be deleted.

- (7) The numbering of Articles 87 – 137 shall be adapted accordingly.

- (8) Article 87(1) (now Article 86(1)) shall be amended as follows:

"Contracts shall be awarded on the basis of award criteria applicable to the content of the tender after the capability of economic operators not excluded under Articles 83, 84 and 85 has been checked in accordance with the selection criteria contained in the documents relating to the call for tenders."

- (9) Article 92 (2) (now Article 91(2)) shall be amended as follows:

"[...] in the [...]" shall be deleted.

- (10) Title VI, Chapter 1, the title of chapter 1 shall be amended as follows:

"Scope, eligibility and form of grants"

(11) Article 96 (now Article 95) shall be divided in two paragraphs as follows:

1. "Grants are direct financial contributions, by way of donation, from the budget in order to finance actions intended to help achieve the tasks and activities of the Joint Undertaking.

They shall be covered by a written agreement between the Joint Undertaking and the successful applicant.

2. The following shall not constitute grants within the meaning of this Title:

- a) expenditure on the Members and staff of the Joint Undertaking, and contributions to the European schools;
- b) the public contracts;
- c) contributions paid by the Joint Undertaking as subscriptions to bodies of which they are members;
- d) contributions of the Joint Undertaking under international agreements or arrangements;
- e) repayment of travel and subsistence of expenses incurred by, or where appropriate any other indemnities paid to persons invited or mandated by the Joint Undertaking."

(12) Article 103 (now article 102) shall be amended as follows:

(a) Article 103(2), first subparagraph shall be amended as follows:

"Grants may not be awarded to applicants who are, at the time of a grant award procedure, in one of the situations referred to in Articles 83(1), 84 and 85."

(b) Article 103(3), shall be deleted.