

**DECISION OF THE GOVERNING BOARD OF FUSION FOR ENERGY APPROVING THE
RULES OF PROCEDURE OF THE PROCUREMENT AND CONTRACTS COMMITTEE**

THE GOVERNING BOARD,

HAVING REGARD to the Statutes annexed to the Council Decision (Euratom) No 198/2007 of 27/03/2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy (hereinafter "Fusion for Energy") as last amended by Council Decision 2015/224/Euratom of 10 February 2015;

HAVING REGARD to the Statutes annexed to the aforementioned Council Decision in particular Articles 8b thereof;

WHEREAS the Procurement and Contracts Committee of Fusion for Energy should adopt its rules of procedure subject to the prior approval of the Governing Board,

HAS ADOPTED THIS DECISION:

Article 1

The amendment to the rules of procedure for the Procurement and Contracts Committee annexed to this decision is hereby approved.

Article 2

The Procurement and Contracts Committee is invited to adopt the amendment referred to in Article 1.

Article 3

This decision shall enter into force with immediate effect.

Done at Barcelona, 6 July 2018

For the Governing Board

Joaquín Sánchez
Chair of the Governing Board



DECISION OF THE PROCUREMENT AND CONTRACTS COMMITTEE OF FUSION FOR ENERGY AMENDING ITS RULES OF PROCEDURE

Article 1

1. Section I (Mandate), Point c) (i) is amended to read:

(The PCC shall ... recommend individual procurement strategies of the Joint Undertaking for) *“individual calls for tender in advance of launching contracts when the value of the contract is estimated to be greater than EUR 20 million;”*

2. Section I (Mandate), Point d) (i) is amended to read:

(The PCC shall ... recommend the award of contracts and grants) *“when the value of a contract is greater than EUR 20 million;”*

Article 2

Section I (Mandate) of the PCC RoP is amended by adding a new point e):

(The PCC shall) *“comment ex ante on a contract amendment which*

- a) has a value exceeding EUR 10 million; or*
- b) causes the cumulative contract value to exceed EUR 20 million; or*
- c) causes the cumulative value of amendments to exceed EUR 10 million; or*
- d) together with previous amendments signed after the last amendment commented on by the PCC causes the cumulative value of such previous amendment(s) and this amendment to exceed EUR 10 million.*

The Chair shall appoint a PCC member to act as rapporteur. The rapporteur shall provide draft comments to the Committee in writing within three working days, unless a different deadline is determined by the Chair. On the basis of the rapporteur’s draft, the Committee shall adopt the PCC comments either by remote meeting or written procedure within three working days, unless a different deadline is determined by the Chair”.

The sole article in Section I (Mandate) shall be numbered Rule 1; the subsequent Rules shall be renumbered 2 through 18 accordingly. The current points e) through g) of Section I are to be renumbered f) through h) accordingly.

Article 3

Section I, point e) (renumbered point f) to read:

(The PCC shall) *“upon request by the Governing Board or the Director, comment ex post on:*

- (i) awarded contracts with a value between EUR 1 million and EUR 20 million;*

- (ii) contract amendments with a value between EUR 1 million and EUR 10 million;
- (iii) awarded grants with a maximum financial contribution by the Joint Undertaking of between EUR 1 and 4 million.

Article 4

Section II (Composition), Rule 1, point 1 of the Rules of Procedure is amended to read:

“The PCC shall be composed of five members and a Chairperson.”

Article 5

Section V (Meetings), Rule 4, point 7 is amended to read:

“When needed and considered appropriate the Chair may authorise up to two experts or other persons to attend a meeting of the PCC on an ad hoc basis to advise the Committee. Such experts or other persons shall not have the right to vote.”

Article 6

Section V (Meetings), Rule 5, point 1 is amended to read:

“At least three participating members shall constitute the quorum necessary for a meeting of the PCC to be valid.”
