



FUSION FOR ENERGY

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

THE GOVERNING BOARD

GOVERNING BOARD DECISION ON THE ACCESSION OF THE JOINT UNDERTAKING TO THE INTER-INSTITUTIONAL AGREEMENT OF 25 MAY 1999 BETWEEN THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION CONCERNING INTERNAL INVESTIGATIONS BY THE EUROPEAN ANTI-FRAUD OFFICE (OLAF)

Having regard to the Statutes annexed to the Council Decision (Euratom) No 198/2007¹ 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 and in particular to Article 15(2) thereof,

Whereas:

- (1) Regulation (EC) No 1073/1999 of the European Parliament and of the Council² and Council Regulation (Euratom) No 1074/1999³ concerning investigations conducted by the European Anti-Fraud Office (OLAF) provide that the Office should initiate and conduct administrative investigations within the institutions, bodies and offices and agencies established by or on the basis of the EC Treaty or the Euratom Treaty;
- (2) An Inter-institutional Agreement of 25 May 1999 concerning internal investigations by OLAF was concluded between the European Parliament, the Council and the Commission⁴ (hereinafter "the Inter-institutional agreement") with aim to agree on common rules for ensuring the smooth operation of investigations carried out by the OLAF;
- (3) The Decision of the Governing Board of 28 June 2007 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests⁵, adopted on the basis of a model attached to the Inter-institutional agreement, provides for measures needed to facilitate internal investigations conducted by OLAF;
- (4) In accordance with Article 15(2) of the Statutes and the Inter-institutional Agreement, the Joint Undertaking should accede to the Inter-institutional Agreement by forwarding a declaration addressed jointly to the Presidents of the signatory institutions,

¹ OJ L90 , 30.03.2007, p. 58.

² OJ L 136, 31.5.1999, p. 1.

³ OJ L 136, 31.5.1999, p. 8.

⁴ OJ L 136, 31.5.1999, p. 15

⁵ F4E(07)-GB01-04.5 Adopted 28/06/2007

THE GOVERNING BOARD OF THE JOINT UNDERTAKING HAS ADOPTED THIS DECISION:

Article 1

The accession of the Joint Undertaking to the Inter-institutional Agreement is hereby approved and the Director of the Joint Undertaking is invited to forward a declaration to that effect to the Presidents of the European Parliament, the Council of the European Union and the European Commission.

Article 2

The Director of the Joint Undertaking is invited to communicate to the Director General of the European Anti-Fraud Office the Governing Board decision of 28 June 2007 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests.

Article 3

This Decision shall have immediate effect.

Done at Barcelona, 22 October 2007

For the Governing Board



Carlos Varandas

Chair of the Governing Board