



## **DECISION ECSEL ED 2015.064 OF THE EXECUTIVE DIRECTOR**

### **Adopting Guidelines for the management of contracts**

The overall objectives of these guidelines are to provide staff members with guidance on the best way to handle contracts management for ensuring that the interests of the ECSEL JU and its members are adequately protected, as required in its founding Regulation.

#### ***Article 1 – Legal basis***

The following legal basis shall apply:

- Articles 9 and 14 of the EU Regulation 561/2014 establishing the ECSEL Joint Undertaking.
- Article 11 of the Financial Rules: Principle of sound financial management.
- Article 12 of the Financial Rules: Internal Rules
- Article 13 of the Financial Rules: Transparency.
- Article 33 of the Financial Rules: Procurement rules.
- Article 34 of the Financial Rules: Experts management.
- Article 35 of the Financial Rules: Grants management.

#### ***Article 2 - General principles***

Any contract or legal Commitment entered by ECSEL JU shall be solely for implementing the mandate and authorised activities defined in the work plans of the JU.

Any contractual commitment is creating legal obligations for the ECSEL JU.

Any contractual commitment is having as a consequence obligations for the ECSEL JU to deliver or accept services or products to/from third parties.

Any contractual commitment is having legal and financial implications for the ECSEL JU.

Any staff member is involved in the respect of the principle of sound financial management and strict respect of Regulations and rules applicable.

Any contractual commitment shall be entered only if authorised by the work plans and budgets.

All contractual commitments shall be subject to reporting obligations in relation with the transparency principle.

### ***Article 3 - Scope***

1. This decision applies to all legal commitments entered on behalf of the ECSEL JU, unless listed in paragraph 2 of this article.

This includes all contracts signed on behalf of ECSEL for the operation and administration of the ECSEL JU, such as:

- JU Grant agreements and amendments,
  - Experts' appointment letters/contracts,
  - SLAs with the Commission and other entities listed in the Financial Rules,
  - Accession to framework contracts of the Commission,
  - Contracts with service providers selected in accordance with procurement rules applicable, including purchase orders.
2. The following contracts do not fall under the scope of this decision:
    - Employment contracts under the responsibility of the appointing authority in the meaning of Article 6.2. of the ECSEL JU Regulation.
    - Contracts signed under H2020 framework (grant agreements, expert's contracts) that will be the subject to a separate procedure.

### ***Article 4 - Procedure***

All contracts and legal commitments listed under Article 3.1 shall be subject to the following ex-ante control:

- Financial validation: this is to ensure that a budgetary commitment has been entered prior to the legal commitment, in accordance with the financial rules.
- Legal validation: this is to ensure that a legal basis exists and that the rules applicable for procurement, experts and grants have been respected.

The procedure is implemented in the form of a routing slip (**Appendix 1**) where the visa of both financial and legal Departments are to be collected prior to the signature of legal acts by the authorising officer (or authorising officer(s) by delegation).

### ***Article 5 - Actors/Staff members involved***

- Initiating agent (ICA)

Here is the staff member entrusted in the tasks of the relevant operations, for operational activities (Unit B) or administrative activities (Units A or D).

- Financial verifying agent (FCA)

Here is the Head of Finance Unit or the delegated member of the team.

- Legal verifying agent (LCA)

Here is the legal officer of the JU or his/her back up staff members.

- Authorising officer (ACA)

Here is the Executive Director of the staff member who has received, in writing, a delegation (or sub delegation) to act as authorising officer in the meaning of the Financial Rules of the JU.

### ***Article 6 - Workflow***

The successive operations/actions by staff members involved are as follows:

- Step 1 - ICA: Staff member entrusted in the procurement/selection/action for preparing the contract shall enter the draft in the workflow with the supporting documents, in particular referring to the legal base and financial commitment. The proposal is passed to the Financial Department for validation.
- Step 2 - FCA: Staff members entrusted shall verify that the proposed contract/order is “covered” by an open budgetary commitment or take action for entering a specific budgetary commitment prior to the legal commitment. They shall enter the commitment reference on the routing slip.
- Step 3 - LCA: Staff member entrusted shall verify that the proposed contracts/order falls under the mandate, work plan of the JU and/or for purchase orders under the Framework contracts or SLAs already concluded.
- Step 4 - ACA: Staff members entrusted shall, based on the prior verification of FCA and LCA, validate the contract/order with his/her signature and send the signed original(s) to the ICA for action.

### ***Article 7 - Document management***

The documents are processed and stored with using the **Document Management System TRIDOC**.

The **specific chapter “contracts”** available in TRIDOC should be used. The chapter uses the architecture of the Budget per chapter.

“Document Type” available in TriDoc:

- 3.01 Appointment Letter (review)
- 4.03 Framework contract
- 4.04 Contract
- 4.05 Invoice
- 4.06 Purchase orders
- 4.07 SLA
- 4.08 Debit Note

- 4.11 Expenses form
- 5.01 Appointment Letter (evaluation)

To each “document type” referred above, it will be mandatory to fill-in a corresponding “Budget”.

TRIDOC is used as a repository: **all contracts signed shall be entered in Pdf format.**

The sequence for entering the contracts in the repository is as follows:

- a) ICA enters the contract when signed by one party in TRIDOC giving a reference number,
- b) When the contract is signed by the second party, the final signed contract is attached to the previous version with the first signature,
- c) In case of amendment to the initial contract, the same procedure than under b) is applicable, again using the same number but adding a version x + date.

**Important: The document processed shall be the full text with the original signature(s):**

- **A scanned document signed, received by email, is acceptable provided the full text is sent: two versions should be presented to signature by the Authorizing Officer, one full version should be sent back to the contractor, another one kept for internal archiving (by exception, the full version of the contract signed by both parties can be sent back by email to the contractor).**
- **A document which contains only the last page of the contract with a signature is not acceptable.**

Exception: H2020 grant agreements and related amendments will be stored on the EC IT tools (SYGMA/COMPASS). These should therefore not be duplicated in Tridoc.

#### ***Article 8 – Paper archiving***

The originals in paper are kept by the initiating agent who is also responsible of the archiving.

#### ***Article 9 – Entry into force***

This decision shall enter into force on the day it is signed.

Done in Brussels, on 30 March 2015,

*(signed)*  
Andreas Wild  
Executive Director

- Appendix 1: Routing slip for financial and legal ex ante validation
- Appendix 2: Structure of the budget entered in TRIDOC for the repository for contracts
- Appendix 3: List of legal commitments subject to the application of the procedure for contracts

**Appendix 1: Routing Slip for financial and legal ex ante validation**

<b>Subject</b>	
<b>TriDoc reference</b>	
<b>Initiator</b>	<u>Name:</u>  <u>Date:</u>
<b>Financial commitment</b>  (Finance Unit)	<u>Reference financial commitment</u>
	<u>Name:</u>  <u>Date:</u>  <u>Comments:</u>  <u>Signature:</u>
<b>Legal check</b>  (Administration Unit)	<u>Name:</u>  <u>Date:</u>  <u>Comments:</u>  <u>Signature :</u>
	<u>Date :</u>  <u>Signature :</u>
<b>Return to initiator</b>	<u>Actions:</u> 1. Upload the signed contract in TriDoc 2. Archive the original

## Appendix 2: Structure of the budget entered in TRIDOC for the repository for contracts

<b>TITRE I</b>	<b>STAFF</b>
<b>1 1</b>	<b>STAFF SALARIES</b>
<b>1 1 0</b>	<b>Staff salaries</b>
1 1 0 0	Basic salaries
<b>1 2</b>	<b>STAFF RECRUITMENT</b>
<b>1 2 0</b>	<b>Staff recruitment</b>
1 2 0 0	Staff Recrutement associated costs
<b>1 3</b>	<b>MISSIONS AND RREPRESENTATION</b>
<b>1 3 0</b>	<b>Missions and representation</b>
1 3 0 0	Missions and representation
<b>1 4</b>	<b>SOCIAL INFRASTRUCTURE &amp; TRAININGS</b>
<b>1 4 2</b>	<b>Social infrastructure &amp; trainings</b>
1 4 2 0	Socio-medical infrastructure & trainings

<b>TITRE II</b>	<b>RENTAL OF BUILDINGS AND ASSOCIATED COSTS</b>
<b>2 0</b>	<b>RENTAL OF BUILDINGS AND ASSOCIATED COSTS</b>
<b>2 0 0</b>	<b>Rental of buildings and associated costs</b>
2 0 0 0	Building & associated costs
<b>2 1</b>	<b>INFORMATION &amp; COMMUNICATIO TECHNOLOGY</b>
<b>2 1 0</b>	<b>Information &amp; communication technology</b>
2 1 0 0	IT equipment
<b>2 2</b>	<b>MOVABLE PROPERTY AND ASSOCIATED COSTS</b>
<b>2 2 1</b>	<b>Furniture</b>
2 2 1 0	Furniture
<b>2 3</b>	<b>CURRENT ADMINISTRATIVE EXPENDITURE</b>
<b>2 3 0</b>	<b>Current administrative expenditure</b>
2 3 0 0	Others administrative expenditures
<b>2 4</b>	<b>TELECOMMUNICATIONS</b>
<b>2 4 1</b>	<b>Telecommunications</b>
2 4 1 0	Telecommunication
<b>2 6</b>	<b>R&amp;D SUPPORT</b>
<b>2 6 0</b>	<b>Evaluations &amp; Reviews</b>
2 6 0 0	Evaluation
2 6 0 2	Review
<b>2 7</b>	<b>INNOVATION</b>
<b>2 7 0</b>	<b>Promotion of innovation</b>
2 7 0 0	Innovation activities
<b>2 8</b>	<b>COMMUNICATION</b>
<b>2 8 0</b>	<b>Communication</b>
2 8 0 0	Communication
<b>2 9</b>	<b>AUDITS</b>

<b>2 9 0</b>	<b>Audit legal external services</b>
2 9 0 1	Audit legal external services

<b>TITRE III</b>	<b>OPERATIONAL ACTIVITIES</b>
<b>3 1</b>	<b>SELECTED PROJECTS R&amp;D</b>
<b>3 1 0</b>	<b>SELECTED PROJECTS R&amp;D</b>
3 1 0 0	Selected Projects ENI
	Call 2008
	Call 2009
	Call 2010
	Call 2011
	Call 2012
	Call 2013
	Call 2014
3 1 0 1	Selected Projects ART
3 1 0 2	Selected Projects CSL

**Appendix 3: List of legal commitments subject to the application of the procedure for contracts**

- Participation in a framework contract with EC or inter JUs and related purchase orders (p.o.)
- Service Level agreements with ECSEL Members
- Contracts with private firms for the provisions of products and/or services (incl.p.o.)
- Appointment letters to experts (for evaluation, review, or selected by the Boards)

Of course the same procedure is applicable in case of amendment.