DECISION KDT GB 2021.02

approving the list of decisions adopted by the ECSEL Joint Undertaking that shall continue to apply for the Key Digital Technologies Joint Undertaking

THE GOVERNING BOARD OF THE KEY DIGITAL TECHNOLOGIES JOINT UNDERTAKING,

Having regard to Council Regulation (EU) No 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe (hereinafter "Single Basic Act") and in particular Article 16 and Article 174(12);

Having regard to the KDT-JU Governing Board Rules of Procedure (Decision KDT GB 2021.01);

WHEREAS

(1) Article 174(8) establishes that the Key Digital Technologies Joint Undertaking shall be the legal and universal successor in respect of all contracts, including employment contracts and grant agreements, liabilities and acquired property of the ECSEL joint undertaking established by Council Regulation (EU) No 561/2014, which it shall replace and succeed,

(2) Article 174(12) of the SBA provides that the KDT-JU shall in its first meeting adopt a list of decisions of the preceding joint undertaking, that shall continue to apply to KDT-JU,

HAS ADOPTED THIS DECISION:

Article 1

The list of ECSEL JU Governing Board decisions listed in Annex I shall continue to apply to KDT-JU. As appropriate, references in those decisions to ECSEL JU shall be deemed replaced for the purpose of their applicability mutatis mutandis under KDT-JU.
Article 2

This decision shall enter into force on the day following that of its adoption.

Done at Brussels, 10th December 2021

Ralf Bornefeld
Chairperson of the Governing Board

Annex: list of decisions from the ECSEL JU that apply to KDT JU.

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DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

Appointing the Executive Director of the ECSEL Joint Undertaking

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Statutes annexed to Council Regulation (EU) 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking and in particular Articles 8 and 9 of the Statutes,

Having regard to decision ECSEL GB 2015.51 on the appointment of the Executive Director of the ECSEL Joint Undertaking,

WHEREAS:

(1) The Governing Board should appoint the Executive Director of the Joint Undertaking on the basis of a short list of successful candidates adopted by the Commission.

(2) The Commission has transmitted a short list of one successful candidate to this effect.

(3) The advisory group of the Governing Board has conducted interviews with the retained candidate and has submitted its opinion to the Governing Board.

(4) On the basis of all relevant information, the Governing Board wishes to appoint the applicant who meets the requirements of the position of the Executive Director,

HAS DECIDED AS FOLLOWS:

Article 1

Mr. Bert de Colvenaar is hereby appointed Executive Director at grade AD 14 for a period of three years subject to the fulfillment of the requirements of articles 12.2 and 13 of the Conditions of employment of other servants.

Article 2

The Chairperson of the Governing Board is hereby empowered to implement this decision, including the signature of the employment contract of the Executive Director.
Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 10 December 2015,

[Signature]
Andrea Cuomo
Chairperson of the Governing Board
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

Appointing the Accounting Officer of the European Commission as ECSEL JU Accountant

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking, and in particular Article 6 thereof,

Having regard to the Statutes of the Joint Undertaking as annexed to Council Regulation (EU) No 561/2014, and in particular Article 9 thereof,

Having regard to the Financial Rules of the ECSEL Joint Undertaking, and in particular Article 22 thereof;

Having regard to Decision ECSEL GB 2014.03 of 03.07.2014 appointing Mr. Juan Pablo Contreras Solis as Accounting Officer of the Joint Undertaking,

WHEREAS:

(1) The ECSEL JU may agree with the Commission that the Accounting Officer of the Commission shall also act as Accounting Officer of the ECSEL JU;

(2) An arrangement with DG BUDG of the Commission establishing the conditions for providing accounting services has been negotiated and will come into force as of 1st July 2018;

(3) There is a need to appoint the Accounting Officer of the Commission as Accounting Officer of the ECSEL JU;

(4) Following the appointment, a Service Level Agreement between DG BUDG and ECSEL JU will be signed to establish the conditions for providing accounting services;

1 OJ L 169/152 of 7.06.2014
2 ECSEL GB 2016.67
HAS ADOPTED THIS DECISION:

Article 1

1. The Accounting Officer of the European Commission is appointed as Accounting Officer of the ECSEL JU.

2. The Executive Director will sign on behalf of ECSEL JU the Service Level Agreement setting out the terms and conditions for the Provision of Accounting Officer’s services to ECSEL JU.

Article 2

1. This Decision shall enter into force on the day following its adoption by the Governing Board of the ECSEL JU and shall take effect as of 1st July 2018, provided the Service Level Agreement with DG BUDG has been signed.

2. As of 1st July 2018, it repeals the Governing Board appointment of the Accounting Officer of 3rd July 2014.

4. The Executive Director shall notify DG BUDG of the Commission of the present Decision.

Done in Brussels, on 4th December 2017

For the Governing Board

Andrea Cuomo
Chairperson of the Governing Board
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

Assigning to the Public Authorities Board the approval of the template of the administrative arrangements between the Joint Undertaking and the National Funding Authorities

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Statutes annexed to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking¹ and in particular Article 17 thereof,

Whereas:

(1) The arrangements for the cooperation between the ECSEL Participating States and the ECSEL Joint Undertaking shall be established by means of an administrative arrangement,

(2) The Public Authorities Board should approve the template Administrative arrangements to be signed between the Joint Undertaking and the national funding authorities as required by Article 17§3 of the Statutes,

HAS ADOPTED THIS DECISION:

Article 1

The Public Authorities Board is hereby invited to undertake a detailed examination of the template Administrative arrangements and to approve them in view of their signature by the Joint Undertaking and the national funding authorities pursuant to Article 17§3 of the Statutes.

¹ OJ L 169/152 of 7.06.2014
Article 2

This Decision shall have immediate effect and shall be published on the website of the Joint Undertaking.

Done at Brussels, on 3 July 2014

For the Governing Board

(signed)
Heinrich Daembkes
Chairperson of the Governing Board
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

adopter comprehensive rules on the prevention and management of conflicts of interest

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to Council Regulation No 561/2014 setting up the ECSEL Joint Undertaking, in particular Article 25 of its Statutes,

Having regard to the Financial Rules adopted by the Governing Board on 3 July 2014 (ECSEL GB 2014.09), in particular Article 24,

WHEREAS:

(1) In accordance with Article 25(1) and (2) of the Statutes annexed to Council Regulation (EU) No 561/2014 of 6 June 2014 establishing the ECSEL JU (hereinafter, the “ECSEL Regulation”), the ECSEL Joint Undertaking (hereinafter, the “ECSEL JU”), its bodies and staff shall avoid any conflict of interest in carrying out their activities. Furthermore, as per Article 25(2), the ECSEL JU Governing Board should adopt rules for the prevention and management of conflicts of interest in respect of its members, bodies and staff. Those rules shall also contain provisions intended to avoid a conflict of interest in respect of the representatives of the members of the ECSEL JU serving on the Governing Board or on the Public Authorities Board.

(2) By virtue of Article 6.1 of ECSEL Regulation, the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union as provisions laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 (‘Staff Regulations’ and ‘Conditions of Employment’) as well as the rules adopted jointly by the institutions of the Union for the purpose of applying the Staff Regulations and Conditions of Employment apply to the staff of the ECSEL JU.
(3) Commission Decision C(2008) 6866 of 12.11.2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training, makes applicable to them the rules about conflict of interest established in the ‘Staff Regulation’.

(4) The Governing Board of the ECSEL JU has adopted rules for the prevention and management of conflicts of interest regarding financial actors in its Financial rules, Article 24." higher-order-index:2.

(5) The Governing Board of the ECSEL JU has adopted its Rules of Procedure setting out, inter alia, rules for the prevention and management of conflicts of interest regarding the representatives of the Members in the context of their participation in Governing Board meetings and in the Governing Board decision-making process.

(6) The Public Authorities Board of the ECSEL JU has adopted its rules of procedure setting out, inter alia, rules for prevention and management of conflict of interest regarding the delegates of the Public Authorities.

(7) The Public Authorities Board of the ECSEL JU has adopted rules on evaluation and selection procedures related to call for proposals (ECSEL PAB 2014.13) that include rules for conflict of interest regarding experts.

(8) Additional rules are deemed necessary in order to ensure a comprehensive and coherent approach to establish rules on conflict of interest for the actors involved in the ECSEL JU activities.

(9) In the interest of legal certainty and clarity, this decision should be limited to distinct, additional rules and in the interest of completion and self-consistency it will only refer to the rules already established in existing regulations and decisions.

(10) This decision should be adopted without prejudice to the rights and obligations arising under the Staff Regulation, Regulation (EC) No 45/2001, Regulation 1049/2001 on public access to documents, the ECSEL Regulation establishing the ECSEL JU, the ECSEL JU Financial Rules and the ECSEL JU Decision adopting its Governing Board Rules of Procedure of ECSEL JU and PAB rules on procedure.

HAS DECIDED AS FOLLOWS:

Article 1 — Subject

The present decision represents a comprehensive summary of the rules established by various regulations as well as the specific rules so that the ECSEL JU, its bodies and staff avoid any conflict of interest in carrying out their activities as established in Article 25(1) of the Statues of the ECSEL JU annexed to the ECSEL Regulation.

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3 Decision ECSEL-GB-2014.01 of 3 July 2014.
4 Decision ECSEL PAB 2014.01 of 3 July 2014.
5 In particular Articles 4 and 9.
6 In particular Article 15.
As established in Article 25(2) of the said Statutes, the present document fulfils the Governing Board obligation to adopt the rules for the prevention and management of conflicts of interests of its members, bodies and staff.

**Article 2 — Persons concerned**

This decision shall apply to the following ECSEL JU actors:

- The member’s representatives in the Governing Board,
- The member’s representatives in the Public Authorities Board,
- The Executive Director,
- The ECSEL JU staff members recruited under the Conditions of Employment of Other Servants of the European Communities,
- The trainees engaged by ECSEL JU,
- The interim staff engaged by ECSEL JU,
- The Seconded National Experts engaged by ECSEL JU,
- The external experts in projects reviews, proposals evaluation and monitoring of evaluations,
- The participants in procurement committees,
- The participants in Staff Selection Boards and other boards or committees involved in human resources activities.

**Article 3 — Definition of the conflict of interest**

According to article 11 of the ‘Staff Regulation’ a conflict of interest refers to a situation where the impartiality and objectivity of a decision, opinion or recommendation of the ECSEL JU is or might be perceived as being compromised. This definition is to be applied to all actors listed in Article 2.

**Article 4 — Obligations related to the conduct of the ECSEL JU staff, including Seconded National Experts.**

Regarding conflict of interest these actors should comply with the legal obligations applicable to them in the ‘Staff Regulation’ (in particular Articles 11, 11a, 13, 15, 16, 17, 19, 22a) and the ‘Conditions of Employment’ (in particular Articles 11, 54, 80, 81, 91, 92).

**Article 5 — Obligations related to the conduct of representatives in the ECSEL JU Governing Board**

A representative in the ECSEL JU Governing Board is a person appointed by a member of the ECSEL JU.

Without prejudice to any potential conflict of interest raised during the Governing Board’s meetings or written procedures, that will be handled according to the ECSEL JU Governing Board Rules of Procedure, a conflict of interest can also arise when there is some link between the work of the Members representatives and their personal interests, or those of their family or partner, or where they may find themselves in a situation that could reasonably lead to allegation being made of bias or partiality, in light of their personal interest.
When communicating on a matter on which the ECSEL JU has taken a position, the representatives in the Governing Board members shall represent the views of the ECSEL JU; when communicating on a matter that falls within the remit of the ECSEL JU but on which the ECSEL JU has not taken a position so far, they should give their own personal view, but should make clear that this does not necessarily represent the official view of the ECSEL JU.

**Article 6 — Obligations related to the conduct of representatives in the Public Authorities Board**

A representative in the Public Authorities Board is a person appointed by a Public Authority.

A conflict of interest can arise when there is some link between the duties as a Member representative of in the ECSEL JU, and the personal interest, or those of the family or partner, or where Members representatives may find themselves in a situation that could reasonably lead to allegation being made of bias or partiality, in light of their personal interest. The representatives should not, in the performance of their duties, deal with a matter in which, directly or indirectly, they may have any personal interest such as to impair their independence.

When communicating on a matter on which the ECSEL JU has taken a position, the representatives in the Public Authorities Board shall represent the views of the ECSEL JU; when communicating on a matter that falls within the remit of the ECSEL JU but on which the ECSEL JU has not taken a position so far, they should give their own personal view, but should make clear that this does not necessarily represent the official view of the ECSEL JU.

**Article 7 — Obligations related to external experts**

Experts should be independent, impartial and objective, and behave professionally at all times.

Each appointed expert must acknowledge in written the adherence to the general rules governing her/his appointment, including the rules pertinent to avoiding any conflict of interest. The forms are kept on file.

**Experts in proposal evaluations:** Prior to the specific assignment to the proposals to be evaluated, the expert is required to sign a form highlighting possible situations of conflict of interest arising from the specific proposals to be evaluated. The situations in which a conflict of interest exists are described in the appendix to decision ECSEL PAB 2014.13.

**Experts in project monitoring:** Prior to the appointment of experts, their name is communicated to the project consortium preparing the technical review. Any expert that will be subject to an objection expressed by the project consortium will be replaced.

**Experts in monitoring of evaluations:** Prior to the specific assignment of monitoring, the expert is required to sign a form highlighting possible situations of conflict of interest arising from the evaluation to be monitored. The situations in which a conflict of interest exists are described in the appendix to decision ECSEL PAB 2014.13.
Article 8 — Obligations to avoid situations of incompatibility for ECSEL JU Executive Director, staff, interim staff and trainees

1. Compatibility with outside activities

Applying mutatis mutandis article 12 b) of the ‘Staff Regulation’, these actors may engage in outside activities, whether paid or unpaid, or may carry out assignments outside the ECSEL JU.

However, in order to do so, it shall first obtain the permission:

- of the Authority Empowered to conclude Contracts of Employment if the person concerned is a staff member other than the Executive Director, an interim staff or a trainee.
- of the Governing Board if the person concerned is the Executive Director.

The permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the ECSEL JU actor's duties or whether it is incompatible with the interests of the ECSEL JU.

The concerned ECSEL JU actor shall notify the relevant authority who granted the permission in the first place, of any changes in a permitted outside activity or assignment, which occur after the ECSEL JU actor has sought the permission established above. Permission may be withdrawn if the activity or assignment no longer meets the conditions in which it was granted in the first place.

2. Compatibility with the spouse's activity

Applying mutatis mutandis article 13 of the ‘Staff Regulation’, if the spouse of one of these actors is in gainful employment, the concerned ECSEL JU actor shall inform the relevant authority; the Authority Empowered to conclude Contracts of Employment, or the Governing Board if related to the spouse of the Executive Director.

Should the nature of the employment prove to be incompatible with that of the ECSEL JU actor and if the ECSEL JU actor is unable to give an undertaking that it will cease within a specified period, the relevant authority shall, after jointly consulting the Staff Committee, decide whether the concerned actor shall continue in his/her post or be transferred to another post.

3. Compatibility with standing for public office

Applying mutatis mutandis article 15 of the ‘Staff Regulation’, if one of these actors intends to stand for public office he/she shall notify the Authority Empowered to conclude Contracts of Employment, or the Governing Board in case of the Executive Director.

The Authority Empowered to conclude Contracts of Employment, or the Governing Board, shall decide, in the light of the interests of the service, whether the ECSEL JU staff member concerned:
(a) should be required to apply for leave on personal grounds, or

(b) should be granted annual leave, or

(c) may be authorised to discharge his/her duties on a part-time basis, or

(d) may continue to discharge his/her duties as before.

In accordance with article 19 of the ‘Staff Regulation’ the ECSEL JU actor elected or appointed to public office shall immediately inform the relevant authority.

The Authority Empowered to conclude Contracts of Employment, or the Governing Board in case of the Executive Director, shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in the second sub-paragraph.

If the ECSEL JU actor is required to take leave on personal grounds or is authorized to discharge his/her duties on a part-time basis, the period of such leave or part-time working shall correspond to the ECSEL JU actors' term of office.

Article 9 — Obligations to avoid situations of incompatibility for representatives in ECSEL Governing Board or Public Authorities Board

The Governing Board or Public Authorities Board member shall not occupy the position of external expert for the evaluation of projects proposals in the framework of ECSEL JU calls for proposals.

Article 10 — Procedures to prevent and manage conflicts of interest

The procedures to prevent and manage conflicts of interest are set up in the Annex.

Article 11 — Repeal and transitional provisions

In the interest of legal certainty and clarity, the Executive Director decision ECSEL ED 2014.011 of 15 December 2014 on rules on conflict of interest and the standard internal procedures for the identification, assessment and management of conflict of interests situations, is hereby repealed.

Without prejudice to paragraph 1, actions initiated under Rules adopted by the Executive Director on managing conflict of interest, shall continue to be governed by those Rules until their completion.

Article 12 — Transparency and final provisions

These rules shall come into force on the date of their adoption by the Governing Board and shall be published on the website of the ECSEL JU.

Any update and modification to the procedures and templates contained in the Annex of these rules shall be done by means of a decision of the Executive Director.
Article 13 — Entry into force

This decision shall enter into force on the day following its adoption, with the exception of Article 2 (bullets 3, 4, 5, 6, 7), Article 4 and Article 8 which will enter into force upon receipt by the ECSEL JU of the notification from the Commission in accordance with Article 110 of the Staff Regulations.

Done at Brussels, on 3rd June 2015,

For the Governing Board

(signed)
Ben Ruck
Interim Chairperson of the Governing Board

Annex: ECSEL JU procedures to prevent and manage conflicts of interest
ANNEX: ECSEL JU procedures to prevent and manage conflicts of interest

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**Article A.1 — Dealing with arising situations of conflict of interest**

1. **With regards to the Executive Director or another ECSEL JU staff member, a trainee, an interim, or a seconded national expert, engaged by the ECSEL JU**

   The Appointing authority is responsible for adopting any formal decision as to the consequences of a conflict of interest, when informed of a situation which may be detrimental to the ECSEL JU.

   In accordance with article 22a of the ‘Staff Regulation’, where a potential conflict of interest is reported by the Executive Director, an ECSEL JU staff member, a seconded national expert, a trainee or an interim engaged by the ECSEL JU, or where identified by any other means, the ECSEL JU actor concerned or any other person who identified the potential conflict of interests shall immediately inform in writing the relevant authority; the Governing Board in case of the Executive Director, or the Authority Empowered to conclude Contracts of Employment for the rest of the ECSEL JU’s staff.

   The relevant authority shall carry out an internal assessment involving the Legal Officer of the ECSEL JU and other actors as appropriate. Based on the findings of the assessment, administrative measures shall be decided in writing, in accordance with the rules applicable in the specific case and in accordance with the principles of sound financial management, equality, protection of the financial interests of the ECSEL JU and transparency. Before the decision of the Appointing Authority is taken, the individual concerned shall be heard.

2. **With regards to the representatives in the Governing Board**

   In case a situation of potential conflict of interests arises in the context of the Governing Board activities, the representatives in the Governing Board or any other person who identifies a potential conflict of interests shall immediately inform the Governing Board Chairperson who shall without delay decide on any specific measure in this respect. In case the conflict of interest regards the Chairperson, the person to be informed is one of the Vice-Chairs of the Governing Board.

3. **With regards to the representatives in the Public Authorities Board**

   In case a situation of potential conflict of interests arises in the context of the Public Authorities Board activities, the representative in the Public Authorities Board or any other person who identifies a potential conflict of interests shall immediately inform the Public Authorities Board Chairperson who shall without delay decide on any specific measure in this respect. In case the conflict of interest regards the Chairperson, the person to be informed is the Vice-Chair of the Public Authorities Board.
4. With regard to experts

The assignment of experts to project proposals to be assessed or evaluated shall be done such that all potential conflicts of interests highlighted in the forms will be avoided. Experts will sign a relevant declaration, attached to the contract or to their appointment.

The ECSEL JU management will execute each assignment with the utmost care to avoid any kind of situation that may affect the impartial judgement of an assigned expert.

In the case of proposals evaluation, should a conflict be identified by an expert during the process, ECSEL management will make its best efforts to reallocate proposals dealt with by the experts.

The specific assignments and the work done of each expert is automatically registered in great detail in the documents resulting from the respective activities. The conflicts of interests identified by each expert shall be published on the ECSEL JU web site.

If necessary to avoid a conflict of interest, the ECSEL JU may withdraw experts from evaluation or monitoring duties.

The conflicts of interests identified by each expert shall be published on the ECSEL JU web site.

Article A.2 — Specific provisions for participation in procurement committees, Staff Selection Boards, and other boards and committees involved in HR topics.

The members of a selection board, a staff selection board or any other board or committee involved in HR topics (such as promotions, contradictory procedures etc.) shall remain independent to the participants in the procedure and shall ensure the integrity, confidentiality and objectivity of the selection procedure. The work of the board/committee and its deliberations are strictly confidential. The board/committee members shall immediately report any attempt made by candidates or third parties to contact or influence them in relation to the selection procedure.

Throughout the entire selection process, the selection board/committee members should refrain from any kind of behaviour that could be interpreted as partiality vis-à-vis candidates, respectively the entities or the persons concerned by the procedure. The selection board/committee members shall sign the declaration in Appendix 10.

In case of family/personal link or financial interest with a candidate, respectively the entities or the persons concerned by the procedure, a member of the selection board/committee should - as soon as the name of the candidate, respectively of the entities or the persons concerned by the procedure, has come to his/her attention - immediately inform the Chairperson of the selection board/committee and discuss whether the potential conflict of interest may hamper the member of the board/committee from participating in the selection or
the procedure and if specific mitigation action can be considered. If, after discussions, it is evident that the personal link will hamper an objective assessment, the concerned member of the selection board/committee should withdraw from participation in the entire procedure.

**Article A.3 — Obligation to make declarations of interests**

1. **Before recruitment and/or when returning from leave on personal grounds**

Before recruitment, the Executive Director and other ECSEL JU staff members, including interim staff, Seconded National Experts and trainees, shall sign the declaration in Appendix 1.

2. **Upon appointment / assignment the concerned ECSEL JU actors shall sign the following declarations**

   - The representatives in the Governing Board and or in the Public Authorities Board shall sign the declaration in Appendix 2;
   - The Executive Director and the ECSEL JU staff members, seconded national experts, interim staff and trainees must sign the declaration enclosed in Appendix 3 to the present guidelines. If their spouse is in gainful employment outside the ECSEL JU, they shall also sign the declaration in Appendix 4;

3. **Upon leaving the service**

The Executive Director of the ECSEL JU, its staff members, interim staff and trainees, shall sign the declaration in Appendix 5. In case they intend to engage in an occupational activity, whether gainful or not, within two years of leaving the service, they shall sign the application in Appendix 6.

4. **Spontaneously**

If at any time in the course of his/her duties an ECSEL JU actor, as defined in Article 2, becomes aware of any potential conflict of interests, he/she shall:

i. make a spontaneous declaration of interests highlighting the potential conflict, and

ii. refrain from any actions that could be affected by the conflict of interests.

Such situations will be dealt with in accordance with article A.1.

5. **In case of a request to carry out an outside activity or in case of standing for public office**

The ECSEL JU staff member requesting an authorization to carry out an outside activity shall sign the declaration in Appendix 7.

The ECSEL JU staff members who intend to stand for public office or who are elected or appointed to public office shall sign the Appendix 8 or Appendix 9, respectively.
**Article A.4 — Register**

Declarations of interest, as well as the arrangements for resolving conflicts, should be clearly recorded in formal documents, to enable the ECSEL JU to demonstrate, if necessary, that a specific conflict has been appropriately identified and managed.

For that purpose, a Register of Declaration of interest shall be kept, mentioning the measures adopted to manage conflicts of interests.

**Article A.5 — Gifts Policy**

1. The Executive Director, the ECSEL JU staff members, including interim staff, seconded national experts and trainees shall not without the permission of the appointing authority accept from any government or from any other source outside the ECSEL JU any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.

2. Concerning gifts: they should only be accepted if in line with or if required by social, courtesy or diplomatic usage without obtaining a permission of the Appointing Authority;

   a) Prior permission by the Appointing Authority is presumed to be granted for a gift worth up to 50 €.
   b) Explicit prior permission by the Appointing Authority is required for a gift worth between 50 and 150 €.
   c) Authorisation for gifts with a value higher than €150, or any sum of money will be refused by the Appointing Authority.
   d) If the Appointing Authority refuse permission, the gift should be sent to a charity if possible and if diplomatically appropriate. For transparency reason, the sender should be informed that the gift was sent to a charity.

3. Concerning hospitality, prior permission by the Appointing Authority is presumed to be granted for hospitality in the form of lunches or dinners strictly linked to the function of the ECSEL JU actor, and as such not prejudicial or other interest and public image of the ECSEL JU, and in which the ECSEL JU actor participates in agreement with his hierarchy and in the interest of the service.

**Article A.6 — Ex-post treatment of situations of non-compliance with the obligations of the present rules**

1. With regards to the representatives in the Governing Board, and/or in the Public Authorities Board

Should the Governing Board of the ECSEL JU become aware that a conflict of interest was not declared by a representative in the Governing Board, the Governing Board shall decide on the appropriate measures to be taken after hearing the affected representative. The Public Authorities Board shall apply the same procedure *mutatis mutandis* with regards to representatives in the Public Authorities Board members.
2. With regards to the Executive Director and other ECSEL JU staff members

In accordance with article 86(1) of the ‘Staff Regulation’, any failure by the Executive Director or any other ECSEL JU staff member to comply with his/her obligations under the rules of conflict of interests, whether intentionally or through negligence on his/her part, shall make him/her liable to disciplinary action, in accordance with the provisions of the ‘Staff Regulation’.

3. With regards to the trainees, interim staff, an seconded national experts engaged by ECSEL JU

Trainees and interim staff engaged by ECSEL JU must comply with the obligations imposed by the rules of Conflict of Interests. If the conduct of any of these ECSEL JU actors does not prove satisfactory, the ECSEL JU may carry out an administrative enquiry preliminary to a disciplinary procedure, and if the seriousness of the breach of trust may justify it, the termination of the collaboration with the concerned ECSEL JU actor.

4. With regards to experts and participants in procurement committees, Staff Selection Boards, and other boards and committees involved in HR topics

If a conflict of interest has been recognized after it has already impacted the ECSEL JU activities, the appropriate measures from the ECSEL JU may include taking legal measures, and/or alerting OLAF.
Appendix 1 - Declaration of interest - before recruitment

DECLARATION OF INTEREST BY CANDIDATES

(Articles 11 and 11a of the Staff Regulations and Articles 11 and 81 of the Conditions of Employment of Other Servants- CEOS)

This questionnaire aims at allowing the Appointing Authority/Authority Empowered to Conclude Contracts of Employment to identify potential or actual conflict of interest in relation to the specific position offered and the appropriate measures to be adopted, if any.

This questionnaire does not exempt candidates from complying with all the ethics obligations imposed on them upon recruitment.

Once the Appointing Authority/Authority Empowered to Conclude Contracts of Employment has finalised this form, copies will be transmitted to the candidate, to and to the candidate's direct manager.

THE POSITION OFFERED-
TO BE FILLED IN BY THE JU

Vacancy notice No: .................................................................

Administrative status of the position offered: temporary agent/contract agent\(^7\)

Grade of the position offered: ...................................................

Unit/Service: ...........................................................................

Name of the immediate superior: ...............................................

PART I
TO BE FILLED IN BY THE CANDIDATE AND SENT BACK TO THE JU

SURNAME/FIRST NAME: .................................................................

Address for correspondence:...........................................................

Home telephone number: ...............................................................

\(^7\) Delete as appropriate

Date: . . / . . / . . .
Work telephone number: ........................................................................................................

E-mail address: ....................................................................................................................

If applicable, applicant number in any European Union competitions/selection procedures:

**ASSESSMENT BY THE CANDIDATE OF ANY POTENTIAL OR ACTUAL CONFLICT OF INTEREST**

In your opinion, do you have any personal interest, in particular a family or financial interest, or do you represent any other interests of third parties which would actually or potentially impair your independence in the course of your duties in the specific position offered at the ECSEL JU and which may thus lead to any actual or potential conflict of interest relevant to that position?

YES □ NO □

If yes, please detail:

**Declaration**

I hereby certify that the information provided in this form is correct and complete and that my curriculum vitae is duly updated. I will immediately inform the Appointing Authority/Authority Empowered to Conclude Contracts of Employment of any change in my situation, or of any new relevant information I may receive which could cause a breach of the Staff Regulations/CEOS. I am aware that any false declaration may result in the cancellation of the recruitment process or, after recruitment, in disciplinary sanctions.

Signature of the candidate:
FOR USE BY THE ADMINISTRATION ONLY

PART II

OPINION OF THE JU HEAD OF ADMINISTRATION BASED ON THIS FORM AND ON THE (UPDATED) CV PROVIDED BY THE CANDIDATE

□ No (risk of) conflict of interest.

• If the candidate has not identified any personal interest, in particular a family or financial interest, or representation of any other interests of third parties which may, in his/her view, lead to an actual or potential conflict of interest and if you confirm that opinion, this form is considered as finalised and will not be assessed by the Appointing Authority/Authority Empowered to Conclude Contracts of Employment.

• If the candidate has identified any personal interest, in particular a family or financial interest, or representation of any other interests of third parties which may, in his/her view, lead to an actual or potential conflict of interest, please explain why you believe there is no (risk of a) conflict of interest.

□ (Potential) conflict of interest.

• Describe the personal interests which would actually or potentially impair the candidate's independence in carrying out his/her duties in the specific position offered or any other circumstance which actually or potentially constitutes a conflict of interest with respect to the proposed position.

• Describe measures which could be taken to mitigate the negative effects of the actual or potential conflict of interest.

Explain how the measures proposed are proportionate to the scope of the actual or potential conflict of interest.

CONCLUSION

SURNAME/FIRST NAME: ................ .................................. POSITION: .................................

SIGNATURE: .................................... DATE: . . . . . .
PART III

OPINION OF THE APPOINTING AUTHORITY/AUTHORITY EMPOWERED TO CONCLUDE
CONTRACTS OF EMPLOYMENT

☐ No risk of conflict of interest.
☐ (Potential) conflict of interest.

• Describe the personal interests which would actually or potentially impair the
candidate's independence in carrying out his/her duties in the specific position
offered or any other circumstance which actually or potentially constitutes a conflict
of interest with respect to the proposed position.

• Describe measures which could be taken to mitigate the negative effects of the actual
or potential conflict of interest.

• Explain how the measures proposed are proportionate to the scope of the actual or
potential conflict of interest.

CONCLUSION

| SURNAME/FIRST NAME: .......... ................. | POSITION: ........................ |
|------------------------------------------------|--|------------------------------------------|
| SIGNATURE: .................................. | DATE: . / . / . . . . |


Appendix 2 - Declaration of confidentiality and of conflict of interest for representatives in the Governing Board and Public Authorities Board of the ECSEL JU upon appointment

Declaration of confidentiality & conflict of interest for the representatives in the Governing Board, and/or Public Authorities Board of the ECSEL JU

(This declaration should be read in conjunction with ECSEL JU comprehensive rules on the prevention and management of conflicts of interests (ECSEL GB 2015.41), particularly Recital 10, Articles 3, 5 and 6, and Articles A.1.2, A.1.3 and A. 6.1 of the Annex.)

Name:

Professional Address:

Phone:

E-mail:

Position:

[ ] Chairperson or Deputy Chairperson of the [Governing Board], [Public Authorities Board],

[ ] Representative/lead delegate/alternate of the Commission

[ ] Representative/lead delegate/ alternate of [...]  

[ ] Other (please specify)

I hereby undertake to act in the performance of my duties in the general interest of the ECSEL JU.

I shall declare any interest which might be considered to influence or bias my judgment.

I undertake to ensure the confidentiality of sensitive information whose disclosure could damage the interests or the reputation of the ECSEL JU, the Members of the ECSEL JU or of the participants in the activities of the ECSEL JU.

I shall not disclose sensitive information learnt during the activities of the ECSEL JU even after my duties have ended.

Done at [place], [date]

Name and Signature
Appendix 3 - Declaration of commitment and independence - upon appointment of the Executive Director and the ECSEL Joint Undertaking staff members, seconded national experts, interim staff and trainees

Declaration of commitment and independence upon appointment

DECLARATION OF COMMITMENT AND INDEPENDENCE

I, the undersigned in my function as .

Of the ECSEL Joint Undertaking (hereinafter referred as to the "ECSEL JU")

WHEREAS the Staff Regulations adopted by the Institutions of the European Union apply to the staff of the ECSEL JU as per article 6(1) of the Council Regulation (EC) No 561/2014 of 06 May 2014 setting up the ECSEL JU;

WHEREAS articles 11, of the Staff Regulations apply by analogy to temporary and contract staff of the ECSEL JU as per article 11, respectively articles 91 and 92 of the Conditions of Employment of Other Servants of the European Communities (CEOS);

I hereby declare to have examined the Staff Regulations and notably the articles 11 and 11a providing

for:

Article 11

An official shall carry out his duties and conduct himself solely with the interests of the Union in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Union.

An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.

Article 11a

1. An official shall not, in the performance of his duties and save as hereinafter provided, 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.

2. Any official to whom it falls, in the performance of his duties, to deal with a matter referred
to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.

An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

■ I hereby undertake to act in the performance of my duties in the general interest of the ECSEL JU;
■ I hereby undertake neither to seek nor to take instruction from any government, authority, organisation or person outside the ECSEL JU;
■ I hereby undertake to carry the assigned duties in highly and impartial manner and in with loyalty to the ECSEL JU;
■ I hereby declare on my honour to have taken note of the rules and guidance laid down in the 'ECSEL JU Code of good administrative behaviour', I am aware that they are applicable to my functions and tasks in the JU. I commit to comply with those rules in the exercise of my functions;
■ I further commit to declare in due time in writing to the ECSEL JU any additional interest and/or any situation that may raise concerns or doubts with respect to conflict of interest, objectivity and impartiality in the exercise of my functions or otherwise affect my position/ability to perform my work.

(For the Executive Director only)

■ I hereby declare on my honour to inform the Governing Board immediately in case of any disqualifying or potential conflict of interest with any task I am assigned to perform.

Signature Date
Appendix 4 - Declaration – Spouse employment

Spouse employment declaration

*You should not declare the employment of your spouse if he/she works at the ECSEL JU

Name and surname: ________________________________

Name and surname of the spouse: ________________________________

Description of employment of the spouse (name of the employer or self-employed; area of activity; responsibilities of the spouse; any other relevant information):

Indicate any links between your spouse employment and your current duties at ECSEL JU:

Provide comments on risk of conflict of interest, if any (optional):

Done at [place],
[date] Name and
Signature
Appendix 5 - Declaration on honour - upon leaving the service

DECLARATION ON HONOUR

I, the undersigned: .................................................................

Position: ............................................................................. Personnel N°:

Contact address: ........................................................................

Telephone:

WHEREAS the Staff Regulations adopted by the Institutions of the European Union apply to the staff of the ECSEL Joint Undertaking (hereinafter referred to as the “ECSEL JU”) as per article 6(1) of the Council Regulation (EC) No 561/2014 of 06 May 2014 setting up the ECSEL Joint Undertaking;

WHEREAS articles 16, 17 and 19 of the Staff Regulations apply by analogy to temporary and contract staff of the ECSEL JU as per article 11, respectively articles 91 and 92 of the Conditions of Employment of Other Servants of the European Communities (CEOS);

I hereby declare to have examined the Staff Regulations and notably the articles 16, 17 and 19 providing for:

Article 16

An official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit. The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

Article 17

1. An official has the right to freedom of expression, with due respect to the principles of
loyalty and impartiality.

2. An official shall continue to be bound by this obligation after leaving the service.

Article 19

An official shall not, without permission from the appointing authority, disclose on any grounds whatever, in any legal proceedings information of which he has knowledge by reason of his duties. Permission shall be refused only where the interests of the Communities so require and such refusal would not entail criminal consequences as far as the official is concerned. An official shall continue to be bound by this obligation after leaving the service.

The provisions of the preceding paragraph shall not apply to official or former official giving evidence before the Court of Justice of the European Communities or before the Disciplinary Board of an institution on a matter concerning a servant or former servant staff of one of the three European Communities.

I commit myself to respect the obligations of articles 16, 17 and 19 of the Staff Regulations after my departure from the ECSEL JU, and to inform the responsible service if I could be concerned with the contents of these articles. I commit myself to restore at the time of my departure any document or written notes belonging to the files or the series of non-public documents managed by myself during my activities at the ECSEL JU.

I declare also to have taken note that any new professional activity must receive prior authorisation from the appointing authority, and I am obliged, in this respect, to seek approval from the Executive Director of the ECSEL JU.

Date: ........................................ Signature (8):

8 to be preceded by the handwritten text "read and approved"
Appendix 6 Application for authorisation to engage in an occupation after leaving the ECSEL JU

Application for authorisation to engage in an occupation after leaving the ECSEL JU

Article 16 of the Staff Regulations

NAME/First name: ...........................................................................................................................

Personnel No ................................ Category/grade/step: ............................................................

Date of leaving the ECSEL JU: ........................................................................................................

Address: ........................................................................................................................................

Telephone: ........................................ Fax: ...........................................................

Email: ............................................................................................................................................

Are you receiving or will you receive any pecuniary benefit from the ECSEL JU after leaving? If so of what sort?

What was your work during the last three years of service? State the service ......................

New activity

Name of the body: .................................................................

Address: ..............................................................................................

Telephone:........................................ Fax:..............

Email: ........................................................................................................

Nature of its activities: .................................................................

Does this body receive funding from the ECSEL JU? Yes / No

Description of the work contemplated:

Expected duration of the work: ..............................................................

Position in the body: ...........................................................................

Are you an employee and/or shareholder in the body? ...........
Will you receive remuneration or other pecuniary advantages?

Does the body for which you wish to work have direct or indirect commercial, financial or contractual links (including grants) with a European Union institution (in particular the ECSEL JU) or body? ..............................................................................................................................

During your work at the ECSEL JU, did you have any direct or indirect relations with the body for which you wish to work\(^9\)? If so, specify them: .........................................................

Will your new activity have direct or indirect links with other ECSEL JU units:

Other relevant information:

(Place): ................................................... (date):

Signature: .................................................................

You may attach any document you consider will demonstrate that your new activities or duties are compatible with those you exercised at the ECSEL JU.

\(^9\) State in particular whether you were engaged in preparing financial and/or contractual relations
Appendix 7 – Outside activities

Authorisation to engage in an outside activity, whether gainful or not, or carry out an assignment outside the Union

(Article 12b of the Staff Regulations and Articles 11, and 81 of the CEOS)

APPLICANT

Name/first name: ................................................................. Personnel No: ..............

Administrative status: temporary staff/contract staff, Grade: ....................... Administrative address: ............................................................... Tel: ............... Unit: ..........................................................................................

Description of duties at the ECSEL JU: ................................................................
..................................................................................................................
..................................................................................................................
..................................................................................................................

Activity at the ECSEL JU is full-time/part-time

PLANNED ACTIVITY

Name of the organisation in which activity is to be exercised: ........................................

..................................................................................................................

Address: .................................................................................................

..................................................................................................................

Type of activity: .......................(e.g. teaching, conference, seminar, other)

Place in which the activity is to be carried out: ....................................................... The activity is to be carried out:

1. outside normal working hours: • evening • Saturday • Sunday

2. during normal working hours (give dates and times): ........................................

For 1 and 2, indicate the period: from ........................................ to...........................

Possible conflict of interests

1. Does the organisation have a financial and/or a contractual relationship with the ECSEL JU? YES/NO

If YES, give details (on a separate sheet of paper if necessary)
2. Is there any direct and/or indirect link between the activity and your duties at the ECSEL JU? YES/NO

If YES, give details (on a separate sheet of paper if necessary)

Absences

The activity will entail a planned/likely total absence of .... working day(s), including travel time.

Will this absence be covered in its entirety by a request for annual leave? YES/NO (if NO) special leave of day(s) is requested.

In the case of an educational activity

Total number of teaching hours to be worked: ..............................................................

i.e. .... hours/week or .... hours/month.

Financial arrangements

Will remuneration or compensation be provided for:

1. the activity itself? (total net amount) .................................................................
2. travel expenses? YES/NO (if YES, the proposed amount) .........................
3. subsistence expenses? YES/NO (if YES, the proposed amount) ..................

Publication

Will the above activity result in a publication? YES/NO

If YES, give details of the financial arrangements: ..................................................

SIGNATURE: .................................................. DATE: .................................

10 The special leave may not be more than half the working days involved. No special leave will be than reimbursement of travel and subsistence expenses is provided (see the Commission decision of 28 April 2004 introducing implementing provisions on leave, section II.b.1 - Administrative Notice 102/2004 of 28 July 2004).
OPINION OF IMMEDIATE SUPERIOR

Is the activity of benefit to the ECSEL JU?

YES/NO If not, explain why: ........................................................................................................
........................................................................................................................................

Application approved/Application not approved

If not approved, give reasons: ...................................................................................................
........................................................................................................................................

NAME/FIRST NAME: .............................................. POSITION:

SIGNATURE: ......................................................DATE:

DECISION OF THE APPOINTING AUTHORITY

Activity: authorised from ....................... to ...................

  NB: the maximum annual ceiling for net remuneration for all external activities combined is €4,500.

  refused: give the grounds..............................

Special leave is granted for...........day(s): YES/NO

NAME/FIRST NAME: .............................................. POSITION:......................

SIGNATURE: ......................................................DATE: .................................

6. Authorisation is valid only for the period indicated, which may not exceed one year. Any extension beyond one year or any renewal requires a new request to be presented at least two months before the expiry of the period.
Appendix 8 - Declaration of candidature for public office

DECLARATION OF CANDIDATURE FOR PUBLIC OFFICE

(Article 15 of the Staff Regulations and Articles 11 and 81 of the CEOS)

APPLICANT

I, the undersigned

Surname/First Name: ................................................................. Personnel No:

Administrative status: temporary /contract staff Grade: ..

Administrative address: ................................................................. Tel.:

Unit/Service: ............... 

hereby declare that I am a candidate for public office.

DETAILS OF PUBLIC OFFICE

Nature of public office:

Country and place in which public office is to be exercised:

If an election, name of list on which I am a candidate: ...... 

Position on this list: .................................................................

Election campaign: YES/NO

If YES, specify: - duration: ................................................... from............... to .................

- during working hours:

YES/NO1

I hereby undertake to inform the ECSEL JU without delay if I am elected and to send a completed declaration of tenure of public office.

SIGNATURE: ................................................................. DATE: .........................
OPINION OF EXECUTIVE DIRECTOR

Candidature compatible with the requirements of the service: YES/NO
If NO, give reasons: ...........................................................................................................................

SURNAME/FIRST NAME: .................................................................

SIGNATURE: .......................................................... DATE:

Send the completed form to the JU

DECISION OF APPOINTING AUTHORITY

SURNAME/FIRST NAME: .................................................................

SIGNATURE: .......................................................... DATE:

For the period from ......................... to .................. the applicant:

☐ must apply for leave on personal grounds;

☐ must take annual leave;

☐ must apply to work part time;

☐ may continue normal duties.
Appendix 9 - Declaration tenure of public office

DECLARATION TENURE OF PUBLIC OFFICE

(Article 15 of the Staff Regulations and Articles 11 and 81 of the CEOS)

APPLICANT

SURNAME/FIRST NAME: ................................................................. Personnel No: .................................................................

Administrative status: temporary/contract staff

Grade: .................................................................................................. Tel.: ........

Service: ....................................................................................................

PLANNED ACTIVITY

Nature of duties to be performed and place: .................................................................

Date on which duties are to start and duration: .

Times and frequency of performance of duties:

Monthly remuneration: .................................................................
OPINION OF THE IMMEDIATE SUPERIOR

Tenure of the public office may be detrimental to the ECSEL JU’s interests: YES/NO If YES, give reasons: .................................................................................................................................

The extent of the planned duties and the commitments they entail are such that the Staff member is able to perform his/her duties in the ECSEL JU in full: YES/NO If NO, give reasons: ........................................................................................................................................

SURNAME/FIRST NAME: ..........................................................................................

SIGNATURE: ........................................................................................................ DATE:

Send the completed form to the JU

DECISION OF APPOINTING AUTHORITY

SUTJRNAME/FIRST NAME: ..........................................................................................

SIGNATURE: ........................................................................................................ .. DATE: ............

For the period of his/her mandate from............. to ........... ............ the applicant:

□ must apply for leave on personal grounds;
□ must take annual leave;
□ must apply to work part time;
□ may continue normal duties.

Date:

Signed:
## Declaration of Absence of Conflict of Interest and Confidentiality

**To be filled by ECSEL JU**

**Subject:**

**Reference:**

I, the undersigned, .........................., personnel number ............... , having been appointed to the above mentioned board/committee, declare that to my knowledge, I have no conflict of interest with the ................................

I confirm that, if I discover during the selection that such a conflict exists, I will immediately inform the chairperson of the selection board/committee and I will resign from the selection board/committee.

I also confirm that I will keep all matters entrusted to me confidential. I will not communicate outside the board any confidential information that is revealed to me or that I have discovered, nor will I communicate any information relating to opinions expressed during the selection. I will not make any adverse use of information given to me.

**Date:**

**Signed:**
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

Delegating the power to make non-substantial amendments requested by an ECSEL Participating State to the work plan to the authorising officer of the Joint Undertaking

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Statutes annexed to Council Regulation (EU) 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking and in particular Articles 5, 6 and 7 of the Statutes,

Having regard to decision ECSEL GB 2014.09 adopting ECSEL Financial Rules;

WHEREAS,

1) In accordance with Article 7 of the Statutes of ECSEL Regulation, the Governing Board shall adopt the work plan and the corresponding expenditure estimates;

2) Article 31(4) of ECSEL Financial Rules foresees that “the Governing Board may delegate the power to make non-substantial amendments to the work plan to the authorising officer of the Joint Undertaking”;

3) The work plan shall include the research and innovation activities plan, the administrative activities and the corresponding expenditure estimates. It shall also include the eligibility of participants and specific reimbursement rates, both at the EU and national levels.

4) National constraints from ECSEL Participating States may, in some cases, delay the availability of this information which should then be included through amendments to the work plan;

5) When non-substantial amendments requested by ECSEL Participating States to the work plan are concerned, the authorising officer of the Joint Undertaking should be

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1 OJ L 169/152 of 7.06.2014
authorised to introduce the amendments without asking for the prior authorisation of the Governing Board;

6) Non-substantial amendments to the work plan should be clearly identified;

HAS ADOPTED THE FOLLOWING:

**Article 1 – Delegation**

The Governing Board delegates to the Executive Director, authorising officer of the Joint Undertaking, the power to make non-substantial amendments to the work plan under the conditions listed in Articles 2 and 3.

**Article 2 – Content of the delegation**

The delegation granted in Article 1 is applicable to the following non-substantial amendments to the work plan:

- Upon notification of the relevant ECSEL Participating:
  - Updates or introduction of national eligibility criteria, in compliance with national rules;
  - Updates or introduction of national funding rates, in compliance with national rules;
  - Updates of national commitments;
- Updates of the quotations from other documents, in case of amendment of the text quoted,
- Editorial corrections.

Any other modification than those listed above shall be subject to the prior authorisation of the Governing Board.

**Article 3 – Procedure**

Amendments to the work plan adopted by the Executive Director in application to this decision should take the form of an Executive Director Decision.

They should be transmitted to the Governing Board without delay, and put on the ECSEL JU website as well as on any relevant website related to ECSEL calls for proposals.

**Article 4 – Entry into force**

This decision shall enter into force on the day following its adoption.
Done at Brussels, on 11 May 2016

For the Governing Board,

(signed)

Andrea Cuomo
Chairperson of the Governing Board
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

Laying down internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the ECSEL Joint Undertaking

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Treaty on the Functioning of the European Union,


Having regard to Council Regulation (EU) No 561/2014 establishing the ECSEL Joint Undertaking (hereinafter, ‘the ECSEL JU’),

Having regard to the European Data Protection Supervisor (EDPS) Guidance on Article 25 of the new Regulation and internal rules,

After having consulted the EDPS, in accordance with Article 41 (2) of the Regulation (EU) 2018/1725,

WHEREAS:

1) The ECSEL JU carries out its activities in accordance with Regulation (EU) No 561/2014.

2) In accordance with Article 25(1) of Regulation (EU) 2018/1725, restrictions of the application of Articles 14 to 22, 35 and 36, as well as Article 4 of that Regulation in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22 should be based on internal rules to be adopted by the ECSEL JU, where these are not based on legal acts adopted on the basis of the Treaties.

3) These internal rules, including its provisions on the assessment of the necessity and proportionality of a restriction, should not apply where a legal act adopted on the basis of the Treaties provides for a restriction of data subject rights.

4) Where the ECSEL JU performs its duties with respect to data subject’s rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.

5) Within the framework of its administrative functioning, the ECSEL JU may conduct
administrative inquiries, disciplinary proceedings, carry out preliminary activities related to cases of potential irregularities reported to OLAF, process whistleblowing cases, process (formal and informal) procedures of harassment, process internal and external complaints, conduct internal audits, carry out investigations by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and internal (IT) security investigations.

6) The ECSEL JU processes several categories of personal data, including hard data (‘objective’ data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and soft data (‘subjective’ data related to the case such as reasoning, behavioural data, appraisals, performance and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity) 1.

7) The ECSEL JU, represented by its Executive Director, acts as the data controller irrespective of further delegations of the controller role within the ECSEL JU to reflect operational responsibilities for specific personal data processing operations.

8) The personal data are stored securely in an electronic environment or on paper preventing unlawful access or transfer of data to persons who do not have a need to know. The personal data processed are retained for no longer than necessary and appropriate for the purposes for which the data are processed for the period specified in the data protection notices, privacy statements or records of the ECSEL JU.

9) The internal rules should apply to all processing operations carried out by the ECSEL JU in the performance of administrative inquiries, disciplinary proceedings, preliminary activities related to cases of potential irregularities reported to OLAF, whistleblowing procedures, (formal and informal) procedures for cases of harassment, processing internal and external complaints, internal audits, the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725, (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

10) They should apply to processing operations carried out prior to the opening of the procedures referred to above, during these procedures and during the monitoring of the follow-up to the outcome of these procedures. It should also include assistance and cooperation provided by the ECSEL JU to national authorities and international organisations outside of its administrative investigations.

11) In cases where these internal rules apply, the ECSEL JU must provide justifications explaining why the restrictions are strictly necessary and proportionate in a democratic society and respect the essence of the fundamental rights and freedoms.

12) Within this framework the ECSEL JU is bound to respect, to the maximum extent possible, the fundamental rights of the data subjects during the above procedures, in particular, those relating to the right of provision of information, access and rectification, right to erasure, restriction of processing, right of communication of a personal data breach to the data subject or confidentiality of communication as enshrined in Regulation (EU) No 2013/1725.

13) However, the ECSEL JU may be obliged to restrict the information to data subject and other

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1 In cases of joint controllership, data shall be processed in line with the means and purposes established in the relevant agreement among the joint controllers as defined in Article 28 of Regulation EU (2018) 1725.
data subject's rights to protect, in particular, its own investigations, the investigations and proceedings of other public authorities, as well as the rights of other persons related to its investigations or other procedures.

14) The ECSEL JU may thus restrict the information for the purposes of protecting the investigation, and the fundamental rights and freedoms of other data subjects.

15) The ECSEL JU should periodically monitor that the conditions justifying the restriction apply, and lift the restriction as far as they no longer apply.

16) The Controller should inform the Data Protection Officer at the moment of deferral and during the revisions.

HAS ADOPTED THIS DECISION:

\textit{Article 1}

\textit{Subject-matter and scope}

1. This Decision lays down rules relating to the conditions under which the ECSEL JU in the framework of its procedures set out paragraph 2 may restrict the application of the rights enshrined in Articles 14 to 21, 35 and 36, as well as Article 4 thereof, following Article 25 of the Regulation (EU) No 2018/1725.

2. Within the framework of the administrative functioning of the ECSEL JU, this Decision applies to the processing operations on personal data by the Programme Office for the purposes of conducting administrative inquiries, disciplinary proceedings, preliminary activities related to cases of potential irregularities reported to OLAF, processing whistleblowing cases, (formal and informal) procedures of harassment, processing internal and external complaints, conducting internal audits, investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation (EU) 2018/1725 and (IT) security investigations handled internally or with external involvement (e.g. CERT-EU).

3. The categories of data concerned are hard data (‘objective’ data such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and soft data (‘subjective’ data related to the case such as reasoning, behavioural data, appraisals, performance and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity).

4. Where the ECSEL JU performs its duties with respect to data subject’s rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in that Regulation apply.

5. Subject to the conditions set out in this Decision, the restrictions may apply to the following rights:
   - provision of information to data subjects,
   - right of access,
   - rectification,
   - erasure,
   - restriction of processing,
· communication of a personal data breach to the data subject, or
· confidentiality of communication.

Article 2
Specification of the controller

The controller of the processing operations is the ECSEL JU, represented by its Executive Director, who may delegate the function of the controller. Data subjects shall be informed of the delegated controller by way of the data protection notices or records published on the website and/or the intranet of the ECSEL JU.

Article 3
Specification of safeguards

1. The ECSEL JU shall put in place the following safeguards aimed at preventing abuse or unlawful access or transfer of personal data:2

   a) Paper documents shall be kept in secured cupboards and only accessible to authorized staff;
   b) All electronic data shall be stored in a secure IT application according to the ECSEL JU’s security standards, as well as in specific electronic folders accessible only to authorized staff. Appropriate levels of access shall be granted individually;
   c) The database shall be password-protected under a single sign-on system and connected automatically to the user’s ID and password. Replacing users is strictly prohibited. E-records shall be held securely to safeguard the confidentiality and privacy of the data therein;
   d) All persons having access to the data are bound by the obligation of confidentiality.

2. The retention period of the personal data referred to in Article 1(3) shall be no longer than necessary and appropriate for the purposes for which the data are processed. It shall in any event not be longer than the retention period specified in the data protection notices, privacy statements or records referred to in Article 6.

3. Where the ECSEL JU considers to apply a restriction, the risk to the rights and freedoms of the data subject shall be weighed, in particular, against the risk to the rights and freedoms of other data subjects and the risk of cancelling the effect of the ECSEL JU’s investigations or procedures for example by destroying evidence. The risks to the rights and freedoms of the data subject concern primarily, but are not limited to, reputational risks and risks to the right of defence and the right to be heard.

Article 4
Restrictions

1. Any restriction shall only be applied by the ECSEL JU to safeguard:

   a) the national security, public security or defence of the Member States;

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2 This list is non-exhaustive.
b) the prevention, investigation, detection and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;

c) other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union or an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security;

d) the internal security of Union institutions and bodies, including of their electronic communications networks;

e) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;

f) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (c);

g) the protection of the data subject or the rights and freedoms of others;

h) the enforcement of civil law claims.

2. As a specific application of the purposes described in paragraph 1 above, the ECSEL JU may apply restrictions in the following circumstances:

a) in relation to personal data exchanged with Commission services or other Union institutions, bodies, agencies and offices;

   where such Commission service, Union institution, body or agency, is entitled to restrict the exercise of the listed rights on the basis of other acts provided for in Article 25 of Regulation (EU) 2018/1725 or in accordance with Chapter IX of that Regulation or with the founding acts of other Union institutions, bodies, agencies and offices;

   where the purpose of such a restriction by that Commission service, Union institution, body or agency would be jeopardised were the ECSEL JU not to apply an equivalent restriction in respect of the same personal data.

b) in relation to personal data exchanged with competent authorities of Member States;

   where such competent authorities of Member States are entitled to restrict the exercise of the listed rights on the basis of acts referred to in Article 23 of Regulation (EU) 2015/679 of the European Parliament and of the Council, or under national measures transposing Articles 13(3), 15(3) or 16(3) of Directive (EU) 2016/680 of the European Parliament and of the Council;

   where the purpose of such a restriction by that competent authority would be jeopardised were the ECSEL JU not to apply an equivalent restriction in respect of the same personal data.

c) in relation to personal data exchanged with third countries or international organisations, where there is clear evidence that the exercise of those rights and obligations is likely to jeopardise the ECSEL JU’s cooperation with third countries or international organisations in the conduct of its tasks.

Before applying restrictions in the circumstances referred to in points (a) and (b) of the first subparagraph, the ECSEL JU shall consult the relevant Commission services, Union institutions,
bodies, agencies, offices or the competent authorities of Member States unless it is clear to the ECSEL JU that the application of a restriction is provided for by one of the acts referred to in those points.

Article 5
Restrictions to the rights of data subjects

1. In duly justified cases and under the conditions stipulated in this decision, the following rights may be restricted by the controller in the context of the processing operations listed in paragraph 2 below where necessary and proportionate:

   (a) The right to information;
   (b) The right of access;
   (c) The right of rectification, erasure and restriction of processing;
   (d) The right to communication of a personal data breach to the data subject;
   (e) The right to confidentiality of electronic communications;

2. In accordance with article 25(2)(a) of Regulation (EU) 2018/1725, in duly justified cases and under the conditions stipulated in this decision, restrictions may be applied by the controller in the context of the following processing operations:

   a) the performance of administrative inquiries and disciplinary proceedings;
   b) preliminary activities related to cases of potential irregularities reported to OLAF;
   c) whistleblowing procedures;
   d) (formal and informal) procedures for cases of harassment;³
   e) processing internal and external complaints;
   f) internal audits;
   g) the investigations carried out by the Data Protection Officer in line with Article 45(2) of Regulation 2018/1725;
   h) (IT) security investigations handled internally or with external involvement (e.g. CERT-EU);
   i) within the frame of the grant management or procurement procedure, after the closing date of the submission of the calls for proposals or the application of tenders;⁴

The restriction shall continue to apply as long as the reasons justifying it remain applicable.

3. Where the ECSEL JU restricts, wholly or partly, the application of the rights in paragraph 1 above, it shall take the steps set out in Articles 6 and 7 of this Decision.

4. Where data subjects request access to their personal data processed in the context of one or more specific cases or to a particular processing operation, in accordance with Article 17 of Regulation (EU) 2018/1725, the ECSEL JU shall limit its assessment of the request to such personal data only.

³ This processing operation shall not apply to article 5(1)(d).
⁴ This processing operating shall only apply to article 5(1)(c).
Article 6
Necessity and proportionality of restrictions

1. Any restriction outlined in Article 5 shall be necessary and proportionate taking into account the risks to the rights and freedoms of data subjects and respect the essence of the fundamental rights and freedoms in a democratic society.

2. If the application of restriction is considered, a necessity and proportionality test shall be carried out based on the present rules. The test shall also be conducted within the framework of the periodic review, following assessment of whether the factual and legal reasons for a restriction still apply. It shall be documented through an internal assessment note for accountability purposes on a case by case basis.

3. Restrictions shall be temporary and lifted as soon as the circumstances that justify them no longer apply. In particular, where it is considered that the exercise of the restricted right would no longer cancel the effect of the restriction imposed or adversely affect the rights or freedoms of other data subjects.

The ECSEL JU shall review the application of the restriction every six months from its adoption and at the closure of the relevant inquiry, procedure or investigation. Thereafter, the controller shall monitor the need to maintain any restriction every six months.

4. Where the ECSEL JU applies, wholly or partly, the restrictions outlined in Article 5 of this Decision, it shall record the reasons for the restriction, the legal ground in accordance with paragraph 1 above, including an assessment of the necessity and proportionality of the restriction.

The record and, where applicable, the documents containing underlying factual and legal elements shall be registered. They shall be made available to the European Data Protection Supervisor on request.

Article 7
Obligation to Inform

1. The ECSEL JU shall include in the data protection notices, privacy statements or records in the sense of Article 31 of Regulation (EU) 2018/1725, published on its website and/or on the intranet informing data subjects of their rights in the framework of a given procedure, information relating to the potential restriction of these rights. The information shall cover which rights may be restricted, the reasons and the potential duration.

Without prejudice to the provisions of Article 6(4), the ECSEL JU, where proportionate, shall also inform individually all data subjects, which are considered persons concerned in the specific processing operation, of their rights concerning present or future restrictions without undue delay and in a written form.

2. Where the ECSEL JU restricts, wholly or partly, the rights laid out in Article 5, it shall inform the data subject concerned of the restriction applied and of the principal reasons thereof, and of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy in the Court of Justice of the European Union;
The provision of information referred to in paragraph 2 above may be deferred, omitted or denied if it would cancel the effect of the restriction in accordance with Article 25(8) of Regulation (EU) 2018/1725.

Article 8
Review by the Data Protection Officer

1. The ECSEL JU shall, without undue delay, inform the Data Protection Officer of the ECSEL JU ('the DPO') whenever the controller restricts the application of data subjects' rights, or extends the restriction, in accordance with this Decision. The controller shall provide the DPO access to the record containing the assessment of the necessity and proportionality of the restriction and document the date of informing the DPO in the record.

2. The DPO may request the controller in writing to review the application of the restrictions. The controller shall inform the DPO in writing about the outcome of the requested review.

3. The DPO shall be involved throughout the procedure. The controller shall inform the DPO when the restriction has been lifted.

Article 9
Entry into force

This Decision shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.

Done at Brussels, 18.09.2020

For the Governing Board

Sabine Herlitschka
Chairperson
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING


THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking, and in particular Article 16 (1) and (2) thereof,

Whereas:


(2) In accordance with Article 16(1) of Council Regulation (EC) No 561/2014, Regulation (EC) No 1049/2001 shall apply to documents held by the ECSEL Joint Undertaking.

(3) In accordance with Article 16(2) of Council Regulation (EC) No 561/2014, ECSEL Governing Board may adopt the practical arrangements for implementing Regulation (EC) No 1049/2001,

(4) In principle, the widest possible access to documents should be ensured, subject to the principles, conditions and limits defined in Regulation (EC) No 1049/2001.

1 OJ L 169/152 of 7.06.2014
HAS ADOPTED THIS DECISION:

Article 1 – Purpose

The scope of this Decision is to lay down the practical arrangements for implementing Regulation (EC) No 1049/2001 as regards the ECSEL Joint Undertaking's documents.

Article 2 – Scope and beneficiaries

1. Citizens of the European Union and natural or legal persons residing or having their registered office in an EU Member State shall exercise their right of access to the Joint Undertaking's documents pursuant to Article 2(1) of Regulation 1049/2001.

2. Pursuant to Article 2(2) of Regulation 1049/2001, citizens of third countries not residing in an EU Member State and legal persons not having their registered office in one of the EU Member States shall enjoy the right of access to the Joint Undertaking's documents on the same terms as the beneficiaries referred to in Article 2(1) of Regulation 1049/2001.

Article 3 – Definitions

For the purpose of this Decision:

(a) ‘Document’ shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the activities and decisions falling within the Joint Undertaking's sphere of responsibility.

(b) ‘Third Party’ shall mean any natural or legal person, or any entity outside the Joint Undertaking, including its Members, Community or non-Community institutions and bodies and third countries.

2 OJ L 145, 31.05.2001, p. 43.
Article 4- Access applications

1. Applications for access to a document shall be sent to the Joint Undertaking via the Joint Undertaking's website, by electronic mail, by regular mail or by fax and in a sufficiently precise manner to enable the Joint Undertaking to identify the document. The relevant contact details are listed in the Annex to this Decision and shall be regularly updated.

2. The Joint Undertaking shall respond to initial and confirmatory applications within fifteen working days from the date of registration of the application, by regular mail, by electronic mail or by fax.

3. In the case of complex or bulky applications, the deadline may be extended by fifteen working days. Reasons must be given for any extension of the deadline and any such extension must be notified to the applicant prior to the expiry of the original deadline.

4. If an application is imprecise, as defined in Article 6(2) of Regulation 1049/2001, the Joint Undertaking shall invite the applicant to provide additional information to clarify the application. The deadline for the Joint Undertaking to respond to the application shall be fifteen working days from receiving the information necessary to identify the document in question.

5. Any decision to deny access to a document or part of a document shall state the reason for the refusal based on one of the exceptions listed in Article 4 of Regulation 1049/2001. The applicant shall be informed of the remedies available to him/her.

6. Pursuant to Article 17(1) of Regulation 1049/2001, a report shall be annexed to the Joint Undertaking's Annual Activity Report including the number of cases in which the Joint Undertaking refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.

7. In the event of an application relating to a very long document or to a very large number of documents, the ECSEL JU may confer with the applicant informally, with a view to finding a fair solution.

Article 5- Processing of initial applications

1. Where the document requested is directly accessible as defined in Article 12 of Regulation 1049/2001 and in Article 11 of this Decision, the applicant shall be notified as such together with details of how to retrieve the document in question.
2. Applications relating to documents which are not directly accessible shall be acknowledged by the Joint Undertaking pending an answer unless this answer can be sent by return post.

3. The acknowledgement of receipt and the answer shall be sent to the applicant in writing, where appropriate, by electronic means.

4. The Joint Undertaking shall inform the applicant of its decision with respect to the initial application.

5. In the event of a total or partial refusal, the applicant shall be informed of his/her right to submit, within fifteen working days from receipt of the answer, a confirmatory application to the Executive Director asking him/her to reconsider this refusal.

6. Failure of the Joint Undertaking to reply within the prescribed time limit shall entitle the applicant to make a confirmatory application.

**Article 6- Processing of confirmatory applications**

1. The Executive Director of the Joint Undertaking shall take decisions regarding confirmatory applications.

2. The decision shall be notified to the applicant in writing, where appropriate, by electronic means, and shall inform him/her of his/her right to bring an action before the Court of First Instance or, if appropriate, to lodge a complaint with the European Ombudsman.

3. Failure of the Joint Undertaking to reply within the prescribed time limit shall be considered as a negative reply.

**Article 7- Third-party documents**

1. Where the Joint Undertaking receives an application for access to a document which it holds but which originates from a third party, the Joint Undertaking shall check whether one of the exceptions provided for under Article 4 of Regulation 1041/2001 applies.

2. If, after that examination, the Joint Undertaking considers that access to the document must be refused under one of the exceptions provided for by Article 4 of Regulation 1049/2001, the negative answer shall be sent to the applicant without consultation of the third-party author.

3. The Joint Undertaking shall grant the application without consulting the third-party author where:
a) the document requested has already been disclosed either by its author or under Regulation 1049/2001 or similar provisions;

b) it is clear that the disclosure, or partial disclosure, of its contents would not affect one of the interests referred to in Article 4 of Regulation 1049/2001.

4. In all other cases, the third-party author shall be consulted. In particular, if an application for access concerns a document originating from an ECSEL Participating State, the Joint Undertaking shall consult the originating authority where the ECSEL Participating Member State has requested the Joint Undertaking not to disclose the document without its prior agreement in accordance with Article 4(5) of Regulation 1049/2001.

5. The third party consulted shall be given a deadline for reply which shall allow the Joint Undertaking to respect its own deadline to reply to the applicant. In the absence of an answer within the prescribed period, or in those cases where the third party is untraceable or unidentifiable, the Joint Undertaking shall reach a decision in accordance with the criteria set out in Article 4 of Regulation 1049/2001, taking into account the legitimate interests of the third party on the basis of the information at its disposal.

6. If the Joint Undertaking intends to give access to a document against the explicit opinion of the author, it shall inform the author of its intention to disclose the document after a ten-working day period and shall draw his/her attention to the remedies available to him/her to oppose disclosure.

Article 8 – Classification of documents


2. The classification of a document of the Joint Undertaking shall be decided by the Executive Director. When the classification raises questions of principle and/or when the document is related to the work of one of the Joint Undertaking's bodies, the Executive Director may consult the relevant Chairperson before taking his/her decision.

3. Applications for access to classified documents shall be handled by the Executive Director, where appropriate in consultation with the relevant Chairperson as referred in paragraph 2.

4. If access to a classified document is to be given, it shall be first declassified by a decision of the Executive Director.

Article 9- Exercise of the right of access

1. Documents shall be sent by regular mail, fax or, if possible, by electronic mail. If documents are voluminous or difficult to handle, the applicant may be invited to consult the documents at the Joint Undertaking's premises. This consultation shall be free of charge.

2. If the document has been published, the answer shall consist of the publication references or, for documents available on the Joint Undertaking's website or other websites, the appropriate Uniform Resource Locator (URL).

3. If the volume of the documents requested exceeds twenty pages, the applicant may be charged a fee of 0.10 EUR per page for copies plus carriage costs. The charges for other media shall be decided on a case by case basis but shall not exceed a reasonable amount.

Article 10- Measures facilitating access to documents

1. In order to make the right of access provided for in Regulation 1049/2001 effective, the Joint Undertaking shall provide access to a register of documents. The register shall be accessible in electronic form.

2. The register shall contain the title of the document (in the languages in which it is available), its serial number, the subject matter and/or a short description of the contents, an indication of the author, the date of its creation or adoption and the date of entry in the register.

3. For documents which are directly accessible, the register shall include a hyperlink to the document in question.

4. A help page shall be provided to assist the public in finding specific documents.

5. For documents which are not directly accessible, the register shall provide details of how to request access.

Article 11- Documents directly accessible to the public

1. The following documents shall be made directly accessible by electronic means:
(a) all adopted EU legislation related to the Joint Undertaking's objectives;
(b) a publishable version of the Multiannual Strategic Plan and of the Annual Activity Report once approved by the Governing Board;
(c) the Annual Budget Plan and amending budgets as finally adopted;
(d) the Workplan as finally adopted;
(e) all press releases or other publications made by the Joint Undertaking.
2. As far as possible the following documents shall be made directly accessible by electronic means:
   (a) documents originating from third parties which have already been disclosed by their author or with his/her consent;
   (b) documents already disclosed following a previous application.
3. The Executive Director may decide to expand the list of documents in paragraph 2 as appropriate.

Article 12 - Internal Organisation

The Executive Director shall ensure coordination and uniform implementation of these rules by the Joint Undertaking staff. To this end, he/she shall provide all the necessary advice and guidelines.

Article 13 - Right of Access to Personal Data

This Decision shall be without prejudice to the right of individuals to have access to personal data concerning them as stipulated in relevant Community legislation, such as Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000.

Article 14 - Reproduction of Documents

This Decision shall be without prejudice to any existing rules on copyright which may limit a third party's right to reproduce or exploit released documents.

Article 15 - Amendment

This Decision may be amended by a subsequent decision of the Governing Board.
Article 16- Entry into force

This Decision shall enter into force on the date of its signature and shall be published on the website of the Joint Undertaking.

Done at Brussels, on 3 July 2014,

For the Governing Board

(signed)
Heinrich Daembkes
Chairperson of the Governing Board
ANNEX

Addresses for submission of applications for access to documents held by the ECSEL Joint Undertaking

1. By electronic mail:
ecsfl@ecsel.europa.eu

3. Via the Joint Undertaking's website:
http://www.ecsel.europa.eu
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

Establishing an Internal Audit Capability

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking\(^1\), and in particular its Article 5, providing that the Governing Board shall adopt specific financial rules taking into account the specific operating needs of the ECSEL JU,

Whereas:

(1) The Governing Board has adopted, with its Decision ECSEL-GB-2014-09, the Financial rules applicable to the ECSEL JU,

(2) The Financial Rules of the ECSEL JU provide, in Article 28, that the Governing Board may establish an internal audit capability (IAC) and approve the relevant internal audit charter, with such a charter defining the mission, objectives, reporting and working arrangements required by the proper fulfillment of the IAC role within the ECSEL Joint Undertaking,

(3) The Governing Board has adopted, with its Decision ECSEL-GB-2014-15, the Internal control standards applicable to the ECSEL JU,

(4) The ECSEL JU has to issue a charter for the internal audit capability and to assign a statutory staff member, on a part-time basis, with regard to resources available.

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\(^1\) OJ L 169/152 of 7.06.2014
Has adopted this decision:

\textit{Article 1}

The charter of the internal audit capability, as attached in Annex 1, is hereby approved.

\textit{Article 2}

Mr. Javier Herraiz Ongay, staff member of the ECSEL Joint Undertaking, is assigned to the function of internal audit capability and is invited to sign the charter mentioned in Article 1.

\textit{Article 3}

This Decision shall enter into force on the date of its adoption.

Done at Brussels, on 3 July 2014,

\begin{center}
For the Governing Board

\includegraphics{signature}

Chairperson of the Governing Board
\end{center}

\textit{Annex: Charter}
CHARTER OF THE INTERNAL AUDIT CAPABILITY OF THE ECSEL JOINT UNDERTAKING

Introduction

Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking states in Article 5 “Financial Rules”, that the ECSEL JU shall adopt specific financial rules taking into account the specific operating needs of the ECSEL JU; they have been adopted by the Governing Board decision ECSEL-GB-2014-09.

The Financial Rules of the ECSEL JU provide, in Article 28, that the Governing Board may establish an internal audit capability (IAC) and approve the relevant internal audit charter, with such a charter defining the mission, objectives, reporting and working arrangements required by the proper fulfillment of the IAC role within the ECSEL JU.

1. Mission and objective

The mission of the IAC is to provide:

a) Independent, objective assurance and
b) Consulting services to improve the operations of the ECSEL JU.

Assurance will rely on activities defined in collaboration with the Internal Auditor (at this point in time, the Internal Audit Service of the European Commission) to assess and express an objective opinion on the effectiveness of risk management, control and governance process.

Consulting services are advisory activities on topics specified by the Executive Director, intended to add value and improve the risk management and the control processes.

The objective of the IAC is to provide the Executive Director with assurance as to the effectiveness and efficiency of risk management, control and governance process in the ECSEL JU with special reference to the following aspects:

- Risks are appropriately and continuously identified and managed
- Significant financial, managerial and operating information is accurate, reliable and timely
- The ECSEL JU policies and procedures, as well as the applicable laws and regulations are complied with
- The ECSEL JU objectives are achieved effectively and efficiently
- The development and maintenance of high-quality control processes are promoted throughout the ECSEL JU and commensurate with the size and scope of its activities.
2. Accountability

The IAC is under the authority of the Executive Director and shall be accountable to the Executive Director to:

- Submit for approval an IAC annual work plan based on the Strategic Audit Plan established by the Internal Auditor and adopted by the Governing Board
- Report significant issues related to the control processes and potential improvements
- Express an opinion on the state of control within ECSEL JU
- Take good account of reports by the European Court of Auditors (ECA) and other internal and external providers of relevant assurance and consulting services to ensure adequate follow up on the audit points or observations and avoid duplication of efforts
- Report to the Executive Director at least annually on its activities in relation to the IAC annual work plan.

3. Independence and objectivity

No authority may ask the IAC to make any alterations to the content of its reports.

The IAC shall address any issues which in fact or appearance might impair its ability to execute its activities or communicate the results in the annual report or in ad-hoc reports to the Executive Director.

In exceptional circumstances, when concluding on the basis of its formal assurance or consultancy work the IAC concludes that the Executive Director accepted an unreasonable level of risk, the IAC shall inform the Executive Director before expressing its concerns to the Governing Board.

4. Responsibility

The IAC has a responsibility to the Executive Director to:

- Implement the IAC annual work plan and any special tasks or projects requested by the Executive Director,
- Promptly validate its findings and related risks and discuss its recommendations with the concerned employees of the ECSEL JU and reflect their position in the IAC annual report, particularly in case of disagreement,
- Effectively and timely communicate assurance and consultancy results to the Executive Director,
- Formally communicate in writing to the Executive Director the situations in which unreasonable high levels of risk have been accepted,
- Respect confidentiality with regard to information gathered in its activity,
- Disclose and explain any failing or inability to meet and comply with the requirements of its charter in the IAC annual report or in ad-hoc reports,
- Collaborate closely and coordinate its activities with the Internal Auditor,
- Send the IAC annual report before the end of each calendar year to the Executive Director, with a copy to the Internal Auditor.
5. Authority

The IAC is authorized to:

- Have access to all functions, information systems, records, property and personnel within the ECSEL JU as considered necessary for the fulfillment of the duties specified in the IAC annual work programme
- Obtain necessary assistance of the ECSEL JU staff
- Apply the techniques required to accomplish the objectives established in the IAC annual work programme
- Be informed at an early stage about any development that may substantially affect the internal control systems.

6. Standards of audit practice

The IAC will adhere to the International Standards for the professional practice of Internal Auditing as drawn up by the Institute of Internal Auditors, commensurate with the ECSEL JU size and scope of activities, and as long as they are in accordance with the ECSEL JU applicable regulations.

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JAVIER KERRAZ ONBAI
Internal Audit Capability

Date
08.07.2014

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Executive Director
DECISION GB 2016.72 OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

Adopting the H2020 ex-post audit strategy

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking¹,

Having regard to Regulation (EU) No 1291/2013 establishing Horizon 2020 Framework Programme, especially Article 29 “Control and audit”,

WHEREAS:

(1) The implementation of the H2020 Audit Strategy is the responsibility of the Common Audit Service (CAS). The role of the CAS is defined in the Commission Communication of 18 September 2013 establishing the Common Support Centre (CSC).

(2) The CAS has adopted the H2020 ex-post audit strategy for the period 2016-2025 in November 2015. An updated version has been adopted in February 2016.

(3) The Governing Board should adopt this updated H2020 ex-post audit strategy.

HAS ADOPTED THIS DECISION:

Article 1

The H2020 ex-post audit strategy for the period 2016-2025, as adopted by the CAS on 8 February 2016 is hereby approved.

The text of the ex-post audit strategy is presented in Annex.

¹ OJ L 169/152 of 7.06.2014
Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, on 15 November 2016,

For the Governing Board

Andrea Cuomo
Chairperson of the Governing Board

DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING (repealing GB 2016.59)

Establishing an Internal Audit Capability

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking¹,

Having regard to ECSEL Financial Rules (ECSEL GB 2014.09) in particular Article 28;

Whereas:

(1) Article 28 of ECSEL Financial Rules states that the Governing Board may establish with due regard to cost effectiveness and added value, an internal audit capability which shall perform its duties in compliance with the relevant international standards;

(2) The purpose, authority and responsibility of the internal audit capability shall be provided for in the internal audit charter and shall be subject to the approval of the Governing Board;

(3) The Internal Control Standard 16 “Internal Audit Capability”, as adopted by the Governing Board in decision ECSEL GB 2014.15, states that “the JU has an Internal Audit Capability (IAC), which provides independent, objective assurance and consulting services designed to add value and improve the operations of the JU”;

(4) Mrs Evelina Marinova, assigned to the function of IAC by the Governing Board on 11 May 2016, is no longer a staff member of the ECSEL Joint Undertaking. The Governing Board should assign another staff member;

¹ OJ L 169/152 of 7.06.2014
Has adopted this decision:

Article 1

The charter of the internal audit capability, as attached in Annex 1, is hereby approved.

Article 2

Mrs Laura DELGADO GARCIA, staff member of the ECSEL Joint Undertaking, is assigned to the function of internal audit capability and is invited to sign the charter mentioned in Article 1.

Article 3

For sake of legal consistency, decision ECSEL GB 2016.59 is repealed.

This Decision shall enter into force on the date of its adoption.

Done at Brussels, on 28th June 2018

For the Governing Board

[Signature]

Sabine Herlitschka
Chairperson of the Governing Board

Annex: Charter
CHARTER OF THE INTERNAL CONTROL AND AUDIT MANAGER OF THE ECSEL JOINT UNDERTAKING

Introduction

Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking states in Article 5 “Financial Rules”, that the ECSEL JU shall adopt specific financial rules taking into account the specific operating needs of the ECSEL JU; they have been adopted by the Governing Board decision ECSEL-GB-2014-09.

The Financial Rules of the ECSEL JU provide, in Article 28, that the Governing Board may establish an Internal Audit Capability. The function of Internal Audit Capability will be covered by the Internal Control and Audit Manager (ICAM). The Governing Board shall approve the relevant internal audit charter, with such a charter defining the mission, objectives, reporting and working arrangements required by the proper fulfillment of the ICAM role within the ECSEL JU.

1. Mission and objective

The mission of the ICAM is to provide:

a) Independent, objective assurance and
b) Consulting services to improve the operations of the ECSEL JU.

Assurance will rely on activities defined in collaboration with the Internal Auditor (at this point in time, the Internal Audit Service of the European Commission) to assess and express an objective opinion on the effectiveness of risk management, control and governance process.

Consulting services are advisory activities on topics specified by the Executive Director, intended to add value and improve the risk management and the control processes.

The objective of the ICAM is to provide the Executive Director with assurance as to the effectiveness and efficiency of risk management, control and governance process in the ECSEL JU with special reference to the following aspects:

- Risks are appropriately and continuously identified and managed
- Significant financial, managerial and operating information is accurate, reliable and timely
- The ECSEL JU policies and procedures, as well as the applicable laws and regulations are complied with
- The ECSEL JU objectives are achieved effectively and efficiently
- The development and maintenance of high-quality control processes are promoted throughout the ECSEL JU and commensurate with the size and scope of its activities.

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2. **Accountability**

The ICAM is under the authority of the Executive Director and shall be accountable to the Executive Director to:

- Submit for approval an ICAM annual work plan based on the Strategic Audit Plan established by the Internal Auditor and adopted by the Governing Board
- Report significant issues related to the control processes and potential improvements
- Express an opinion on the state of control within ECSEL JU
- Take good account of reports by the European Court of Auditors (ECA) and other internal and external providers of relevant assurance and consulting services to ensure adequate follow up on the audit points or observations and avoid duplication of efforts
- Report to the Executive Director at least annually on its activities in relation to the ICAM annual work plan.

3. **Independence and objectivity**

No authority may ask the ICAM to make any alterations to the content of its reports.

The ICAM shall address any issues which in fact or appearance might impair its ability to execute its activities or communicate the results in the annual report or in ad-hoc reports to the Executive Director.

In exceptional circumstances, when concluding on the basis of its formal assurance or consultancy work the ICAM concludes that the Executive Director accepted an unreasonable level of risk, the ICAM shall inform the Executive Director before expressing its concerns to the Governing Board.

4. **Responsibility**

The ICAM has a responsibility to the Executive Director to:

- Implement the ICAM annual work plan and any special tasks or projects requested by the Executive Director,
- Promptly validate its findings and related risks and discuss its recommendations with the concerned employees of the ECSEL JU and reflect their position in the ICAM annual report, particularly in case of disagreement,
- Effectively and timely communicate assurance and consultancy results to the Executive Director,
- Formally communicate in writing to the Executive Director the situations in which unreasonable high levels of risk have been accepted,
- Respect confidentiality with regard to information gathered in its activity,
- Disclose and explain any failing or inability to meet and comply with the requirements of its charter in the ICAM annual report or in ad-hoc reports,
- Collaborate closely and coordinate its activities with the Internal Auditor,
- Send the ICAM annual report before the end of each calendar year to the Executive Director, with a copy to the Internal Auditor.
5. **Authority**

The ICAM is authorized to:

- Have access to all functions, information systems, records, property and personnel within the ECSEL JU as considered necessary for the fulfillment of the duties specified in the ICAM annual work programme
- Obtain necessary assistance of the ECSEL JU staff
- Apply the techniques required to accomplish the objectives established in the ICAM annual work programme
- Be informed at an early stage about any development that may substantially affect the internal control systems.

6. **Standards of audit practice**

The ICAM will adhere to the International Standards for the professional practice of Internal Auditing as drawn up by the Institute of Internal Auditors, commensurate with the ECSEL JU size and scope of activities, and as long as they are in accordance with the ECSEL JU applicable regulations.

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<thead>
<tr>
<th>Internal Control and Audit Manager</th>
<th>Executive Director</th>
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<tbody>
<tr>
<td>Name: <strong>LAURA DELGADO GARCIA</strong></td>
<td>Name:</td>
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<tr>
<td>Date: <strong>28/06/2018</strong></td>
<td>Date:</td>
</tr>
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<td>Signature: <strong>[Signature]</strong></td>
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INTERNAL CONTROL FRAMEWORK OF THE ECSEL JU

I. Context and definitions

Internal control applies to all activities, irrespective of whether they are financial or non-financial. It is a process that helps an organisation achieve its objectives and sustain operational and financial performance, respecting rules and regulations. It supports sound decision-making, taking into account risks to the achievement of objectives and reducing them to acceptable levels through cost-effective controls.

According to Article 14 of the ECSEL JU Financial Rules and Article 36 of the EU Financial Regulation the internal control framework is designed to provide reasonable assurance regarding the achievement of the following five objectives: (1) effectiveness, efficiency and economy of operations; (2) reliability of reporting; (3) safeguarding of assets and information; (4) prevention, detection, correction and follow-up of fraud and irregularities, and (5) adequate management of the risks relating to the legality and regularity of the underlying transactions, taking into account the multiannual character of programmes as well as the nature of the payments concerned.

As an entrusted body implementing EU Budget, the ECSEL JU should ensure a proper management and control mechanism in accordance with Article 36 of the EU Financial Regulation\(^1\) and provide a level of assurance from their systems at least equivalent to the one of the European Commission.

The European Commission has adopted on 19/04/2017 (C (2017) 2373 Final) a revised Internal Control Framework (ICF) to better reflect today’s ever-changing environment and to allow its services the necessary flexibility to adapt to their specific characteristics and circumstances while ensuring a robust internal control with a consistent assessment.

The new Internal Control Framework consists of five internal control components and 17 principles based on the COSO 2013 Internal Control-Integrated Framework.

The ECSEL JU internal control components are:

- control environment,
- risk assessment,
- control activities,
- information and communication and
- monitoring activities.

They are the building blocks that underpin the framework’s structure and support the ECSEL JU in its efforts to achieve its objectives. The five components are interrelated and must be present and effective at all levels of the organisation for internal control over operations to be considered effective.

\(^1\) OJ-L 193/30.07.2018
In order to facilitate the implementation of the internal control framework and management’s assessment of whether each component is present and functioning and whether the components function well together, each component consists of several principles. Working with these principles helps provide reasonable assurance that the organisation’s objectives are met. The principles specify the actions required for internal control to be effective.

These characteristics of each principle are defined to assist management in implementing internal control procedures and in assessing whether the principles are present and functioning. Management is expected to have persuasive evidence to support their assessment.
The components, principles and characteristics of the ECSEL JU Internal Control Framework

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<th>CONTROL ENVIRONMENT</th>
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<td>2. Exercises oversight responsibility</td>
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<td>4. Demonstrates commitment to competence</td>
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<td>5. Enforces accountability</td>
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The control environment is the set of standards of conduct, processes, and structures that provide the basis for carrying out internal control across an organisation. The Governing Board and management set the tone at the top for the importance of internal control, including expected standards of conduct.

1. The ECSEL JU demonstrates a commitment to integrity and ethical values.

Characteristics:

- **Tone at the top.** The Governing Board, the Executive Director and all management levels respect integrity and ethical values in their instructions, actions and behaviour.

- **Standards of conduct.** The ECSEL JU’s expectations on integrity and ethical values are set out in standards of conduct and understood at all levels of the organisation, as well as outsourced service providers and beneficiaries.

- **Alignment with standards.** Processes are in place to assess whether individuals and departments are aligned with the ECSEL JU’s expected standards of conduct and to address deviations in a timely manner.

2. The Governing Board demonstrates independence from management and exercises oversight of the development and performance of internal control.

Characteristics:

- **The Governing Board oversees the ECSEL JU’s governance, risk management and internal control practices and takes overall political responsibility for management carried out by the Executive Director.** This happens through the use of appropriate working arrangements and communication channels between the Governing Board and the ECSEL JU Programme Office.
- The Executive Director oversees the internal control systems within the Programme Office as well as the development and performance of internal control. The Executive Director is supported in this task by the Head of Administration and Finance and the Internal Control and Audit Manager.

- In her/his capacity as Authorising Officer, the Executive Director provides a Declaration of Assurance on the appropriate allocation of resources and their use for their intended purpose and in accordance with the principle of sound financial management, as well as on the adequacy of the control procedures in place (see Appendix 2).

- The respective heads of unit contributing to the Annual Activity Report of ECSEL JU provide a declaration as to the reliability of their respective part of management reporting (see Appendix 3).

3. Management establishes structures, reporting lines, and appropriate authorities and responsibilities in the pursuit of objectives.

Characteristics:

- Management structures are comprehensive. The design and implementation of management and supervision structures cover all programmes and activities. In particular for spending programmes, they cover all expenditure types, delivery mechanisms and budget implementation to support the achievement of policy, operational and control objectives.

- Authorities and responsibilities. The Governing Board and the Executive Director, as appropriate, delegate authority and use appropriate processes and technology to assign responsibility and segregate duties as necessary at the various levels of the JU.

- Reporting lines. The Executive Director designs and evaluates reporting lines within departments to enable the execution of authority, fulfilment of responsibilities, and flow of information.

4. The ECSEL JU demonstrates a commitment to attract, develop and retain competent individuals in alignment with objectives.

Characteristics:

- Competence framework. The Executive Director defines the competences necessary to support the achievement of objectives and regularly evaluates them across the Programme Office, taking action to address shortcomings where necessary.

- Professional development. The Programme Office provides the training and coaching needed to attract, develop and retain a sufficient number of competent staff.

- Mobility. The Programme Office promotes and plans staff mobility compatible with the size and mandate of the organisation so as to strike the right balance between continuity and renewal.

- Succession planning and deputising arrangements for operational activities and financial
transactions are in place to ensure continuity of operations.

5. The ECSEL JU holds individuals accountable for their internal control responsibilities in the pursuit of objectives.

Characteristics:

- **Enforcing accountability.** The ECSEL JU defines clear roles and responsibilities and holds individuals accountable for the performance of internal control responsibilities across the organisation and for the implementation of corrective action as necessary.

- **Staff appraisal.** Staff efficiency, abilities and conduct in the service are assessed annually against expected standards of conduct and set objectives. Cases of underperformance are appropriately addressed.

- **Staff reclassification.** Reclassification is decided after consideration of the comparative merits of eligible staff taking into account, in particular, their appraisal reports.
Risk assessment is a dynamic and iterative process for identifying and assessing risks which could affect the achievement of objectives, and for determining how such risks should be managed.

6. The ECSEL JU specifies objectives with sufficient clarity to enable the identification and assessment of risks relating to objectives.

Characteristics:

- **Mission.** The Programme Office has up-to-date mission statements that are aligned across all hierarchical levels, down to the tasks and objectives assigned to individual staff members. Mission statements are aligned with the ECSEL JU’s responsibilities and the policy objectives set in the legal base.

- **Objectives are set at every level.** The Programme Office’s objectives are clearly set and updated when necessary (e.g. significant changes in priorities, activities and/or the organigram). They are consistently filtered down from the higher JU’s level to the various levels of the organisation, and are communicated and understood by management and staff.

- **Objectives are set for the most significant activities.** Objectives² and indicators³ cover the Programme Office’s most significant activities contributing to the delivery of ECSEL JU priorities or other priorities relating to the core business, as well as operational management.

- **Objectives form the basis for committing resources.** Management uses the objectives set as a basis for allocating available resources as needed to achieve policy, operational and financial performance goals.

- **Financial reporting objectives.** Financial reporting objectives are consistent with the accounting principles applicable in the ECSEL JU.

- **Non-financial reporting objectives.** Non-financial reporting provides management with accurate and complete information needed to manage the organisation at Programme Office level.

- **Risk tolerance and materiality.** When setting objectives, management defines the acceptable levels of variation relative to their achievement (tolerance for risk) as well as the appropriate

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² Objectives must be SMART (specific, measurable, achievable, relevant and time-framed).
³ Indicators must be RACI²R (relevant, accepted, credible, easy to monitor and robust).
level of materiality for reporting purposes, taking into account cost-effectiveness.

- Monitoring. Setting objectives and performance indicators makes it possible to monitor progress towards their achievement.

7. The ECSEL JU identifies risks to the achievement of its objectives across the organisation and analyses risks as a basis for determining how the risks should be managed.

Characteristics:

- **Risk identification.** The Programme Office identifies and assesses risks at the various organisational levels, analysing internal and external factors. Management and staff are involved in the process at the appropriate level.

- **Risk assessment.** The Programme Office estimates the significance of the risks identified and determines how to respond to significant risks considering how each one should be managed and whether to accept, avoid, reduce or share the risk. The intensity of mitigating controls is proportional to the significance of the risk.

- **Risk identification and risk assessment are integrated** into the annual activity planning and are regularly monitored.

8. The ECSEL JU considers the potential for fraud in assessing risks to the achievement of objectives.

Characteristics:

- **Risk of fraud.** The risk identification and assessment procedures (see principle 7) consider possible incentives, pressures, opportunities and attitudes which may lead to any type of fraud, notably fraudulent reporting, loss of assets, disclosure of sensitive information and corruption.

- **Anti-fraud strategy.** The ECSEL JU sets up and implements measures to counter fraud and any illegal activities affecting the financial interests of the EU. The JU does this by putting in place a sound anti-fraud strategy to improve the prevention, detection and conditions for investigating fraud, and to set out reparation and deterrence measures, with proportionate and dissuasive sanctions.

9. The ECSEL JU identifies and assesses changes that could significantly impact the internal control system.

Characteristics:

- **Assess changes.** The risk identification process considers changes in the internal and external environment, in policies and operational priorities, as well as in management's attitude towards the internal control system.
CONTROL ACTIVITIES

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<th>10. Selects and develops control activities</th>
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<td>11. Selects and develops general control over technology</td>
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<td>12. Deploys control through policies and procedures</td>
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Control activities ensure the mitigation of risks related to the achievement of policy, operational and internal control objectives. They are performed at all levels of the organisation, at various stages of business processes, and across the technology environment. They may be preventive or detective and encompass a range of manual and automated activities as well as segregation of duties.

10. The ECSEL JU selects and develops control activities that contribute to the mitigation of risks to the achievement of objectives to acceptable levels.

Characteristics:

- **Control activities are performed to mitigate the identified risks and are cost-effective.** They are tailored to the specific activities and risks of the Programme Office and their intensity is proportional to the underlying risks.

- **Control activities are integrated in a control strategy.** The control strategy includes a variety of checks, including supervision arrangements, and where appropriate, should include a balance of approaches to mitigate risks, considering manual and automated controls, and preventive and detective controls.

- **Segregation of duties.** When putting in place control measures, management considers whether duties are correctly divided between staff members to reduce risks of error and inappropriate or fraudulent actions.

- **Business continuity plans based on a business impact analysis following corporate guidance are in place, up-to-date and used by trained staff to ensure that the Programme Office is able to continue working to the extent possible in case of a major disruption. Where necessary, business continuity plans must include coordinated and agreed disaster recovery plans for time-sensitive supporting infrastructure (e.g. IT systems).**

11. The ECSEL JU selects and develops general control activities over technology to support the achievement of objectives.

Characteristics:

- **Control over technology.** In order to ensure that technology used in business processes, including automated controls, is reliable, and taking into account the overall corporate processes, the Programme Office selects and develops control activities over the acquisition,
development and maintenance of technology and related infrastructure.

- **Security of IT systems.** The ECSEL JU applies appropriate controls to ensure the security of the IT systems of which they are the system owners. They do so in accordance with the IT security governance principles, in particular as regards data protection, professional secrecy, availability, confidentiality and integrity.

**12. The ECSEL JU deploys control activities through corporate policies that establish what is expected and in procedures that put policies into action.**

**Characteristics:**

- **Appropriate control procedures ensure that objectives are achieved.** The control procedures assign responsibility for control activities to the department or individual responsible for the risk in question. The staff member(s) put in charge perform the control activities in a timely manner and with due diligence, taking corrective action where needed. Management periodically reassesses the control procedures to ensure that they remain relevant.

- **Exception reporting** is one of the management tools used to draw conclusions about the effectiveness of internal controls and/or the changes needed in the internal control system. A system is in place to ensure that all instances of overriding controls or deviations from established processes and procedures are documented in exception reports. All instances must be justified and approved before action is taken, and logged centrally.

- **The impact assessment and evaluation** of the ECSEL JU initiative is performed by the European Commission and recommendations resulting for the exercise are implemented by the JU to the extent they are addressed to its bodies and to the Programme Office.
Information is necessary for the organisation to carry out internal control and to support the achievement of objectives. There is external and internal communication. External communication provides the public and stakeholders with information on the ECSEL JU's objectives and actions. Internal communication provides staff with the information it needs to achieve its objectives and to carry out day-to-day controls.

13. The ECSEL JU obtains or generates and uses relevant quality information to support the functioning of internal control.

Characteristics:

- **Information and document management.** The Programme Office identifies the information required to support the functioning of the internal control system and the achievement of ECSEL JU's objectives. Information systems process relevant data, captured from both internal and external sources, to obtain the required and expected quality information, in compliance with applicable security, document management and data protection rules. This information is produced in a timely manner, and is reliable, current, accurate, complete, accessible, protected, verifiable, filed and preserved. It is shared within the organisation in line with prevailing guidelines.

14. The ECSEL JU internally communicates information, including objectives and responsibilities for internal control, necessary to support the functioning of internal control.

Characteristics:

- **Internal communication.** The ECSEL JU communicates internally about its objectives, challenges, actions taken and results achieved, including but not limited to the objectives and responsibilities of internal control.

- **Separate communication lines** are in place at Programme Office level to ensure information flow when normal channels are ineffective.
15. The ECSEL JU communicates with external parties about matters affecting the functioning of internal control.

Characteristics:

- **External communication**: The ECSEL JU ensures that its external communication is consistent, relevant to the audience being targeted, and cost-effective. The ECSEL JU establishes clear responsibilities to align the Programme Office communication activities with the ECSEL JU's priorities and narrative of the organisation.

- **Communication on internal control**: The ECSEL JU communicates with external parties\(^4\) on the functioning of the components of internal control. Relevant and timely information is communicated externally, taking into account the timing, audience and nature of the communication, as well as legal, regulatory and fiduciary requirements.

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\(^4\) Not only to the other EU institutions, but also stakeholders and the general public.
Continuous and specific assessments are used to ascertain whether each of the five components of internal control is present and functioning. Continuous assessments, built into business processes at different levels of the organisation, provide timely information on any deficiencies. Findings are assessed and deficiencies are communicated and corrected in a timely manner, with serious matters reported as appropriate.

**16. The ECSEL JU selects, develops, and performs ongoing and/or separate assessments to ascertain whether the components of internal control are present and functioning.**

**Characteristics:**

- **Continuous and specific assessments.** The Programme Office continuously monitors the performance of the internal control system with tools that make it possible to identify internal control deficiencies, register and assess the results of controls, and control deviations and exceptions. In addition, when necessary, the Programme Office carries out specific assessments, taking into account changes in the control environment. Ongoing assessments are built into business processes and adjusted to changing conditions. Both kinds of assessment must be based on the general principles set out in Appendix 1.

- **Sufficient knowledge and information.** Staff performing ongoing or separate assessments has sufficient knowledge and information to do this, specifically on the scope and completeness of the results of controls, control deviations and exceptions.

- **Risk-based and periodical assessments.** The Programme Office varies the scope and frequency of specific assessments depending on the identified risks. Specific assessments are performed periodically to provide objective feedback.

**17. The ECSEL JU assesses and communicates internal control deficiencies in a timely manner to those parties responsible for taking corrective action, including management and the Governing Board of ECSEL JU, as appropriate.**

**Characteristics:**

- **Deficiencies.** With the support of the Manager in charge of risk management and internal control, the Executive Director considers the results of the assessments of how the internal control system is functioning within the JU. Deficiencies are communicated to management and to the departments responsible for taking corrective action. They are reported in the Annual Activity Reports and to the Governing Board of ECSEL JU, as appropriate. The term 'internal control deficiency' means a shortcoming in a component or components and relevant principle(s) that reduces the likelihood of the ECSEL JU achieving its objectives. There is a major deficiency in the internal control system if management determines that a component and one or more relevant principles are not present or
functioning or that components are not working together. When a major deficiency exists, the Executive Director cannot conclude that it has met the requirements of an effective system of internal control. To classify the severity of internal control deficiencies, management has to use judgment based on relevant criteria contained in regulations, rules or external standards.

- **Remedial action.** Corrective action is taken in a timely manner by the staff member(s) in charge of the processes concerned, under the supervision of their management. With the support of the Manager in charge of risk management and internal control, the Executive Director monitors and takes responsibility for the timely implementation of corrective action.
Appendix 1 — General principles for the assessment of internal control

A system of internal control allows management to stay focused on the pursuit of the operational and financial objectives of the JU. In addition, the ECSEL JU Financial Rules require that the budget must be implemented in compliance with effective and efficient internal control.

The Executive Director must be able to demonstrate not only that he/she has put controls in place but also that these controls take account of the risks involved and that they work as intended.

Internal control principle 16 states that the Programme Office must carry out continuous and specific assessments to ascertain whether the internal control systems and their components are present and functioning. It must carry out an overall assessment of the presence and functioning of all internal control components at least once per year.

Even though the principles and their characteristics are straightforward, their implementation in practice, and therefore the assessment of their implementation, can vary from one organisation to another.

Therefore, before assessing its internal control system, the ECSEL JU must set its own baseline for each principle, as best adapted to its specificities and risks. These baselines are a starting point for effective internal control, from which regular monitoring and specific assessments can be implemented.

The baselines should be expressed in terms of relevant and pertinent indicators. Where possible, these indicators should be quantitative.

Since the principles are interdependent, sometimes it is impossible to fully quantify the effective implementation of each individual principle other than through generic qualitative indicators. Nonetheless, effective implementation can be assessed based on a variety of sources of evidence (e.g. process reviews, register of exceptions, reporting of internal control weaknesses, management supervision and ad-hoc verification, surveys and interviews, management self-assessments, audit reports, stakeholder feedback). The baselines may be adapted in subsequent years in order to make sure monitoring activities remain appropriate and up-to-date.

The assessment of whether the internal control system reduces the risk of not achieving an objective to an acceptable level should follow these logical steps, leading to the identification of internal control deficiencies:

- establishment of a baseline for each principle;
- assessment at principle and at component level;
- overall assessment.
Appendix 2 — Declaration of Assurance of the Authorising Officer

I, the undersigned,
Executive Director of the ECSEL JU

In my capacity as the authorising officer

Declare that to the best of my knowledge the information contained in this report gives a true and fair view.  

State that I have reasonable assurance that the resources assigned to the activities described in this report have been used for their intended purpose and in accordance with the principles of sound financial management, and that the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

This reasonable assurance is based on my own judgement and on the information at my disposal, such as the results of the self-assessment, ex-post controls, the work of the Internal Audit Service and the lessons learnt from the reports of the Court of Auditors for years prior to the year of this declaration.

Confirm that I am not aware of anything not reported here which could harm the interests of the institution ECSEL JU.

[However, the following reservations should be noted: .............] (delete this sentence if not applicable)

Place.........................., date..........................

.........................

(signature)

[Name of the AO]

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True and fair in this context means a reliable, complete and correct view on the state of affairs in the ECSEL JU.
Appendix 3 — Model [joint] statement of the heads of unit contributing to the annual activity report

I/we hereby declare that the information provided in my/our respective contribution to the present Annual Activity Report and in its annexes is, to the best of my/our knowledge, accurate and complete.

Place........................, date........................

(Signature)

[Name(s) and function(s)]

[Signature]
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

adopting the Financial Rules of the ECSEL Joint Undertaking

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 561/2014\(^1\) on the ECSEL Joint Undertaking (‘ECSEL JU’) and in particular Article 5,

Having regard to the Statutes annexed to the Council Regulation (EU) No 561/2014 on the ECSEL JU (‘the Statutes’), and in particular Article 7(3)(c),


Whereas:

(1) By Delegated Regulation (EU) 2019/887\(^3\), the Commission has adopted the model financial regulation for public-private partnership bodies referred to in Article 71 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union\(^4\).

(2) ECSEL JU should establish and implement its budget in accordance with the budgetary principles of unity, budgetary accuracy, annuality, equilibrium, unit of account,

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\(^2\) OJ L 193, 30.7.2018, p.1
universality, specification and sound financial management, which requires transparency and effective and efficient internal control.

(3) To ensure continuity of operation and in order to allow for the commitment of routine administrative expenditure at the end of a financial year, the ECSEL JU should be able under specific conditions to commit such expenditure in advance against the appropriations provided for the following financial year.

(4) The concept of performance as regards the budget should be clarified. Performance should be linked to the principle of sound financial management. The principle of sound financial management should be defined. A link should be established between, on the one hand, the objectives set and performance indicators and, on the other hand, the results and the economy, efficiency and effectiveness in the use of appropriations.

(5) In order to ensure the overall implementation of the tasks and activities the ECSEL JU should be able to enter the unused appropriations for a given year in the estimate of revenue and expenditure of the following three financial years.

(6) It is necessary to specify the powers and responsibilities of the accounting officer and of the authorising officer, taking into account the public-private nature of the ECSEL JU. The authorising officer should be fully responsible for all revenue and expenditure operations executed under their authority and should be held accountable for its actions, including, where necessary, through disciplinary proceedings. In order to prevent errors and irregularities, the ECSEL JU authorising officer should set up a multiannual control strategy which should be based on risk-based and cost-effectiveness considerations.

(7) In order to guarantee that ECSEL JU is accountable for the implementation of its budget and adheres to the objectives assigned to it at its establishment, ECSEL JU should be allowed, where necessary, to employ external private sector bodies for the performance of the tasks entrusted to them, unless those tasks involve a public service mission or any use of discretionary powers of judgement.

(8) In order to facilitate the implementation of the appropriations and in compliance with the principle of sound financial management, the ECSEL JU should have the possibility to conclude service-level agreements in accordance with Article 59(3) of Regulation (EU, Euratom) 2018/1046, in particular with the Union institutions and other Union bodies. Appropriate reporting on those service-level agreements should be ensured.

(9) In order to improve cost-efficiency, the ECSEL JU should have the possibility of sharing services or transferring them to another body or the Commission, in particular by allowing the accounting officer of the Commission to be entrusted with all or part of the tasks of the accounting officer of a PPP body.

(10) To identify and correctly manage risk of actual or perceived conflict of interests, the ECSEL JU bodies should be required to adopt rules on the prevention and management of conflict of interests. Such rules should take into account guidance provided by the Commission.

(11) The principles to be followed as to the revenue and expenditure operations of the ECSEL JU body should be laid down.

(12) In line with the specific nature of the ECSEL JU, their Private Members should bear the costs of their contribution to its administrative costs.
(13) References to ECSEL JU annual work programme in these financial rules are understood to be made to ECSEL JU annual work plan as reflected in its constituent act.

(14) ECSEL JU shall adopt its annual work programme for a particular year by the end of the previous year. This annual work programme should contain a description of the activities to be financed and an indication of the amounts allocated to each of them, information on the overall strategy for the implementation of the programme entrusted to ECSEL JU, as well as the strategy for achieving efficiency gains and synergies. The annual work programme should also contain a strategy for organisational management and internal control systems, including an anti-fraud strategy and an indication of measures to prevent recurrence of cases of conflict of interests, irregularities and fraud, in particular where weaknesses have led to critical recommendations.

(15) In order to protect the financial interests of the Union, the rules on a single early detection and exclusion system set up by Regulation (EU, Euratom) 2018/1046 should apply to the ECSEL JU.

(16) Given the public-private nature of ECSEL JU and in particular the private sector contribution to the budget of the ECSEL JU, flexible procedures for the award of procurement contracts should be provided for. These procedures should respect the principles of transparency, proportionality, equality of treatment and non-discrimination and can depart from the relevant provisions laid down in Regulation (EU, Euratom) 2018/1046. Reinforced cooperation among the Members of ECSEL JU is expected to contribute to better and cheaper supply of goods and services, as well as the avoidance of excessive costs in managing procurement procedures. For the supply of products, provision of services or performance of work that those Members provide directly and without having recourse to third parties, ECSEL JU should therefore have the possibility to conclude contracts without having recourse to a procurement procedure with their Members other than the Union.

(17) ECSEL JU should be able to use external experts for the evaluation of grant applications, projects and tenders and for providing opinions and advice in specific cases. These experts should be selected in accordance with the principles of non-discrimination, equal treatment and absence of conflict of interests.

(18) As regards the award of grants and prizes, in order to ensure a coherent implementation with the actions directly managed by the Commission, the relevant provisions of Regulation (EU, Euratom) 2018/1046 should apply, subject to specific provisions of the constituent act of ECSEL JU or of the basic act of the programme the implementation of which is entrusted to the ECSEL JU.

(19) Pursuant to Article 8(1) of Regulation (EU, Euratom) No 883/2013, ECSEL JU shall transmit to the European Anti-Fraud Office without delay any information relating to possible cases of fraud, corruption or any other illegal activity affecting the financial interests of the Union. Pursuant to Article 24(1) of Council Regulation (EU) 2017/1939, ECSEL JU shall without undue delay report to the European Public Prosecutor's Office any criminal conduct in respect of which it could exercise its competence in accordance with that regulation. In order to strengthen the governance, ECSEL JU should also report cases of fraud, financial irregularities, as well as investigations, to the Commission without delay. The Commission and ECSEL JU should put procedures in place that duly protect personal data and ensure the respect of the need-to-know
principle in any transmission of information related to presumed fraud and other irregularities and on-going or completed investigations.

HAS ADOPTED THIS DECISION:

CHAPTER 1 - SCOPE

Article 1
Subject matter

This Decision lays down the Financial Rules of the ECSEL Joint Undertaking (‘ECSEL JU’).

Article 2
Definitions

For the purposes of this Decision, the following definitions shall apply:

(1) ‘Governing Board’ means the Governing Board of ECSEL JU as referred to in Article 4(1)(a) of the Statutes,

(2) ‘Executive Director’ means the Executive Director of ECSEL JU as referred to in Article 4(1)(b) of the Statutes,

(3) ‘Member’ means a member of the ECSEL JU in accordance with Article 2 of the Statutes,

(4) ‘ECSEL JU Regulation’ means Council Regulation (EU) No 561/2014 establishing the ECSEL JU,\(^5\)

(5) ‘Union’ means the European Union.

Article 2 of Regulation (EU, Euratom) 2018/1046 shall apply mutatis mutandis.

Article 3
Scope of the budget

For each financial year, the budget of the ECSEL JU shall forecast and authorise all revenue and expenditure considered necessary for the ECSEL JU.

It shall consist of:

(a) the revenue of the ECSEL JU, comprising:

(i) its Members’ financial contribution to the administrative costs;

(ii) its Members’ financial contribution to the operational costs;

(iii) revenue assigned to specific items of expenditure;

(iv) any revenue generated by the ECSEL JU;
(b) the expenditure of the ECSEL JU, including administrative expenditure.

CHAPTER 2 - BUDGETARY PRINCIPLES

Article 4
Respect for budgetary principles
The budget of the ECSEL JU shall be established and implemented in accordance with the principles of unity, budgetary accuracy, annuality, equilibrium, unit of account, universality, specification, sound financial management and transparency as set out in this Decision.

Article 5
Principles of unity and of budgetary accuracy
1. All revenue and expenditure shall be booked to a budget line in the budget of the ECSEL JU.
2. No expenditure may be committed or authorised in excess of the appropriations authorised by the budget of the ECSEL JU.
3. An appropriation may be entered in the budget of the ECSEL JU only if it is for an item of expenditure considered necessary.
4. Interests generated by pre-financing payments made from the budget of the ECSEL JU shall not be due to the ECSEL JU.

Article 6
Principle of annuality
1. The appropriations entered in the budget of the ECSEL JU shall be authorised for a financial year which shall run from 1 January to 31 December.
2. Commitment appropriations shall cover the total cost of the legal commitments entered into during the financial year.
3. Payment appropriations shall cover payments made to honour the legal commitments entered into in the financial year or preceding financial years.
4. For administrative appropriations, expenditure shall not exceed the revenue expected for the year as referred in Article 3(a)(i).
5. Given the needs of the ECSEL JU, the unused appropriations may be entered in the estimate of revenue and expenditure of up to the following three financial years. These appropriations must be used first.
6. Paragraphs 1 to 5 shall not prevent budget commitments for actions extending over more than one financial year being broken down over several years into annual instalments where the ECSEL JU Regulation so provides or where they relate to administrative expenditure.
Article 7
Commitment of appropriations

1. The appropriations entered in the budget may be committed with effect from 1 January, once the budget of the ECSEL JU has been definitively adopted.

2. As of 15 October of the financial year, routine administrative expenditure may be committed in advance against the appropriations provided for the following financial year, provided that such expenditure has been approved in the last budget of the ECSEL JU duly adopted, and only up to a maximum of one quarter of the total corresponding appropriations decided upon by the Governing Board for the current financial year.

Article 8
Principle of equilibrium

1. Revenue and payment appropriations shall be in balance.

2. Commitment appropriations shall not exceed the relevant annual Union contribution as set out in the annual transfer of funds agreement with the Commission, plus annual contributions from other Members than the Union, any other revenue referred to in Article 3 and the amount of the unused appropriations referred to in Article 6(5).

3. The ECSEL JU shall not raise loans within the framework of its budget.

4. If the budget result is positive, it shall be entered in the budget of the following financial year as revenue.
   If the budget result is negative, it shall be entered in the budget for the following financial year as payment appropriations.

Article 9
Principle of unit of account

The budget of the ECSEL JU shall be drawn up and implemented in euro and the accounts shall be presented in euro. However, for cash-flow purposes, the accounting officer shall be authorised to carry out operations in other currencies as laid down in the financial rules of the ECSEL JU.

Article 10
Principle of universality

1. Without prejudice to paragraph 2, total revenue shall cover total payment appropriations. All revenue and expenditure shall be entered in full without any adjustment against each other, subject to any specific provision in the financial rules of the ECSEL JU on cases where certain deductions may be made from payment requests, which shall then be passed for payment of the net amount.

2. Revenue earmarked for a specific purpose, such as income from foundations, subsidies, gifts and bequests, shall be used to finance specific items of expenditure.

3. The Executive Director may accept any donation made to the ECSEL JU, such as income from foundations, subsidies, gifts and bequests.
Acceptance of donations which may involve a significant financial charge shall be subject to the prior authorisation of the Governing Board, which shall take a decision within two months of the date on which the request is submitted to it. If the Governing Board fails to take a decision within that period, the donation shall be deemed to be accepted.

The amount above which the financial charge involved is considered significant shall be set by a decision of the Governing Board.

Article 11
Corporate sponsoring

Article 26 of Regulation (EU, Euratom) No 2018/1046 shall not apply to the ECSEL JU.

Article 12
Principle of specification

1. Appropriations shall be earmarked for specific purposes at least by title and chapter.

2. The Executive Director may transfer appropriations:
   (a) from one title to another up to a maximum of 10% of the appropriations for the year shown on the line from which the transfer is made;
   (b) from one chapter to another and within each chapter without limit.

3. Beyond the limits referred to in paragraph 2, the Executive Director may propose transfers of appropriations from one title to another to the Governing Board. The Governing Board shall have three weeks to oppose the proposed transfers. After that time limit the proposed transfers shall be deemed to be adopted.

4. The Executive Director shall inform the Governing Board as soon as possible of all transfers carried out under paragraph 2.

Article 13
Principle of sound financial management and performance

1. Appropriations shall be used in accordance with the principle of sound financial management, and thus be implemented respecting the following principles:
   (a) the principle of economy which requires that the resources used by the ECSEL JU in the pursuit of its activities shall be made available in due time, in appropriate quantity and quality and at the best price;
   (b) the principle of efficiency which concerns the best relationship between the resources employed, the activities undertaken and the achievement of objectives;
   (c) the principle of effectiveness which concerns the extent to which the objectives pursued are achieved through the activities undertaken.

2. In line with the principle of sound financial management, the use of appropriations shall focus on performance and for that purpose:
   (a) objectives for activities shall be established ex-ante;
(b) progress in the achievement of objectives shall be monitored with performance indicators;

(c) progress in, and problems with, the achievements of those objectives shall be reported to the European Parliament and the Council in accordance with point (d) of Article 16(2) and with Article 23(2).

3. Specific, measurable, attainable, relevant and time-bound objectives referred to in paragraphs 1 and 2 shall be set for all sectors of activity covered by the budget of the ECSEL JU and relevant, accepted, credible, easy and robust indicators shall be defined where relevant. Information on the indicators shall be provided annually by the Executive Director to the Governing Board, at the latest when submitting the documents accompanying the draft budget of the ECSEL JU.

4. Unless the ECSEL JU Regulation provides for evaluations to be conducted by the Commission, the ECSEL JU, in order to improve decision-making, shall undertake evaluations, including retrospective evaluations, which shall be proportionate to the objectives and expenditure. Evaluation results shall be sent to the Governing Board.

5. Retrospective evaluations shall assess the performance of the activity, including aspects such as effectiveness, efficiency, coherence, relevance and EU added value. Retrospective evaluations shall be based on the information generated by the monitoring arrangements and indicators established for the action concerned. They shall be undertaken at least once every multiannual financial framework and where possible in sufficient time for the findings to be taken into account in ex-ante evaluations or impact assessments which support the preparation of related programmes and activities.

**Article 14**

**Internal control of budget implementation**

1. Pursuant to the principle of sound financial management, the budget of the ECSEL JU shall be implemented in compliance with effective and efficient internal control.

2. For the purposes of the implementation of the budget of the ECSEL JU, internal control shall be applied at all levels of management and shall be designed to provide reasonable assurance of achieving the following objectives:

(a) effectiveness, efficiency and economy of operations;

(b) reliability of reporting;

(c) safeguarding of assets and information;

(d) prevention, detection, correction and follow-up of fraud and irregularities;

(e) adequate management of the risks relating to the legality and regularity of the underlying transactions, taking into account the multi-annual character of programmes as well as the nature of the payments concerned.

3. Effective and efficient internal control shall be based on best international practices and on the Internal Control Framework laid down by the Commission for its own departments, and shall include, in particular, the elements laid down in Article 36(3) and (4) of Regulation (EU, Euratom) No 2018/1046.
Article 15

Principle of transparency

1. The budget of the ECSEL JU shall be established and implemented and the accounts presented in accordance with the principle of transparency.

2. The budget of the ECSEL JU including the establishment plan and any amending budgets, as adopted, including any adaptations as provided in Article 17(1), shall be published on the internet site of the ECSEL JU within four weeks of their adoption and shall be transmitted to the Commission and the Court of Auditors.

3. The ECSEL JU shall make available on its website no later than 30 June of the year following the financial year in which the funds were legally committed, information on the recipients of funds financed from the budget of the ECSEL JU, including the experts contracted pursuant to Article 44 of this Decision, in accordance with Article 38 of Regulation (EU, Euratom) 2018/1046, and following a standard presentation, subject to any specific procedure laid down in the basic act of the programme the implementation of which is entrusted to the ECSEL JU.

The published information shall be easily accessible, transparent and comprehensive. The information shall be made available with due observance of the requirements of confidentiality and security, in particular the protection of personal data laid down in Regulation (EU) 2018/1725 of the European Parliament and of the Council.\(^6\)

CHAPTER 3 - FINANCIAL PLANNING

Article 16

Estimate of revenue and expenditure

1. The ECSEL JU shall send to the Commission and to the other Members no later than 31 January of the year preceding that in which the budget of the ECSEL JU is to be implemented an estimate of its revenue and expenditure and the general guidelines underlying that estimate, together with a draft of the annual work programme referred to in Article 33(4). It shall be adopted by the Governing Board in accordance with the procedure provided for in the ECSEL JU Regulation.

2. The estimate of revenue and expenditure of the ECSEL JU shall include:

(a) an estimate of the number of permanent and temporary posts, by function group and by grade, as well as of the contract staff and seconded national experts expressed in full-time equivalents, within the limits of the budget appropriations;

(b) where there is a change in the number of persons in post, a statement justifying the request for new posts;

(c) a quarterly estimate of cash payments and receipts;
(d) information on the progress in the achievement of all the objectives being pursued;
(e) the targets set for the financial year to which the estimate relates, indicating any specific budgetary needs dedicated to achieving these targets;
(f) the administrative costs and the implemented budget of the ECSEL JU in the preceding financial year;
(g) the amount of financial contributions made in year N-1 by the Members and the value of contributions in kind made by the Members, other than the Union;
(h) information on the unused appropriations that are entered in the estimate of revenue and expenditure per year in accordance with Article 6(5).

Article 17
Establishment of the budget

1. The budget of the ECSEL JU and the staff establishment plan, including the number of permanent and temporary posts by function group and by grade and complemented with the number of contract staff and of seconded national experts expressed in full-time equivalents, shall be adopted by the Governing Board in accordance with the ECSEL JU Regulation. Detailed provisions may be laid down in the financial rules of the ECSEL JU. Any amendment to the budget of the ECSEL JU, including the establishment plan, shall be the subject of an amending budget adopted by the same procedure as the initial budget. The budget of the ECSEL JU and, where appropriate, the amending budgets of the ECSEL JU shall be adapted in order to take into account the amount of the Union contribution as laid down in the budget of the Union. The annual budget for a particular year shall be adopted by the end of the previous year.

2. The budget of the ECSEL JU shall consist of a statement of revenue and a statement of expenditure.

3. The budget of the ECSEL JU shall show:
   (a) in the statement of revenue:
      (i) the estimated revenue of the ECSEL JU for the financial year concerned ('year N');
      (ii) the estimated revenue for year N-1 and the revenue for year N-2;
      (iii) appropriate remarks on each revenue line;
   (b) in the statement of expenditure:
      (i) the commitment and payment appropriations for year N;
      (ii) the commitment and payment appropriations for the preceding financial year and the expenditure committed and the expenditure paid in year N-2, the latter also expressed as a percentage of the budget of the ECSEL JU of year N;
      (iii) a summary statement of the schedule of payments due in subsequent financial years to meet budget commitments entered into in earlier financial years;
(iv) appropriate remarks on each subdivision.

4. The establishment plan shall show next to the number of posts authorized for the financial year, the number authorized for the preceding year and the number of posts actually filled. The same information shall be shown for temporary posts, as well as for contract staff and seconded national experts.

CHAPTER 4 - FINANCIAL ACTORS

Article 18

Segregation of duties

1. The duties of authorizing officer and accounting officer shall be segregated and mutually exclusive.

2. ECSEL JU shall provide each financial actor with the resources required to perform his or her duties and a charter describing in detail his or her tasks, rights and obligations.

Article 19

Budget implementation in accordance with the principle of sound financial management

1. The Executive Director shall perform the duties of authorising officer. The Executive Director shall implement the revenue and expenditure of the budget of the ECSEL JU in accordance with the financial rules of the ECSEL JU and the principle of sound financial management, including through ensuring reporting on performance, under his or her own responsibility and within the limits of the appropriations authorised. The Executive Director shall be responsible for ensuring compliance with the requirements of legality, regularity and equal treatment of recipients of Union funds. Without prejudice to the responsibilities of the authorising officer as regards prevention and detection of fraud and irregularities, the ECSEL JU shall participate in fraud prevention activities of the European Anti-Fraud Office (OLAF).

2. The Executive Director may delegate the powers of budget implementation to staff of the ECSEL JU covered by the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/687 ("Staff Regulations"), where those apply to the staff of the ECSEL JU, in accordance with the conditions laid down in the financial rules of the ECSEL JU. Those so empowered may act only within the limits of the powers expressly conferred upon them.

Article 20

Powers and duties of the authorising officer

1. The budget of the ECSEL JU shall be implemented by the Executive Director in the departments placed under his or her authority.

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2. In order to facilitate the implementation of their appropriations, ECSEL JU may conclude service-level agreements as referred to in Article 59 of Regulation (EU, Euratom) 2018/1046.

3. Technical expertise tasks and administrative, preparatory or ancillary tasks not involving the exercise of public authority or the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities, where this proves to be indispensable.

4. The Executive Director shall put in place the organisational structure and the internal control systems suited to the performance of duties of the Executive Director, in accordance with the minimum standards or principles adopted by the Governing Board, on the basis of the Internal Control Framework laid down by the Commission for its own departments and having due regard to the risks associated with the management environment and the nature of the actions financed. The establishment of such structure and systems shall be supported by a risk analysis which takes into account their cost-effectiveness and performance considerations.

The Executive Director may establish within his or her departments an expertise and advice function designed to help him or her control the risks involved in his or her activities.

5. The Executive Director shall set up paper-based or electronic systems for the keeping of original supporting documents relating to budget implementation. Such documents shall be kept for at least five years from the date of the decision on which the European Parliament grants discharge for the financial year to which the documents relate. Personal data contained in the supporting documents shall where possible be deleted when those data are not necessary for control and audit purposes. Article 88 of Regulation (EU) 2018/1725 shall apply to the conservation of data.

Article 21

Ex ante controls

1. In order to prevent errors and irregularities before the authorisation of operations and to mitigate risks of non-achievement of objectives, each operation shall be subject at least to an ex-ante control relating to the operational and financial aspects of the operation, on the basis of a multiannual control strategy which takes risk into account.

The extent in terms of frequency and intensity of the ex-ante controls shall be determined by the authorising officer responsible taking into account the results of prior controls as well as risk-based and cost-effectiveness considerations, on the basis of his/her own risk analysis. In case of doubt, the authorising officer responsible for validating the relevant operations shall, as part of the ex-ante control, request complementary information or perform an on-the-spot control in order to obtain reasonable assurance.

For a given operation, the verification shall be carried out by staff other than those who initiated the operation. The staff who carry out the verification shall not be subordinate to the Members of staff who initiated the operation.

2. Ex ante controls shall comprise the initiation and the verification of an operation.

Initiation and verification of an operation shall be separate functions.
3. Initiation of an operation shall be understood as all the operations which are preparatory to the adoption of the acts implementing the budget of the ECSEL JU by the authorising officer responsible.

4. *Ex ante* controls shall verify the coherence among supporting documents requested and any other information available.

The purpose of the *ex ante* controls shall be to ascertain that:

(a) the expenditure is in order and complies with the provisions applicable;
(b) the principle of sound financial management set out in Article 13 has been applied.

For the purpose of controls, a series of similar individual transactions relating to routine expenditure on salaries, pensions, reimbursement of mission expenses and medical expenses may be considered by the authorising officer responsible to constitute a single operation.

*Article 22*

**Ex post controls**

1. The authorising officer may put in place *ex post* controls to detect and correct errors and irregularities or operations after they have been authorised. Such controls may be organised on a sample basis according to risk and shall take account of the results of prior controls as well as cost-effectiveness and performance considerations.

The *ex post* controls may be carried out on the basis of documents and, where appropriate, on the spot.

2. The *ex post* controls shall be carried out by staff other than that responsible for the *ex ante* controls. The staff responsible for the *ex post* controls shall not be subordinate to the Members of the staff responsible for the *ex ante* controls.

Authorising officers responsible and staff responsible for budget implementation shall have the necessary professional skills.

*Article 23*

**Consolidated Annual Activity report**

1. The authorising officer shall report annually to the Governing Board on the performance of his or her duties for year N-1 in the form of a consolidated annual activity report containing:

(a) information on:

(i) the achievement of the objectives and results set in the annual work programme referred to in Article 33 through the reporting on performance indicators;

(ii) the implementation of the ECSEL JU’s annual work programme, budget and staff resources;

(iii) organisational management and the efficiency and effectiveness of the internal control systems including the implementation of ECSEL JU’s
antifraud strategy, the summary of number and type of internal audits carried out by the internal auditor, the internal audit capabilities, the recommendations made and the action taken on those recommendations and on the recommendations of previous years, as referred to in Articles 28 and 30;

(iv) any observations of the Court of Auditors and the actions taken on those observations;

(v) the service-level agreements concluded in accordance with Article 20(2).

(b) a declaration of the authorising officer stating whether he or she has a reasonable assurance that unless otherwise specified in any reservations related to defined areas of revenue and expenditure:

(i) the information contained in the report presents a true and fair view;

(ii) the resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management;

(iii) the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

2. The consolidated annual activity report shall indicate the results of the operations by reference to the objectives set and performance considerations, the risks associated with the operations, the use made of the resources provided and the efficiency and effectiveness of the internal control systems, including an overall assessment of the costs and benefits of controls.

The consolidated annual report shall be submitted to the Governing Board for assessment.

3. No later than 1 July each year, the Governing Board shall send the consolidated annual activity report together with its assessment of it to the Court of Auditors, the Commission, the European Parliament and the Council.

4. Additional reporting requirements may be laid down in the ECSEL JU Regulation in duly justified cases, in particular when it is required by the nature of the field in which the ECSEL JU operates.

5. Once assessed by the Governing Board, the annual activity report shall be published on the website of the ECSEL JU.

Article 24

Protection of the financial interests of the Union

1. If a member of staff involved in the financial management and control of transactions considers that a decision he or she is required by his or her superior to apply or to agree to is irregular or contrary to the principles of sound financial management or the professional rules which that member of staff is required to observe, he or she shall inform the Executive Director who shall, if the information is given in writing, reply in writing. If the Executive Director fails to take action within a reasonable time given the circumstances of the case and in any event within a month or if he or she confirms the initial decision or instruction and the member of staff believes that such confirmation does not constitute a reasonable response to his or her concern, the
member of staff shall inform the relevant panel referred to in Article 143 of Regulation (EU, Euratom) 2018/1046 and the Governing Board in writing.

2. In the event of any illegal activity, fraud or corruption which may harm the interests of the Union, of the ECSEL JU or of its Members, a member of staff or other servant, including national experts seconded to the ECSEL JU, shall inform their immediate superior, the Executive Director or the Governing Board of the ECSEL JU or, as far as the interests of the Union or of the ECSEL JU are concerned, the OLAF or the European Public Prosecutor’s Office (EPPO) directly. Contracts with external auditors carrying out audits of the financial management of the ECSEL JU shall provide for an obligation of the external auditor to inform the Executive Director or, if the latter may be involved, the Governing Board of any suspected illegal activity, fraud or corruption which may harm the interests of the Union, of the ECSEL JU or of its Members.

Article 25

Accounting officer

1. The Governing Board shall appoint an accounting officer covered by the Staff Regulations, where those apply to the staff of the ECSEL JU, who shall be totally independent in the performance of his or her duties. The accounting officer shall be responsible in the ECSEL JU for:

(a) properly implementing payments, collecting revenue and recovering amounts established as being receivable;

(b) keeping, preparing and presenting the accounts in accordance with Chapter 8 of this Decision;

(c) implementing, in accordance with Chapter 8 of this Decision, the accounting rules and the chart of accounts;

(d) laying down and validating the accounting systems and, where appropriate, validating systems laid down by the authorising officer to supply or justify accounting information;

(e) treasury management.

With respect to the tasks referred to in point (d) of the first subparagraph, the accounting officer shall be empowered to verify at any time compliance with the validation criteria.

2. Two or more joint undertakings may appoint the same accounting officer.

Joint undertakings may also agree with the Commission that the accounting officer of the Commission shall also act as accounting officer of the ECSEL JU.

They may also entrust the accounting officer of the Commission with part of the tasks of the accounting officer of the ECSEL JU taking into account cost-benefit considerations.

In the cases referred to in this paragraph, they shall make necessary arrangements in order to avoid any conflict of interests.

3. The accounting officer shall obtain from the authorising officer all the information necessary for the production of accounts which give a true and fair view of the ECSEL
JU’s financial situation and of budgetary implementation. The authorising officer shall guarantee the reliability of that information.

4. Before the adoption of the accounts by the Executive Director, the accounting officer shall sign them off, thereby certifying that he or she has a reasonable assurance that the accounts present a true and fair view of the financial situation of the ECSEL JU.

For the purpose of the first subparagraph, the accounting officer shall verify that the accounts have been prepared in accordance with the accounting rules referred to in Article 47 and that all revenue and expenditure is entered in the accounts.

The accounting officer shall be empowered to check the information received as well as to carry out any further checks he or she deems necessary in order to sign off the accounts.

The accounting officer shall make reservations, if necessary, explaining exactly the nature and scope of such reservations.

Subject to paragraph 5, only the accounting officer shall be empowered to manage cash and cash equivalents. The accounting officer shall be responsible for their safekeeping.

5. The accounting officer may, in the performance of his or her duties, delegate certain tasks to staff Members subject to the Staff Regulations, where those apply to the staff of the ECSEL JU, where this is indispensable for the performance of his or her duties in accordance with the financial rules of the ECSEL JU.

6. Without prejudice to any disciplinary action, the accounting officer may at any time be suspended temporarily or definitively from his or her duties by the Governing Board. In such a case, the Governing Board shall appoint an interim accounting officer.

Article 26

Liability of the financial actors

1. Articles 18 to 27 are without prejudice to any liability under criminal law which the financial actors may incur as provided for in the applicable national law and in the provisions in force concerning the protection of the Union’s financial interests and the fight against corruption involving Union officials or officials of Member States.

2. Each authorising officer and accounting officer shall be liable to disciplinary action and payment of compensation as laid down in the Staff Regulations. In the event of illegal activity, fraud or corruption which may harm the interests of the ECSEL JU or of its Members, the matter shall be submitted to the authorities and bodies designated by the applicable legislation, in particular to the OLAF.

3. Any member of the staff may be required to compensate, in whole or in part, any damage suffered by the ECSEL JU as a result of a serious misconduct on his or her part in the course of or in connection with the performance of his or her duties. The appointing authority shall take a reasoned decision after completing the formalities laid down by the applicable legislation with regard to disciplinary matters.

Article 27

16
Conflict of interests

1. Financial actors within the meaning of this Chapter and other persons, including the Members of the Governing Board, involved in budget implementation and management, including acts preparatory thereto, audit or control, shall not take any action which may bring their own interests into conflict with those of the ECSEL JU. They shall also take appropriate measures to prevent a conflict of interests from arising in the functions under their responsibility and to address situations which may objectively be perceived as a conflict of interests, taking into account the specific nature of the ECSEL JU as set out in ECSEL JU Regulation.

Where there is a risk of a conflict of interests, the person in question shall refer the matter to the competent authority. The competent authority shall confirm in writing whether a conflict of interests is found to exist. In that case, the competent authority shall ensure that the person concerned ceases all activities in the matter. The competent authority shall take any further appropriate action.

2. For the purposes of paragraph 1, a conflict of interests exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest.

3. The competent authority referred to in paragraph 1 shall be the Executive Director. If the member of staff is the Executive Director, the competent authority shall be the Governing Board. In case of a conflict of interest involving a member of the Governing Board, the competent authority shall be the Governing Board, exclusive of the member concerned.

4. The ECSEL JU shall adopt rules on the prevention and management of conflicts of interests and shall publish annually on its website the declaration of interests of the Governing Board Members.

CHAPTER 5 INTERNAL AUDIT

Article 28

Appointment, powers and duties of the internal auditor

1. The ECSEL JU shall have an internal audit function which shall be performed in compliance with the relevant international standards.

2. The internal audit function shall be performed by the Commission’s internal auditor. The internal auditor may be neither authorising officer nor accounting officer.

3. The internal auditor shall advise the ECSEL JU on dealing with risks, by issuing independent opinions on the quality of management and control systems and by issuing recommendations for improving the conditions of implementation of operations and promoting sound financial management.

The internal auditor shall be responsible in particular for:

(a) assessing the suitability and effectiveness of internal management systems and the performance of departments in implementing programmes and actions by reference to the risks associated with them;
(b) assessing the efficiency and effectiveness of the internal control and audit systems applicable to each budget implementation operation.

4. The internal auditor shall perform his or her duties in relation to all the ECSEL JU’s activities and departments. The internal auditor shall enjoy full and unlimited access to all information required to perform his or her duties, if necessary on the spot access, including in the Member States and in third countries.

5. The internal auditor shall take note of the consolidated annual activity report of the authorising officer referred to in Article 23 and of any other pieces of information identified.

6. The internal auditor shall report to the Governing Board and the Executive Director on his or her findings and recommendations. The ECSEL JU shall ensure that action is taken with regard to recommendations resulting from audits.

7. The internal auditor shall also report in any of the following cases:
   
   (a) critical risks and recommendations have not been addressed,

   (b) there are significant delays in the implementation of the recommendations made in the previous years.

The Governing Board and the Executive Director shall ensure the regular monitoring of the implementation of audit recommendations. The Governing Board shall examine the information referred to in Article 23 and whether the recommendations have been fully and timely implemented.

ECSEL JU shall consider whether the recommendations made in the reports of its internal auditor are suitable for an exchange of best practices with other PPP bodies.

8. The ECSEL JU shall make available the contact details of the internal auditor to any natural or legal person involved in expenditure operations, for the purposes of confidentially contacting the internal auditor.

9. The reports and findings of the internal auditor shall be accessible to the public only after validation by the internal auditor of the action taken for their implementation.

**Article 29**

**Independence of the internal auditor**

1. The internal auditor shall enjoy complete independence in the conduct of his or her audits. Special rules applicable to the internal auditor shall be laid down by the Commission and shall be such as to guarantee that the internal auditor is completely independent in the performance of his or her duties, and to establish the internal auditor’s responsibility.

2. The internal auditor may not be given any instructions nor be restricted in any way as regards the performance of the functions which, by virtue of his or her appointment, are assigned to him or her under the Financial Regulation.

**Article 30**
Establishment of an internal audit capability

1. The Governing Board may establish with due regard to cost effectiveness and added value, an internal audit capability which shall perform its duties in compliance with the relevant international standards.

The purpose, authority and responsibility of the internal audit capability shall be provided for in the internal audit charter and shall be subject to the approval of the Governing Board.

The annual audit plan of an internal audit capability shall be drawn up by the Internal audit capability taking into consideration, inter alia, the Executive Director’s assessment of risk in the ECSEL JU.

The annual audit plan shall be reviewed and approved by the Governing Board.

The internal audit capability shall report to the Governing Board and the Executive Director on his or her findings and recommendations.

If the internal audit capability of a single ECSEL JU is not cost-effective or is not able to meet international standards, the ECSEL JU may decide to share an internal audit capability with other joint undertakings functioning in the same policy area.

In such cases the Governing Board shall agree on the practical modalities of the shared internal audit capabilities.

The internal audit actors shall cooperate efficiently through exchanging information and audit reports and, where appropriate, establishing joint risk assessments and carrying out joint audits.

2. The Governing Board and the Executive Director shall ensure the regular monitoring of the implementation of the internal audit capability’s recommendations.

CHAPTER 6 - REVENUE AND EXPENDITURE OPERATIONS

Article 31
Implementation of revenue

1. Implementation of revenue shall comprise drawing up estimates of amounts receivable, establishing entitlements to be recovered and recovering undue amounts. It shall also include the possibility of waiving established entitlements, where appropriate.

2. Amounts wrongly paid shall be recovered.

If actual recovery has not taken place by the due date stipulated in the debit note, the accounting officer shall inform the authorising officer responsible and immediately launch the procedure for effecting recovery by any means offered by the law, including, where appropriate, by offsetting and, if this is not possible, by enforced recovery.

Where the authorising officer responsible plans to waive or partially waive recovery of an established amount receivable, he or she shall ensure that the waiver is in order and is in accordance with the principles of sound financial management and proportionality. The waiver decision shall be substantiated. The waiver decision shall
state that action has been taken to secure recovery and the points of law and fact on which it is based.

The accounting officer shall keep a list of amounts due to be recovered. The ECSEL JU’s entitlements shall be grouped in the list according to the date of issue of the recovery order. The accounting officer shall also indicate decisions to waive or partially waive recovery of established amounts. The list shall be added to the ECSEL JU’s report on budgetary and financial management referred to in Article 53.

3. Any debt not repaid on the due date laid down in the debit note shall bear interest in accordance with Article 99 of Regulation (EU, Euratom) 2018/1046.

4. Entitlements of the ECSEL JU in respect of third parties and entitlements of third parties in respect of the ECSEL JU shall be subject to a limitation period of five years.

Article 32

Members’ contribution

1. The ECSEL JU shall present to its Members requests for payment of all or part of their contribution under terms and at intervals set out in the ECSEL JU Regulation or agreed with them.

2. The funds paid to the ECSEL JU by its Members by way of a contribution shall bear interest for the benefit of the budget of the ECSEL JU.

3. Private Members shall bear the costs of their contribution to the administrative costs of the ECSEL JU. Beneficiaries of funding provided by the ECSEL JU, who are not member or constituent entities of the Private Members of the ECSEL JU, shall not contribute to such costs directly or indirectly and in any form. In particular, such beneficiaries shall not be invited or requested to contribute to the administrative costs of the ECSEL JU when participating to projects co-financed by the ECSEL JU.

Article 33

Implementation of expenditure

1. To implement expenditure, the authorising officer shall make budgetary commitments and legal commitments, shall validate expenditure and authorise payments and shall undertake the preliminary steps for the implementation of appropriations.

2. Every item of expenditure shall be committed, validated, authorised and paid.

Validation of expenditure is the act whereby the authorising officer responsible confirms a financial operation.

Authorisation of expenditure is the act by which the authorising officer responsible, having verified that the appropriations are available, instructs the accounting officer to pay the validated expenditure.

3. In respect of any measure which may give rise to expenditure chargeable to the budget of the ECSEL JU, the authorising officer responsible shall make a budgetary commitment before entering into a legal commitment with third parties.

4. The annual work programme of the ECSEL JU shall provide the authorisation by the Governing Board for the operational expenditure of the ECSEL JU on the activities it covers, provided that the elements set out in this paragraph are clearly identified.
The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall contain the following:

(a) a description of the activities to be financed;
(b) an indication of the amount allocated to each activity;
(c) information on the overall strategy for the implementation of the programme entrusted to the ECSEL JU;
(d) a strategy for achieving efficiency gains and synergies;
(e) a strategy for the organisational management and internal control systems including their anti-fraud strategy as last updated and an indication of measures to prevent recurrence of cases of conflict of interest, irregularities and fraud, in particular where weaknesses have led to critical recommendations reported under Article 23 or 28(6).

The ECSEL JU shall adopt its annual work programme for a particular year by the end of the previous year. The annual work programme shall be published on the website of the ECSEL JU.

Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial work programme, in accordance with the provisions of the ECSEL JU Regulation.

The Governing Board may delegate the power to make non-substantial amendments to the work programme to the authorising officer of the ECSEL JU.

**Article 34**

**Time limits**

The payment of expenditure must be carried out within the time limits specified in and in accordance with Article 116 of Regulation (EU, Euratom) 2018/1046.

**CHAPTER 7 - IMPLEMENTATION OF THE BUDGET OF THE ECSEL JU**

**Article 35**

**Forms of the ECSEL JU contributions**

1. The ECSEL JU’s contributions shall help achieve a Union policy objective and results specified and may take any of the following forms:

(a) financing not linked to costs of the relevant operations based on:
   (i) the fulfillment of conditions set out in sector specific rules or Commission Decisions or;
   (ii) the achievement of results measures by reference to the previously set milestones or through performance indicators.

(b) reimbursement of eligible costs actually incurred;

(c) unit costs, which cover all or certain specific categories of eligible costs which are clearly identified in advance by reference to an amount per unit;
(d) lump sums, which cover in global terms all or certain specific categories of eligible costs which are clearly identified in advance;
(e) flat-rate financing, which covers specific categories of eligible costs, which are clearly identified in advance, by applying a percentage;
(f) a combination of the forms referred to in points (a) to (e).

The ECSEL JU contributions under point (a) of the first subparagraph shall be established in accordance with Article 181 of Regulation (EU, Euratom) 2018/1046, sector specific rules or a Commission decision. The ECSEL JU contributions under points (c), (d) and (e) of the first subparagraph shall be established in accordance with Article 181 of Regulation (EU, Euratom) 2018/1046 or sector specific rules.

2. When determining the appropriate form of a contribution, the potential recipients' interests and accounting methods shall be taken into account to the greatest extent possible.

3. The authorising officer shall report on financing not linked to costs pursuant to points (a) and (f) of the first subparagraph of paragraph 1 in the consolidated annual activity report referred to in Article 23.

Article 36
Cross-reliance on assessments
Article 126 of Regulation (EU, Euratom) 2018/1046 shall apply mutatis mutandis.

Article 37
Cross-reliance on audits
Article 127 of Regulation (EU, Euratom) 2018/1046 shall apply.

Article 38
Use of already available information
Article 128 of Regulation (EU, Euratom) 2018/1046 shall apply.

Article 39
Cooperation for protection of the financial interests of the Union
Article 129 of Regulation (EU, Euratom) 2018/1046 shall apply mutatis mutandis.

Article 40
Information to the Commission on cases of fraud and other financial irregularities
1. Without prejudice to its obligations pursuant to Article 8(1) of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council and Article

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24(1) of Council Regulation (EU) 2017/1939, the ECSEL JU shall inform the Commission without delay on cases of presumed fraud and other financial irregularities. Moreover, it shall inform the Commission of any ongoing or completed investigations by the EPPO, the OLAF, and of any audits or controls by the Court of Auditors or the Internal Audit Service (IAS) without endangering the confidentiality of the investigations.

2. Where the Commission’s responsibility to implement the Union’s budget may be affected or in cases involving a potentially serious reputational risk for the Union, the EPPO and/or OLAF shall inform the Commission without delay of any ongoing or completed investigation, without endangering its confidentiality and effectiveness.

Article 41

Early-detection and exclusion system

Article 93 and Section 2 of Chapter 2 of Title V of Regulation (EU, Euratom) 2018/1046 shall apply.

Article 42

Rules on procedures, management and e-government

Section 1 and section 3 of Chapter 2 and Chapter 3 of Title V of Regulation (EU, Euratom) 2018/1046 shall apply mutatis mutandis.

Article 43

Procurement

1. As regards procurement, Title VII of Regulation (EU, Euratom) 2018/1046 shall apply subject to paragraphs 2 to 5 of this Article and any specific provisions of the ECSEL JU Regulation or the basic act of the programme the implementation of which is entrusted to the ECSEL JU.

2. For contracts with a value between EUR 60 000 and the thresholds laid down in Article 175 of Regulation (EU, Euratom) 2018/1046 the procedures set out in Section 2 of Chapter 1 Annex I to Regulation (EU, Euratom) 2018/1046 for contracts with a value not exceeding EUR 60 000 may be used.

3. The ECSEL JU may be associated, at its request, as contracting authority, in the award of Commission or inter institutional contracts and with the award of contracts of other Union or PPP bodies.

4. The ECSEL JU may conclude service-level agreements as referred to in paragraph 2 of Article 20, without having recourse to a public procurement procedure.

The ECSEL JU may conclude a contract, without having recourse to a public procurement procedure, with its Members other than the Union for the supply of

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goods, provision of services or performance of work that those Members directly provide without having recourse to third parties.

The goods, services or work provided under the first and second subparagraph shall not be considered part of the contribution of the Members to the budget of the ECSEL JU.

5. The ECSEL JU may use joint procurement procedures with contracting authorities of the host Member State to cover its administrative needs or with contracting authorities of Member States, the European Free Trade Association States or Union candidate countries which participate in it as Members. In such cases, Article 165 of Regulation (EU, Euratom) 2018/1046 shall apply mutatis mutandis.

The ECSEL JU may use joint procurement procedures with its private Members or with contracting authorities of countries participating in Union programmes which participate in it as Members. In such cases, Article 165 of Regulation (EU, Euratom) 2018/1046 shall apply mutatis mutandis.

**Article 44**

**Experts**

1. Article 237 of Regulation (EU, Euratom) 2018/1046 shall apply mutatis mutandis for the selection of experts subject to any specific procedure laid down in the basic act of the programme the implementation of which is entrusted to the ECSEL JU.

The ECSEL JU may use the lists drawn up by the Commission or by other Union or PPP bodies.

The ECSEL JU may, if deemed appropriate and in duly justified cases, select any individual with the appropriate skills from outside the lists.

2. Article 238 of Regulation (EU, Euratom) 2018/1046 shall apply mutatis mutandis to non-remunerated experts.

**Article 45**

**Grants**

1. As regards grants, Title VIII of Regulation (EU, Euratom) 2018/1046 shall apply subject to any specific provisions of the ECSEL JU Regulation or of the basic act of the programme the implementation of which is entrusted to the ECSEL JU.

2. The ECSEL JU shall use the relevant lump sums, unit costs or flat rate financing authorised in accordance with Article 181(3) of Regulation (EU, Euratom) 2018/1046 by a decision of the Commission authorising officer responsible for the programme the implementation of which is entrusted to the ECSEL JU. In the absence of such decision, the ECSEL JU may submit a proposal for adoption to the Commission authorising officer responsible accompanied with a detailed justification to substantiate its proposal. The proposed decision shall comply with Article 181(3) of Regulation (EU, Euratom) 2018/1046. The Commission authorising officer responsible shall notify the ECSEL JU of its decision to adopt or reject its proposal and the reasons thereof. The Commission authorising officer responsible may adopt the proposed decision with modifications to ensure compliance with Article 181(3) of Regulation (EU, Euratom) 2018/1046.
Article 46

Prizes

1. As regards prizes, the provisions of Title IX of Regulation (EU, Euratom) 2018/1046 shall apply subject to paragraph 2 of this Article and to any specific provisions of the ECSEL JU Regulation or of the basic act of the programme the implementation of which is entrusted to the ECSEL JU.

2. Contests for prizes with a unit value of EUR 1 000 000 or more may only be published if they are mentioned in the annual work programme referred to in Article 33(4) and after information on such prizes has been submitted to the Commission, which shall proceed to the information of the European Parliament and Council in accordance with Article 206(2) of Regulation (EU, Euratom) 2018/1046.

CHAPTER 8 - ACCOUNTING FRAMEWORK

Article 47

Accounting rules

The ECSEL JU shall set up an accounting system providing accurate, complete and reliable information in a timely manner.

The accounting officer of the ECSEL JU shall apply the rules adopted by the accounting officer of the Commission based on internationally accepted accounting standards for the public sector.

For the purposes of the first paragraph of this Article, Articles 80 to 84 and 87 of Regulation (EU, Euratom) 2018/1046 shall apply. Articles 85 and 86 of Regulation (EU, Euratom) 2018/1046 shall apply mutatis mutandis.

Article 48

Structure of the accounts

The annual accounts of the ECSEL JU shall be prepared for each financial year which shall run from 1 January to 31 December. Those accounts shall be comprised of:

(a) the financial statements of the ECSEL JU;

(b) the budget implementation reports of the budget of the ECSEL JU.

Article 49

Supporting documents

Each entry into the accounts shall be based on appropriate supporting documents in accordance with Article 20(5) of this Decision.

Article 50

Financial statements

1. The financial statements shall be presented in euro in accordance with the accounting rules referred to in Article 47 of this Decision and shall comprise:
(a) the balance sheet which represent all assets and liabilities and the financial situation prevailing on 31 December of the preceding financial year;
(b) the statement of financial performance, which presents the economic result for the preceding financial year;
(c) the cash-flow statement showing amounts collected and disbursed during the financial year and the final treasury position;
(d) the statement of changes in net assets presenting an overview of the movements during the year in reserves and accumulated results.

2. The financial statements shall present information, including information on accounting policies, in a manner that ensures it is relevant, reliable, comparable and understandable.

3. The notes to the financial statements shall supplement and comment on the information presented in the statements referred to in paragraph 1 and shall supply all the additional information prescribed by the accounting rules referred to in Article 47 of this Decision and the internationally accepted accounting practice where such information is relevant to the ECSEL JU’s activities. The notes shall contain at least the following information:
   (a) accounting principles, rules and methods;
   (b) explanatory notes, supplying additional information not contained in the body of the financial statements, which is necessary for a fair presentation of the accounts.

4. The accounting officer shall, after the close of the financial year and up to the date of transmission of the general accounts, make any adjustments which, without involving disbursement or collection in respect of that year, are necessary for a true and fair view of those accounts.

Article 51
Budget implementation reports

1. The budget implementation reports shall be presented in euro and shall be comparable year by year. They shall consist of:
   (a) reports which aggregate all budgetary operations for the year in terms of revenue and expenditure;
   (b) explanatory notes, which shall supplement and comment on the information given in the reports.

2. The structure of the budget implementation reports shall be the same as that of the budget of the ECSEL JU itself.

3. The budget implementation reports shall contain:
   (a) information on revenue, in particular, changes in the revenue estimates, the revenue outturn and entitlements established;
   (b) information showing changes in the total commitment and payment appropriations available;
   (c) information showing the use made of the total commitment and payment
appropriations available;
(d) information showing commitments outstanding, those carried over from the preceding financial year and those made during the financial year.

Article 52

Provisional accounts and final accounts

1. The accounting officer of the ECSEL JU shall send the provisional accounts to the accounting officer of the Commission and to the Court of Auditors by 1 March of the following year.

The accounting officer of the ECSEL JU shall also provide by 1 March of the following year the required accounting information for consolidation purposes to the accounting officer of the Commission, in the manner and format laid down by the latter.

2. In accordance with Article 246(1) of Regulation (EU, Euratom) 2018/1046, the Court of Auditors shall, by 1 June, make its observations on the provisional accounts of the ECSEL JU.

3. The accounting officer of the ECSEL JU shall provide, by 15 June, the required accounting information to the accounting officer of the Commission, in the manner and format laid down by the Commission, with a view to drawing up the final consolidated accounts.

On receiving the Court of Auditor's observations on the provisional accounts of the ECSEL JU, the accounting officer shall draw up the final accounts of the ECSEL JU. The Executive Director shall send the final accounts to the Governing Board which shall issue an opinion on these accounts.

The Executive Director shall send the final accounts, together with the opinion of the Governing Board, to the accounting officer of the Commission, the Court of Auditors, the European Parliament and the Council, by 1 July of the following financial year.

The accounting officer of the ECSEL JU shall also send to the Court of Auditors, with a copy to the accounting officer of the Commission, a representation letter covering those final accounts. The representation letter shall be established at the same date at which the final accounts of the ECSEL JU are drawn up.

The final accounts shall be accompanied by a note drawn up by the accounting officer in which the latter declares that the final accounts were prepared in accordance with this chapter and with the applicable accounting principles, rules and methods.

A link to the pages of the website where the final accounts of the ECSEL JU are disclosed shall be published in the Official Journal of the European Union by 15 November of the following year.

The Executive Director of the ECSEL JU shall send to the Court of Auditors a reply to the observations made in the Court of Auditors annual report by 30 September of the following financial year at the latest. The replies of the Executive Director shall be sent to the Commission at the same time.
Article 53
Annual report on budgetary and financial management

1. The ECSEL JU shall prepare a report on budgetary and financial management for the financial year. This report shall give an account, both in absolute terms and expressed as a percentage, at least, of the rate of implementation of appropriations together with summary information on the transfers of appropriations among the various budget items.

2. The Executive Director shall send the report on budgetary and financial management to the European Parliament, the Council, the Commission and the Court of Auditors by 31 March of the following financial year.

CHAPTER 9 - EXTERNAL AUDIT, DISCHARGE AND COMBATTING FRAUD

Article 54
External audit

1. An independent external auditor shall verify that the annual accounts of the ECSEL JU properly present the income, expenditure and financial position of the ECSEL JU prior to the possible consolidation in the final accounts of the Commission.

Unless otherwise provided for in the ECSEL JU Regulation, the Court of Auditors shall prepare a specific annual report on the ECSEL JU in line with the requirements of Article 287(1) of the Treaty on the Functioning of the European Union. In preparing that report, the Court of Auditors shall consider the audit work performed by the independent external auditor referred to in the first subparagraph and the action taken in response to the external auditor's findings.

2. The ECSEL JU shall send to the Court of Auditors the budget of the ECSEL JU, as finally adopted. It shall inform the Court of Auditors, as soon as possible, of all decisions and acts adopted pursuant to Articles 6, 8 and 12.

3. The scrutiny carried out by the Court of Auditors shall be governed by Articles 254 to 259 of Regulation (EU, Euratom) 2018/1046.

Article 55
Timetable of the discharge procedure

1. The European Parliament, upon a recommendation from the Council, shall, before 15 May of year N+2 except where otherwise provided in the ECSEL JU Regulation, give a discharge to the Executive Director in respect of the implementation of the budget for year N. The Executive Director shall inform the Governing Board of the observations of the European Parliament contained in the resolution accompanying the discharge decision.

2. If the time limit laid down in paragraph 1 cannot be met, the European Parliament or the Council shall inform the Executive Director of the reasons for the postponement.

3. If the European Parliament postpones the decision giving a discharge, the Executive Director, in cooperation with the Governing Board, shall make every effort to take measures as soon as possible to remove or facilitate removal of the obstacles to that decision.
**Article 56**

**The discharge procedure**

1. The discharge decision shall cover the accounts of all the revenue and expenditure of the ECSEL JU, the budget result and the assets and liabilities of the ECSEL JU shown in the financial statement.

2. With a view to granting the discharge, the European Parliament shall, after the Council has done so, examine the accounts and financial statements of the ECSEL JU. It shall also examine the annual report drawn up by the Court of Auditors, together with the replies of the Executive Director of the ECSEL JU, any relevant special reports by the Court of Auditors in respect of the financial year concerned and the Court of Auditors’ statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions.

3. The Executive Director shall submit to the European Parliament, at its request, in the same manner as provided for in Article 261(3) of Regulation (EU, Euratom) 2018/1046 any information required for the smooth application of the discharge procedure for the financial year concerned.

**Article 57**

**Follow-up measures**

1. The Executive Director shall take all appropriate steps to act on the observations accompanying the European Parliament’s discharge decision, and on the comments accompanying the recommendation for discharge adopted by the Council.

2. At the request of the European Parliament or the Council, the Executive Director shall report on the measures taken in the light of the observations and comments referred to paragraph 1. The Executive Director shall send a copy thereof to the Commission and the Court of Auditors.

**Article 58**

**On-the-spot checks by the Commission, the Court of Auditors and OLAF**

1. The ECSEL JU shall grant Commission staff and other persons authorised by the Commission, as well as the Court of Auditors, access to its sites and premises and to all the information, including information in electronic format, needed in order to conduct their audits.

2. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 and Council Regulation (Euratom, EC) No 2185/96\(^\text{10}\) with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union.

\(^{10}\) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities’ financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).
CHAPTER 10 - FINAL AND TRANSITIONAL PROVISIONS

Article 59
Information requests
The Commission and the Members of the ECSEL JU other than the Union may request any necessary information or explanations from the ECSEL JU regarding budgetary matters within their fields of competence.

Article 60
Repeal
1. The Financial Rules of the ECSEL Joint Undertaking adopted by the Governing Board on 3.07.2014 (ECSEL GB 2014.09) are repealed with effect from the date of entry into force of this Decision.
2. References to the repealed Decision shall be construed as references to this Decision.

Article 61
Entry into force
This Decision shall enter into force on 01.01.2020.
Done at Brussels, on 26.02.2020

For the Governing Board

[Signature]
Sabine Herlitschka
Chairperson of the Governing Board
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

Concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Union’s interests

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking and in particular Article 14 thereof,

Whereas:

(1) Regulation (Euratom, EC) No 2185/96 and Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF)¹ provide that the European Anti-Fraud Office (hereinafter “the Office”) is to 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) The responsibility of the ECSEL Joint Undertaking extends beyond the protection of financial interests to include all activities relating to the need to safeguard Community interests against irregular conduct liable to give rise to administrative or criminal proceedings;

¹ OJ L 248 18.09.2013
(3) The scope of the fight against fraud should be broadened and its effectiveness enhanced by exploiting existing expertise in the area of administrative investigations;

(4) Therefore, on the basis of their administrative autonomy, all the institutions, bodies and offices and agencies should entrust to the Office the task of conducting internal administrative investigations with a view to bringing to light serious situations relating to the discharge of professional duties which may constitute a failure to comply with the obligations of officials and servants of the Communities, as referred to in Articles 11, 11a, 12b, 13, 16 and 17 of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (hereinafter referred to as 'the Staff Regulations'), detrimental to the interests of those Communities and liable to result in disciplinary or, in appropriate cases, criminal proceedings, or serious misconduct, as referred to in Article 22 of the Staff Regulations, or a failure to comply with the analogous obligations of the Members, managers or staff of the institutions, bodies and offices and agencies of the Communities not subject to the Staff Regulations;

(5) This decision shall therefore be fully applicable to the officials and servants of the Joint Undertaking, to the members of the Governing Board, the Public Authorities Board and the Private Members Board (hereinafter 'members of the Joint Undertaking's bodies') and to members of staff not subject to the Staff Regulations;

(6) Such investigations should be conducted in full compliance with the relevant provisions of the Treaties establishing the European Communities, in particular the Protocol on privileges and immunities, of the texts implementing them and the Staff Regulations;

(7) Such investigations should be carried out under equivalent conditions in all the Community institutions, bodies and offices and agencies; assignment of this task to the Office should not affect the responsibilities of the institutions, bodies, offices or agencies themselves and should in no way reduce the legal protection of the persons concerned,
HAS DECIDED AS FOLLOWS:

Article 1

Duty to cooperate with the Office

The Executive Director, the members of the Joint Undertaking's bodies, any official or servant of the Joint Undertaking and members of the staff not subject to the Staff Regulations shall be required to cooperate fully with the Office's agents and to lend any assistance required to the investigation. With that aim in view, they shall supply the Office's agents with all useful information and explanations.

Article 2

Duty to supply information

1. Any official or servant of the Joint Undertaking, member of the Joint Undertaking's bodies or member of staff not subject to the Staff Regulations who becomes aware of evidence which gives rise to a presumption of the existence of possible cases of fraud, corruption or any other illegal activity detrimental to the interests of the Communities, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials or servants of the Communities liable to result in disciplinary or, in appropriate cases, criminal proceedings, or a failure to comply with similar obligations of members of the Joint Undertaking's bodies or members of staff not subject to the Staff Regulations, shall inform without delay his/her immediate supervisor or the Executive Director or the Chairperson of the Governing Board, as the case may be or, if he/she considers it useful, the Office directly.

Information mentioned in the first subparagraph shall be given in writing.

2. The Chairperson of the Governing Board, the Executive Director or the supervisors mentioned in the first paragraph shall transmit without delay to the Office any evidence of which they are aware from which the existence of irregularities as referred to in the first paragraph may be presumed.
3. Officials or servants of the Joint Undertaking, members of the Joint Undertaking's bodies or staff not subject to the Staff Regulations must in no way suffer inequitable or discriminatory treatment as a result of having communicated the information referred to in the first and second paragraphs.

4. Paragraphs 1 to 3 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purpose of, or created or disclosed in the course of proceedings in legal cases, whether pending or closed.

**Article 3**  
*Assistance from the Joint Undertaking's staff*

At the request of the Executive Director, members of the Joint Undertaking's staff shall assist the Office in the practical conduct of investigations.

**Article 4**  
*Informing the interested party*

1. Where the possible implication of an official or servant of the Joint Undertaking, a member of the Joint Undertaking's bodies or a member of staff not subject to the Staff Regulations emerges, the interested party shall be informed rapidly as long as this would not be harmful to the investigation. In any event, conclusions referring by name to an official or servant of the Joint Undertaking, a member of the Joint Undertaking's bodies, or a member of staff not subject to the Staff Regulations may not be drawn once the investigation has been completed without the interested party's having been given the opportunity to express his/her views on all the facts which concern him/her.

2. In cases necessitating the maintenance of absolute secrecy for the purposes of the investigation and requiring the use of investigative procedures falling within the remit of a national judicial authority, compliance with the obligation to invite the official or servant of the Joint Undertaking, a member of the Joint Undertaking's bodies, or a member of staff not subject to the Staff Regulations to give his/her view may be deferred in agreement with the Chairperson of the Governing Board or the Executive Director.
Article 5
Information on the closing of the investigation with no further action taken

If, following an internal investigation, no case can be made out against an official or servant of the Joint Undertaking, a member of the Joint Undertaking's bodies, or a member of staff not subject to the Staff Regulations against whom allegations have been made, the internal investigation concerning him/her shall be closed, with no further action taken, by decision of the Director of the Office, who shall inform the interested party in writing.

Article 6
Waiver of immunity

Any request from a national police or judicial authority regarding the waiver of the immunity from judicial proceedings of an official or servant of the Joint Undertaking or a member of the Joint Undertaking's bodies, if applicable, concerning possible cases of fraud, corruption or any other illegal activity shall be transmitted to the Director of the Office for his/her opinion.

Article 7
Entry into force

This Decision shall enter into force on the date of its signature and shall be published on the website of the Joint Undertaking.

Done at Brussels, on 3 July 2014,

For the Governing Board

(signed)

Heinrich Daembkes
Chairperson of the Governing Board
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

On the accession of the ECSEL Joint Undertaking to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council and the Commission concerning internal investigations by the European Anti-Fraud Office (OLAF)

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking, and in particular Article 14(5) thereof,

WHEREAS:

(1) Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 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 Interinstitutional Agreement of 25 May 1999 concerning internal investigations by OLAF was concluded between the European Parliament, the Council and the Commission (hereinafter "the Interinstitutional agreement") with the 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 ECSEL-GB-2014.12 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activities detrimental to the Communities' interests, adopted on the basis of a model attached to the Interinstitutional agreement, provides for measures needed to facilitate internal investigations conducted by OLAF;

(4) In accordance with Article 14(5) of Council Regulation (EU) No 561/2014 and the Interinstitutional Agreement, the Joint Undertaking should accede to the

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1 OJ L 169/152 of 7.06.2014
Interinstitutional Agreement by forwarding a declaration addressed jointly to the Presidents of the signatory institutions,

HAS DECIDED AS FOLLOWS:

Article 1

The accession of the Joint Undertaking to the Interinstitutional Agreement is hereby approved and the Executive 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 Executive Director of the Joint Undertaking is invited to communicate to the Director General of the European Anti-Fraud Office the Governing Board Decision of ECSEL-GB-2014.12 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 enter into force on the date of its signature.

Done at Brussels, 3 July 2014,

For the Governing Board

(signed)

Heinrich Daembkes
Chairperson of the Governing Board
Common Anti-Fraud Strategy in the Research Family

Version 16 March 2015
FOREWORD

The first anti-fraud strategy for the Research family was signed in July 2012. This strategy concentrated on identifying common risks, common principles and a few targeted actions that we believed would make a difference, mostly in sharing experience and ideas.

This strategy was a first step in developing an active and consistent family approach while dealing with fraud risks. Now, after having launched the H2020 framework programme, we need to review this strategy, and go further. The Research family is growing, the number of implementing bodies has increased, the budget available is larger, a Common Support Service has been established. As with all actions in the programme, we need to review our approach, seek synergies and harmonise business processes and the related technical tools whilst keeping an eye on cost-efficiency.

In order to achieve this ambition, the present strategy goes beyond definitions and sharing experience: a common action plan has been discussed and agreed between the family members. Addressing the research funding related fraud risk at a family level matches better with the organisation of the programme implementation.

I am confident that the present strategy, and its associated action plan, will allow us to address the legal and moral necessity to fight effectively against fraud.

Robert-Jan Smits
Abbreviations used in this document:

AFS – Anti-Fraud Strategy, at a Directorate-General or service level

RAFS – Research family Anti-Fraud Strategy

CAFS – Commission Anti-Fraud Strategy

1. CONTEXT AND BACKGROUND: THE FIGHT AGAINST FRAUD IN THE RESEARCH FAMILY

According to the Financial Regulation (Chapter 7, Art. 30-32), the principle of sound financial management involves reducing the risk of fraud and irregularities by building relevant preventive and protective measures in the Internal Control Systems. Sound financial management should also follow the principles of economy, effectiveness and efficiency.

All DGs/Services in the research sector have now comprehensive Anti-Fraud Strategies that include many common elements.

However, the Commission’s Anti-Fraud Strategy (CAFS) of June 2011\(^1\) also requested the Commission Services to set up - where appropriate - sectorial Anti-Fraud Strategies. This strategy should adjust the elements of the anti-fraud cycle to the specific needs and circumstances of the individual policy sector including the risk of fraud in this sector.

As a consequence, the members of the Research family adopted a first common Research Anti-Fraud Strategy (RAFS) on 27 July 2012.\(^2\) This set out, in general, broad principles for the fight against fraud and for inter-DG cooperation.

Three circumstances lead today to the need for an update of this document, which is built on the principles agreed in 2012:

Firstly, the positive experience of enhanced cooperation since the signing of the first RAFS now allows the family to enter a phase of further cooperation and harmonisation.

Secondly, in December 2013, the new framework programme for research, Horizon 2020, was launched. The rules and organisational set-up of the implementation of this programme are quite different from the Seventh Framework programme, and the RAFS has to be adapted to these. Significant changes also include the set-up of the Common Support Service, which encompasses a centralised audit department; harmonised business processes for the family and related IT systems; and further decentralisation in the implementation of the H2020 programme (cf. the new bodies joining the Research family (INEA and EASME)).

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1 COM(2011) 376 final

Thirdly, the principles of efficiency quoted above have led the Research family members to invest more of their anti-fraud activities at the family level. Therefore, this second version of the strategy is accompanied by a common action plan.

The Common strategy and action plan are not however intended to be a straightjacket. They must allow some flexibility for services to adapt to their own particular needs and to their anti-fraud measures already implemented. And, while no difference is made between FP7 and H2020, it must be kept in mind that all FP7-related activities might not always or entirely fit into the present strategy and its action plan. Therefore, for the FP7 legacy, the principles should be applied as much as possible, with the necessary flexibility.

2. Objective of the RAFS

The CAFS recognises that the "one-size-fits-all" approach would not be the most efficient solution. In the particular case of Research, several DGs/Services managing research funds also need to consider operational tasks and budgets stemming from other EC programmes or policies. Management and Internal Control Systems developed and implemented at DG/Service level strive to best reflect and integrate these mixtures of tasks and thus may vary according to these needs.

Overall, the CAFS remains a basic reference and framework for all DGs/Services when setting up Anti-Fraud Strategies at an individual, operational level, in particular as regards the basic principles and priorities. At the same time, regarding research funding, and especially Horizon 2020, the objective is to have one single sectorial strategy (RAFS) that encompasses all the main anti-fraud activities, and for all services within the research family. The joint action plan follows the same logic: the Family members implement it together: by common structures or via ad hoc networks.

The individual DG/Service-level AFS's may then simply refer to the RAFS and its action plan, as for any research specific issue. It does not exclude some complementary actions.

3. Underlying principles

Under H2020 the number of implementing bodies has increased. This circumstance makes it even more important that these different bodies share a common vision on the specific research related fraud risks and how to address them.

3.1. Better control rather than more control

The CAFS recognises that the controls aimed at preventing and detecting fraud are part of those intended to ensure the legality and regularity of transactions. Anti-fraud strategies should therefore not result in an additional layer of controls. It is nonetheless necessary to ensure that the internal control systems in place adequately cover the risk of fraud.

The CAFS also notes that, in recommendations on discharge procedures and various other resolutions and reports, the European Parliament, the Council and the European Court of Auditors have called for better protection of EU financial interests against irregularities and fraud. However, these bodies have also called for simplification and avoidance of administrative burden in European programmes, and especially in the area
of research. The anti-fraud strategies therefore need to strike a balance between cost-effective control and simplification.

Considerable efforts have been made in the research programmes to simplify procedures and reduce administrative burden. The trust-based approach is an important principle in research funding. It is not the intention of this RAFS, or anti-fraud work in general, to undermine these efforts. However, it is recognised that simplification can add to the challenge of anti-fraud activities. Where controls are less, or are performed at a more general level, awareness of the fraud risks must be higher.

It is the general belief of the services concerned that additional systematic controls would not be cost-effective. Instead, efforts should be focussed on training and awareness-raising measures, combined with targeted controls like advanced data research and ad-hoc checks on double funding and plagiarism. These should ensure that staff possesses the basic competences that give them a reasonable chance to detect a possible fraud risk in the course of their normal work.

### 3.2. Staff awareness is the main preventive measure

A number of standard controls exist that might contribute to fraud prevention, detection and deterrence. Nevertheless, the research family considers that the best "line of defence" against fraudulent activities lays in the awareness of the staff members that are in day-to-day contact with research beneficiaries.

Thus, a core principle of the RAFS is to assist and enable staff at this level to determine – in accordance with the other policy and programme objectives – what level of control to apply to each individual file. They will make this assessment on a case-by-case basis, based on their knowledge of the appropriate control instruments and techniques.

### 3.3. A common approach where relevant

The Framework Programme H2020 is implemented by several different bodies. The Common Support Centre ensures a consistent approach across the different components of the programme through the provision of legal and ex-post audit services as well as common IT tools and business processes.

While some actions and decisions are always taken locally, under the responsibility of each AOD, this strategy aims to promote a common approach in the areas where it has a real added value: addressing scientific misconduct, common training, awareness raising, proactive data analysis, a common audit strategy for Horizon 2020\(^3\), harmonised treatment of fraud cases and a common policy on administrative and financial penalties (see section 5 for further information on these "areas for common action").

### 3.4. Easy access to information and anti-fraud support across the family

One of the areas where it was considered very important to ensure a common approach was the "anti-fraud services" offered to staff doing grant management: the individual grant management officer should have easy access to support structures, whichever

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\(^3\) A Common Audit Strategy for FP7 for the RDGs, REA and ERCEA and harmonised with the Joint Undertakings.
implementing body s/he works in. This is intended to reduce the risk that a "noticed" case is disregarded due to a lack of support/technical capacity.

Most of the anti-fraud services should be provided as "proximity services" from an organisational point of view. One example for this proximity would be the immediate access to relevant information in standard IT systems: Early Warning System (EWS), previous audit findings, other risk factors, etc.

4. CENTRAL FORUM FOR ANTI-FRAUD WORK

Given the nature of the Research family and its anti-fraud activities, the organisational support for the present strategy also needs to be of a dynamic nature.

Therefore, while for some areas a permanent structure is relevant, other actions are better implemented by ad-hoc workshops.

The Research DGs and services established in 2008 a Fraud and Irregularities in Research Committee (FAIR) to discuss and coordinate fraud and irregularities aspects. The Committee, chaired by the Common Audit Service, is open to all DGs and Services managing research grants. This platform is the keystone of the implementation of the present strategy and should remain the central forum for anti-fraud work.

The mandate of the Committee is to provide a network to exchange between Research DGs and Services information, experience and best practices on irregularities and fraud related matters. The FAIR further serves as a forum to inform each other and coordinate specific irregularities and fraud cases, to discuss any fraud and OLAF related matter of interest to the Research DGs and Services (for example new fraud schemes, internal procedures, technical aspects).

The FAIR committee may be supported by various formal and informal networks and contacts, such as local anti-fraud correspondents (see action plan) or ad-hoc arrangements.

5. AREAS FOR COMMON ACTION

The following areas have been selected for actions to undertake by the members of the Research Family together. Most of them affect the prevention stage as well as the detection stage of the anti-fraud cycle; some of them are related to the follow-up stages. They have in common that they are more efficient if implemented at family level, even though it is only the fraud detection activities that have been centralised in the Common Audit Service. The actions related to these areas can be seen in the action plan.

5.1. Common awareness raising actions

As the awareness of the staff is a key element of this strategy, there is a need to maintain the communication, training and awareness-raising activities that have been put in place since 2012.
In particular, DGs and Services will elaborate common training material based on existing case studies and organise the training sessions in order to make them available to all other services in the family.

5.2. Fraud prevention and detection by proactive data analysis

The Research family has now at its disposal a large and common set of historical data in CORDA (for FP6, FP7 projects and beneficiaries). This data can be used by staff (grant managers, auditors etc.) to make – on a needs basis – proactive and targeted risk analyses.

5.3. Fraud risk based audits

The number of fraud risk based audits will be increased.

5.4. Addressing Research misconduct

Research misconduct is defined as breaches of research integrity; the main elements being any form of plagiarism, data falsification and fabrication or unjustifiable double funding. Research misconduct goes beyond financial implications as reflected by the definition of fraud and irregularities in the Financial Regulation; its impact is not limited to specific grant proposals but also jeopardises the value of science, the reputation of scientists in the scientific community and the research services of the Commission.

It is an area that has to be addressed at the research family level. A proper strategy addressing and managing the risk of Research misconduct regarding EU expenditure is put in place.

5.5. Policy on administrative and financial penalties

The possibilities to apply administrative and financial penalties are already included in the legislation governing research funding. Their implementation must be coordinated and consistent amongst the research family and common guidance is put in place.

5.6. Harmonised treatment of fraud cases and relations to OLAF in investigations

DGs and Services remain responsible for the management of the OLAF cases (internal and external investigations) directly relevant to their respective DGs and Services. In this context, they ensure close cooperation and maintain regular contacts with OLAF on these cases.

However, as most beneficiaries are common to several services, and in order to ensure a common treatment, the Common Audit Service will act to ensure a coordinated, coherent and common approach towards beneficiaries.

6. Implementation and Monitoring of the RAFS

The oversight of RAFS implementation is assured in the first instance by the FAIR Committee; updates following developments or experiences gained over time – also in the context of the Commission regulations – will be analysed within the Committee and suggested to the DGs/ Services on a "need to act" basis.
In particular the FAIR Committee will regularly reflect on (new) fraud schemes discovered which could imply (additional) common fraud risks or amendments to the local control systems.

Implementation of the RAFS on level of the DGs/ Services is subject to the individual DG or Service in accordance with local needs and management systems.

Robert-Jan Smits  
Director General, DG RTD

Robert Madelin  
Director General, DG CNECT

Daniel Calleja Crespo  
Director General, DG GROW

João Aguiar Machado  
Director General, DG MOVE

Jerzy Plewa  
Director General, DG AGRI

Matthias Ruete  
Director General, DG HOME

Xavier Prats Monne  
Director General, DG EAC

Dominique Ristori  
Director General, DG ENER

Pablo Amor  
Director, ERCEA

Gilbert Gascard  
Director, REA

Dirk Beckers  
Director, INEA

Patrick Lambert  
Director, EASME
Irene Norstedt
Acting Executive Director, IMI

Bert De Colvenaer
Executive Director, FCH

Eric Dautriat
Executive Director, Clean Sky

Andreas Wild
Executive Director, ECSEL JU

Barend Verachtert
Interim Executive Director, BBI
DECISION OF THE GOVERNING BOARD OF THE ECSEL
JOINT UNDERTAKING

Adopting a methodology for reporting the in kind contributions in
operational activities

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the
ECSEL Joint Undertaking¹,

Having regard to Article 4 of the Council Regulation, in particular paragraphs 2, 4 and 5,

Having regard to Article 16(3) of the Statutes of the Council Regulation,

WHEREAS:

1) In accordance with Article 4.2 of Council Regulation 561/2014, “the private members of
the ECSEL Joint Undertaking shall make or arrange for their constituent entities and
affiliated entities to make contributions to the ECSEL Joint Undertaking. The amount of
at least EUR 1.657.500.000 over the period referred to in Article 1 is envisaged”.

2) Article 4.4 states that “the Members of the ECSEL Joint Undertaking other than the
Union shall report by 31 January each year to the Governing Board on the value of the
contributions referred to in paragraphs 1 and 2 made in each of the previous financial
years”.

3) Article 4.5 states that “for the purpose of valuing the contributions referred to in point (c)
of Article 16(3) of the Statutes, the costs shall be determined in accordance with the usual
cost accounting practices of the entities concerned, to the applicable accounting standards
of the country where the entity is established, and to the applicable International
Accounting Standards and International Financial Reporting Standards. The costs shall be
certified by an independent external auditor appointed by the entity concerned. The

¹ OJ L 169/152 of 7.06.2014
valuation method may be verified by the ECSEL Joint Undertaking, should there be any uncertainty arising from the certification. In case of remaining uncertainties, it may be audited by the ECSEL Joint Undertaking.”

4) Private members are AENEAS, ARTEMISIA and EPOSS associations. They shall report on the contributions of their constituent or affiliated entities.

5) According to Article 4§6, “the Commission may engage in remedial actions and possibly terminate, proportionally reduce or suspend the Union’s financial contribution to the ECSEL Joint Undertaking or trigger the winding-up procedure referred to in Article 26(2) of the Statutes if members other than the Union, including their constituent entities and affiliated entities, do not contribute, contribute only partially or contribute late with regard to the contributions referred to in paragraphs 1 and 2 of this Article.”

6) A methodology is needed to ensure a transparent and consistent implementation of the provisions. The Governing Board should adopt this methodology.

HAS DECIDED AS FOLLOWS:

Article 1

The methodology for reporting the in kind contributions in operational activities, as attached in Annex, is hereby approved.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, on 28 June 2016

For the Governing Board

(signed)
Andrea Cuomo
Chairperson of the Governing Board
Annex: Methodology for reporting the in-kind contributions in operational activities

1. INTRODUCTION

ECSEL Joint Undertaking (ECSEL JU) is a public-private partnership.

The members of the ECSEL Joint Undertaking are the Union, represented by the European Commission, the ECSEL Participating States and the industry associations AENEAS, ARTEMISIA and EPoSS.

Council Regulation 561/2014\(^2\) setting up the ECSEL JU provides for the following contributions from its members:

1. The **Union** financial contribution to the ECSEL Joint Undertaking, to cover administrative costs and operational costs shall be up to EUR 1 184 874 000.

2. The **ECSEL Participating States** (EPS) shall make a financial contribution to the operational costs of the ECSEL JU of at least EUR 1 170 000 000.

3. The **private members** of the ECSEL JU shall make or arrange their constituent entities and affiliated entities to make contribution to the ECSEL JU of at least EUR 1 657 500 000. For operational costs, it shall consist of in kind contributions by the private members or their constituent entities and affiliated entities consisting of the costs incurred by them in implementing indirect actions less the contributions by the ECSEL Joint Undertaking, the ECSEL Participating States and any other Union contribution to those costs.

This document aims at defining a methodology for reporting the in-kind contribution in operational activities.

Although not required by the legal basis, this methodology is proposed to the Governing Board for endorsement to ensure an agreement and legal stability.

This document provides:
- an overview of the legal background,
- a definition of some key concepts to ensure common understanding,
- a description of the reporting of the value of in-kind contributions,
- an explanation of the control mechanisms governing the value of in-kind contributions, and
- a description of the accounting treatment applicable to in kind contributions.

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2. Legal Background

2.1. Article 4 of Council Regulation 561/2014 establishing ECSEL Joint Undertaking

Contributions of members other than the Union

1. The ECSEL Participating States shall make a financial contribution to the operational costs of the ECSEL Joint Undertaking that is commensurate with the Union’s financial contribution. The amount of at least EUR 1 170 000 000 over the period referred to in Article 1 is envisaged.

2. The private members of the ECSEL Joint Undertaking shall make or arrange for their constituent entities and affiliated entities to make contributions to the ECSEL Joint Undertaking. The amount of at least EUR 1 657 500 000 over the period referred to in Article 1 is envisaged.

3. The contributions referred to in paragraphs 1 and 2 of this Article shall consist of contributions to the ECSEL Joint Undertaking as set out in Article 16(2), point (b) of Article 16(3) and point (c) of Article 16(3) of the Statutes.

4. The Members of the ECSEL Joint Undertaking other than the Union shall report by 31 January each year to the Governing Board on the value of the contributions referred to in paragraphs 1 and 2 made in each of the previous financial years.

5. For the purpose of valuing the contributions referred to in point (c) of Article 16(3) of the Statutes, the costs shall be determined in accordance with the usual cost accounting practices of the entities concerned, to the applicable accounting standards of the country where the entity is established, and to the applicable International Accounting Standards and International Financial Reporting Standards. The costs shall be certified by an independent external auditor appointed by the entity concerned. The valuation method may be verified by the ECSEL Joint Undertaking, should there be any uncertainty arising from the certification. In case of remaining uncertainties, it may be audited by the ECSEL Joint Undertaking.

6. The Commission may engage in remedial actions and possibly terminate, proportionally reduce or suspend the Union’s financial contribution to the ECSEL Joint Undertaking or trigger the winding-up procedure referred to in Article 26(2) of the Statutes if members other than the Union, including their constituent entities and affiliated entities, do not contribute, contribute only partially or contribute late with regard to the contributions referred to in paragraphs 1 and 2 of this Article.
2.2. Article 16 of the Statutes

16 - Sources of financing

1. The ECSEL Joint Undertaking shall be jointly funded by its members through financial contributions paid in instalments and in kind contributions consisting of the costs incurred by the private members or their constituent entities and affiliated entities in implementing indirect actions that are not reimbursed by the ECSEL Joint Undertaking.

2. The administrative costs of the ECSEL Joint Undertaking shall be covered by means of the financial contributions referred to in:

   a. Article 3(1) of this Regulation for the Union’s financial contribution up to EUR 15 255 000;
   b. (b) Article 4(2) of this Regulation for the contribution by the private members up to EUR 19 710 000 or 1 % of the sum of the total cost of all projects, whichever figure is higher, but not exceeding EUR 48 000 000; and
   c. (c) Article 19(2) of this Regulation for the completion of the actions launched under Regulations (EC) No 72/2008 and (EC) No 74/2008.

   If part of the contribution for administrative costs is not used, it may be made available to cover the operational costs of the ECSEL Joint Undertaking.

3. The operational costs of the ECSEL Joint Undertaking shall be covered by means of:

   a. the Union’s financial contribution;
   b. financial contributions from ECSEL Participating States;
   c. in kind contributions by the private members or their constituent entities and affiliated entities consisting of the costs incurred by them in implementing indirect actions less the contributions by the ECSEL Joint Undertaking, the ECSEL Participating States and any other Union contribution to those costs.

4. The resources of the ECSEL Joint Undertaking entered in its budget shall be composed of the following contributions:

   a. members’ financial contributions to the administrative costs;
   b. members’ financial contributions to the operational costs, including those from the ECSEL Participating States which entrust the ECSEL Joint Undertaking in accordance with Article 17(1);
   c. any revenue generated by the ECSEL Joint Undertaking;
   d. any other financial contributions, resources and revenues.

   Any interest yielded by the contributions paid to the ECSEL Joint Undertaking shall be considered to be its revenue.

5. Should any member of the ECSEL Joint Undertaking be in default of its commitments concerning its agreed financial contribution, the Executive Director shall put this in writing and shall set a reasonable period within which such default shall be remedied. If the situation is not remedied within that period, the Executive Director shall convene a meeting of the Governing Board to decide whether the defaulting
member’s membership is to be revoked or whether if any other measures are to be taken until its obligations have been met.

6. The resources and activities of the ECSEL Joint Undertaking shall be intended for the achievement of the objectives set out in Article 2 of this Regulation.

7. The ECSEL Joint Undertaking shall own all assets generated by it or transferred to it for the achievement of its objectives set out in Article 2 of this Regulation.

8. Except when the ECSEL Joint Undertaking is wound up, any excess revenue over expenditure shall not be paid to the members of the ECSEL Joint Undertaking.

3. DEFINITION AND VALUATION METHOD OF IN KIND CONTRIBUTIONS IN OPERATIONAL ACTIVITIES (IKOP OR IKC)

3.1. Definitions

Article 16(3) of the Statutes provides for a definition of the in kind contribution of the private members:

- “in kind contributions by the private members or their constituent entities and affiliated entities consisting of the costs incurred by them in implementing indirect actions less the contributions by the ECSEL Joint Undertaking, the ECSEL Participating States and any other Union contribution to those costs”.

To be considered as in kind contribution, these costs must be incurred by beneficiaries in ECSEL projects that are constituent entities and affiliated entities of the private members, namely the private associations AENEAS, ARTEMISIA and EPoSS.

3.2. Valuation

Article 4.4 of the Regulation provides that in kind contribution should be valued “in accordance with the usual accounting practices of the entities concerned, to the applicable accounting standards or the country where the entity is established, and to the applicable International Accounting Standards and International Financial Reporting Standards”.

Costs will be calculated on the basis of the eligible (direct and indirect) cost model of Horizon 2020: it will allow the use of the existing grant management cycle to plan, assess, certify, verify and audit the amount of in kind contribution.

Eligible costs are direct and indirect costs incurred during the projects according to the ECSEL JU Grant Agreement.
The estimated contribution provided annually and put in the accounts as liabilities will include beneficiaries who are constituent entities or affiliated entities of one of the industry associations.

4. Monitoring and Reporting of the Value of the in Kind Contribution

The members of the Joint Undertaking other than the EU have the legal obligation to reach the amounts specified in Article.4.

The certification and validation of the in kind contribution should be reconciled to the accounting rules of the ECSEL JU and its reporting obligations against the European Council and the European Parliament.

4.1 The key stages for the reporting of the value of the in kind contribution

a) Reporting

The Regulation requires certification of the costs to be accounted as in kind contribution. Reporting shall be assured by the private members on a yearly basis while audit certification of the eligible (direct and indirect) cost model of Horizon 2020 is mainly done with the final balance sheets of the projects or with the results of audits performed in the course of the project.

Considering that projects funded by ECSEL JU last, in average, three or four years, it is only at the end of the projects that the in kind contribution will be certified and that both JU and EPS contribution will be known.

Two stages are defined to monitor the value of the in kind contribution, as follows:

b) Value of Anticipated in kind contribution

Every year, the PAB funding decisions (so called “Decisions on the selection of project proposals retained for funding and the allocation of funding”) provide a detailed breakdown by project as follows:

- total costs,
- total JU funding and
- total national funding.

In addition, the Commission has to present each year, together with the draft budget, a report to the budgetary authority on the in-kind contributions received from other partners in PPPs, including the JUs. This obligation is based on article 38(4)(b) of the Financial Regulation: Where the Commission entrusts budget implementation to public-private partnerships (PPPs), it shall attach to the draft budget a working document presenting the amount of financial contributions made from the budget, the amount of financial contributions and the value of contributions in kind made by the other partners for each PPP.
The JU Grant Agreements (JUGA) are later signed on the basis of the figures put in the PAB funding decisions.

To calculate the anticipated in kind contribution on an annual basis, a *pro rata temporis* rule will be applied to cover a given year. Anticipated in kind contribution will be presented by Call.

Data for constituent entities and affiliated entities of the associations will be presented, according to the information provided by the private members. Every year, the in kind contribution will be updated by Call.

**By Call:**
Year n+1 = estimated in kind contribution *pro rata temporis*
Year n+2 = estimated in kind contribution (year n+1) + (year n+2)
etc.

**c) Value of Certified in kind contribution**

The JU Office will be able to calculate the value of certified in kind contribution on the basis of the certification as well as the cost validation and possible audits.

In most cases, this will be done at the end of the projects, when project beneficiaries submit a Certificate on Financial Statements (CFS), and when the final financial contributions of both the JU and the EPS are known.
The cut-off date used for each financial year for the preparation of the report will be the same as for the preparation of the annual accounts (31 December). This report will be submitted to the Governing Board by 31 January of the following year (N+1).

d) Accounting treatment of the in kind contribution

The accounting treatment of the in kind contribution will be ensured as follows:

- The anticipated in kind contribution based on the PAB funding decision and presented annually on a pro rata temporis basis will appear in the accounts as a liability.

Once certified and validated by the JU, the in kind contribution, calculated from the certified operational costs, the final JU contribution and the final EPS contribution, appears as net assets.

e) Collaboration between the Programme Office and the private members

In order to properly identify the constituencies of the private members, the latter will provide to the JU Office an updated list of their constituent entities and affiliated entities.

Every year, the JU Office will provide a list of project beneficiaries to the private members, presented by Call and by project. The private members will update the information on their constituencies.

4.2 Additional information on the in-kind contribution of non-members

Compliance with the Regulation requires reporting on certified in kind contribution of the private members or their constituent entities and affiliated entities. Non-members are the entities that are not constituent of affiliated entities of the private members.

To ensure a complete view on the in kind contribution, the JU Office will also report the in kind contribution of non-members in the annual activity report. This additional information is useful to measure the impact of the programme.

5. CONTROL MECHANISMS ON THE VALUE OF IN-KIND CONTRIBUTIONS

According to Article 4.4 of the Council Regulation:

“For the purpose of valuing the contributions referred to in point (c) of Article 16(3) of the Statutes, the costs shall be determined in accordance with the usual cost accounting practices of the entities concerned, to the applicable accounting standards of the country where the entity is established, and to the applicable International Accounting Standards and International Financial Reporting Standards. The costs shall be certified by an independent external auditor appointed by the entity concerned. The valuation method may be verified by the ECSEL Joint Undertaking,
should there be any uncertainty arising from the certification. In case of remaining uncertainties, it may be audited by the ECSEL Joint Undertaking.”

Three control mechanisms are explicitly requested in order to provide reasonable assurance on the value of in kind contribution reported by the private members. These are:

- a certification of the costs by an independent auditor appointed by the entity concerned, and
- a verification of the valuation method by the JU, limited to cases of uncertainties arising from the certification.
- an audit of the valuation method, requested in case of remaining uncertainties: this will be addressed through the normal control mechanism on project costs (i.e. the ‘ex-post audits’) of the ECSEL JU. Indeed, article 13 of ECSEL Regulation requests audits on the costs incurred in ‘indirect actions’, which include the in kind contribution based on eligible costs according to H2020 rules.

The table below explains how these three control layers will be implemented in practice.

<table>
<thead>
<tr>
<th>What?</th>
<th>Who?</th>
<th>How?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certification</td>
<td>Independent external</td>
<td>The ‘Certificate on Financial Statements’ (CFS) will be used as the</td>
</tr>
<tr>
<td></td>
<td>auditor appointed by the</td>
<td>certificate requested by Article 4.4 of the Council Regulation.</td>
</tr>
<tr>
<td></td>
<td>beneficiary</td>
<td>The CFS is mandatory when the beneficiary requests a total EU</td>
</tr>
<tr>
<td></td>
<td></td>
<td>contribution of 325,000€ or more. Certification thus only concerns</td>
</tr>
<tr>
<td></td>
<td></td>
<td>beneficiaries receiving 325,000€ or more from the Joint Undertaking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>for a given project.</td>
</tr>
<tr>
<td>Verification</td>
<td>ECSEL JU Office</td>
<td>Verification is necessary only in cases of uncertainties arising</td>
</tr>
<tr>
<td></td>
<td></td>
<td>from the certificate (e.g. exceptions identified in the CFS; doubts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>about the independence of the auditor; low quality of the CFS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>received; no respect of the ‘Terms of Reference’).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In these cases the Office’s approach (‘desk review’ vs. ‘on the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>spot’ checks) will be decided</td>
</tr>
</tbody>
</table>

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4 Council Regulation (Article 13): “Ex-post audits of expenditure on indirect actions shall be carried out by the ECSEL Joint Undertaking in accordance with Article 29 of Regulation (EU) No 1291/2013 as part of the Horizon 2020 indirect actions”

5 Grant Agreement (Article 20.4): “The final report must include the following… (ii) a ‘certificate on the financial statements’ (drawn up in accordance with Annex 5) for each beneficiary [and for each linked third party], if it requests a total contribution of EUR 325,000 or more, as reimbursement of actual costs and unit costs calculated on the basis of its usual cost accounting practices…”

10
on an ad-hoc basis depending on the level of uncertainty and the specific risk resulting from the certificate.

| Audit | ECSEL JU Office⁶ | The ‘ex-post audits’ on project costs, foreseen by Article 13 of the Council Regulation, will apply. |

---

**6. ACCOUNTING TREATMENT**

Commission Accounting rule no. 1 dated December 2015 applies to ECSEL JU and lays down the level of consolidation into the EU accounts as well as clarifying the level of control by the EU. In accounting terms, the JU is therefore considered a joint venture and is to use the equity method to account for the contributions from members.

In addition, the Accounting Officer of the European Commission has issued a recommendation on how to present the members’ contributions in the annual accounts⁷. This recommendation includes the validation of the in kind contribution by the Governing Board. The Executive Director, after an in-depth control and assurance process performed by the Programme Office, will present the in kind contribution to the Governing Board for its endorsement. Once this is received, the Executive Director, as Authorising Officer of the JU, will validate all of the expenditures⁸.

The in kind contributions of the private members or their constituent entities and affiliated entities for each financial year will be recognised in the balance sheet of the JU Annual Accounts according to the following criteria:

**6.1. Net assets: certified Contributions from constituent entities and affiliated entities**

Certified and validated in kind contributions: cost claims submitted by private members or their constituent entities and affiliated entities which claim at least 325.000€ contribution from the JU:

- a certificate has been submitted and accepted,
- the final JU contribution is known,
- the EPS contributions is known
- costs have been validated at the cut-off date of 31 December of the financial year.

---

⁶ Following the H2020 Audit Strategy as adopted by the Common Support Centre.
⁷ ARES(2010)303380 – 03/06/2010 for the attention of the accounting officers of ARTEMIS, CLEAN SKY, IMI and SESAR
6.2. Liabilities: contributions from all project beneficiaries

Liabilities will include cost incurred by constituent entities and affiliated entities of the industry associations by the cut-off date of 31 December of the financial year whose in kind contribution has not yet been certified, verified and validated.

The estimation (based on a linear pro-rata temporis calculation) of the in kind contribution incurred until the cut-off date of 31 December of the financial year by all those constituent entities and affiliated entities of the industry associations for which a cost claim was not due or received by that date.

As from the 2016 accounts, the notes to the ECSEL JU Annual Accounts will include a table as follows:

<table>
<thead>
<tr>
<th></th>
<th>Liabilities: estimated in kind contributions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call 2014</td>
<td>Reported in 2016:</td>
</tr>
<tr>
<td></td>
<td>Reported in 2017:</td>
</tr>
<tr>
<td></td>
<td>...</td>
</tr>
<tr>
<td>Call 2015</td>
<td>Reported in 2016:</td>
</tr>
<tr>
<td></td>
<td>Reported in 2017:</td>
</tr>
<tr>
<td></td>
<td>Reported in 2018:</td>
</tr>
<tr>
<td></td>
<td>...</td>
</tr>
<tr>
<td>total</td>
<td></td>
</tr>
</tbody>
</table>
First draft of the WORK PLAN 2021 for the ECSEL JU as prepared by the ECSEL JU office – for discussion & approval in the ECSEL JU GB meeting on 11 December 2020

Version V6.0 - date 10 December 2020

In accordance with the Statutes of the ECSEL JU annexed to the Council Regulation (EU) No 516/2014, and with Article 33 of the Financial Rules (ECSEL GB 2020.138)

The annual work plan will be made publicly available after its adoption by the Governing Board.
<table>
<thead>
<tr>
<th>Decision/Date</th>
<th>Version</th>
<th>Change</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>GB 2020.151</td>
<td>Draft work plan 2021 V5.0</td>
<td>Cleaned version V4.0</td>
<td>26</td>
</tr>
<tr>
<td>11/12/2020</td>
<td>Draft work plan 2021 V6.0</td>
<td>Budget figure updates and Communication activities</td>
<td>26</td>
</tr>
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Operational performance

Programme performance KPI

Impact KPI
1. INTRODUCTION

The scope of the work plan is mainly to inform potential beneficiaries in a transparent manner about the Joint Undertaking’s intentions to support and fund actions in their specific field of research, in accordance with the legal provisions, in particular:

- Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking (in the following, the ECSEL Regulation)

The “Electronic Components and Systems for European Leadership” Joint Undertaking (ECSEL JU) has the mission to contribute towards keeping Europe at the forefront of the technology development addressing capabilities of essential systemic and strategic importance for each citizen, company and nation in the contemporary world and even more in the future world. The information and communication technology and its applications run on this fabric: no industrial product or system is conceivable today without extensive usage of electronic components and systems (ECS), and the trend will become stronger in the future.

The ECSEL JU has the statutory task to “draw up and implement the work plans for executing the multiannual strategic plan”. Specifically, the Executive Director shall “prepare and submit for adoption to the Governing Board the draft work plan including the scope of the calls for proposals needed to implement the research and innovation activities plan as proposed by the Private Members Board and the corresponding expenditure estimates as proposed by the public authorities”. The work plan shall include the specific reimbursement rates by the Union and by each ECSEL Participating State; the financial commitments reserved for each call for proposals as communicated by the public authorities to the Executive Director; the research and innovation activities plan, the administrative activities and the corresponding expenditure estimates. The work plan shall be adopted by the Governing Board (GB) by the end of the year prior to its implementation and shall be made publicly available. Once the Work Plan is adopted:

- The Public Authorities Board (PAB) shall approve the launch of calls for proposals, in accordance with the work plan,
- The Executive Director shall manage the calls for proposals as provided for in the work plan,
- The Executive Director shall describe in the annual activity report the progress made by the ECSEL Joint Undertaking in relation to the annual work plan for that year.
This work plan is written using a template provided by the Commission services in charge of Horizon 2020 so that it can be consolidated with the related activities throughout the European Union.

2. MULTI-ANNUAL PROGRAMMING

A. Multi-annual objectives

The Commission proposal for a European strategy in electronic components and systems has been laid out in 2013\(^1\)

The strategy includes a Joint Technology Initiative implemented as ECSEL JU that “will mainly support capital-intensive actions such as pilot lines or large-scale demonstrators at higher Technology Readiness Level up to level 8 as shown above. ... Within the new JTI the Commission will furthermore explore how to simplify and accelerate state aid approvals including through a Project of Common European Interest according to Article 107.3(b) of TFEU.”

The objectives of the ECSEL JU are listed in the Article 2 of its basic act, paraphrased here:

1) To contribute to the implementation of Horizon 2020, and to LEADERSHIP IN ENABLING AND INDUSTRIAL TECHNOLOGIES (LEIT).
2) To contribute to the development of a strong and competitive Electronic Components and Systems (ECS) industry in the Union.
3) To ensure the availability of ECS for key markets and for addressing societal challenges, aiming at keeping Europe at the forefront of the technology development, bridging the gap between research

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and exploitation, strengthening innovation capabilities and creating economic and employment growth in the Union.

4) To align strategies with Member States to attract private investment and contribute to the effectiveness of public support by avoiding unnecessary duplication and fragmentation of efforts, and easing participation for actors involved in research and innovation.

5) To maintain and grow semiconductor and smart system manufacturing capability in Europe, including leadership in manufacturing equipment and materials processing.

6) To secure and strengthen a commanding position in design and systems engineering including embedded technologies.

7) To provide access for all stakeholders to a world-class infrastructure for the design and manufacture of electronic components and embedded/cyber-physical and smart systems.

8) To build a dynamic ecosystem involving Small and Medium-Sized Enterprises (SMEs), thereby strengthening existing clusters and nurturing the creation of new clusters in promising new areas.

**B. Multi-annual programme**

The Executive Director (ED) has the statutory task to “consolidate and submit for adoption to the Governing Board the draft Multi-Annual Strategic Plan (MASP) composed of the Multi-Annual Strategic Research and Innovation Agenda (MASRIA) as proposed by the Private Members Board and the multiannual financial perspectives from the public authorities”.

**C. Work plan**

The Work Plan is the implementation plan for the MASP (Art. 1 of Statutes of the ECSEL JU in Annex 1 of the Council regulation) and should contain the research and innovation activities plan, the administrative activities and the corresponding expenditure estimates (Art. 21 of Statutes of the ECSEL JU in Annex 1 of Council regulation). It should cover among others: the scope of the calls for proposals and the rules for participation and dissemination to the actions funded by ECSEL JU (Art. 17 of the Council Regulation), the reimbursement rates (Art. 18 of Statutes of the ECSEL JU in Annex 1 of the Council regulation), the financial commitment by each public authority reserved for each call (Art. 18 of Statutes of the ECSEL JU in Annex 1 of the Council regulation).

**D. Human and financial resource outlook**

The ECSEL establishment plan for 2021 is available in the Budget 2021: decision ECSEL GB 2020.150.

3. **ANNUAL WORK PLAN 2021**

**A. Executive Summary**

The Annual work plan 2021 foresees the following activities:

**Operations:**

- No new calls under ECSEL JU will be launched.
- Other operational activities include:
  - the Grant Agreement signature cycle with the start of the projects selected from the Call 2020,
  - the monitoring of the ECSEL projects selected in the calls 2014, 2015, 2016, 2017, 2018, 2019
  - various supporting activities to communication, administration & finance.
Communication:

Noting that the Communications Policy and Strategy – the work of the Communications Working Group set up by the Governing Board in 2017 - is still being implemented. In addition, the last year of operation of the ECSEL JU as such requires heightened focus on publicising its achievements and successes. The communications activities of ECSEL JU in 2021 will continue in the same modes as the previous years, though with strong focus on achievements and successes. In summary

1. Events.
   a. In June 2021, an ECSEL JU symposium event will be held in online format in order to highlight the successful outcomes of ECSEL JU and address specifically European stakeholders regarding the next phase of the JU. The allocated resources will be limited compared to previous years.
   b. In addition to the ECSEL JU symposium, some other events will be organised to ensure strong presence of the ECSEL JU on the European scene and complementing the events of the other Members of the JU. A strategy that ensures high attention to the positive impact of ECSEL at all levels will be pursued, though restrictions on meetings due to the COVID-19 pandemic may preclude physical meetings still (such as the successful “Impact visits” that were trialled in 2019, as well as active participation in relevant events organised by various DGs in the EC).
   c. The cooperation with ECSEL Participating States and their regions will be enhanced by information / brokerage events at national / regional level, where necessary by videoconference/webinar format. This will be carried through to the Permanent Representations to the EU Council in Brussels.
   d. Participation in the Brokerage/Consortium events of the Associations will be considered. This will in any case be followed up with additional Call information sessions using a Webinar format.
   e. Further specific support will be provided for the Lighthouse Initiatives (Industry 4.E, Mobility.E and Health.E) by encouraging their dedicated actions at events and dissemination of their (digital) publications.

2. Dissemination Support
   a. Provide support to the ECSEL projects in their dissemination activities (project posters and flyers, events, publications).
   b. The EFECS community event, organised by the private members of the ECSEL JU, may be financially supported through an SLA.
   c. Publications of the JU, using resources available internally, to be augmented, including the next volume of the “Book of Projects” covering projects from Calls 2018 and 2019, plus the selected projects from the 2020 Call.
   d. Specific support to ECSEL JU supported technologies events or clustered/combined projects events, especially in the domain of the Lighthouse Initiatives. These can be in the form of presentations at publicly accessible parts of review meetings (a format to be encouraged), networking opportunities/dinners or lunches, or specific ECSEL JU pitches, awards, or prizes to improve and accelerate the synergies amongst the stakeholders.
   e. Implement Coordinators’ Info day. In addition, a Webinar format will be used, minimising the need to travel and to broaden the audience, easy access and openness.
3. Public Communications
   a. Website: further evolution to implement necessary improvements in the visual aspects and content of the site.
   b. Continued attention to press releases, to be issued timely at key points in the annual calendar.
   c. Social Media primarily via Twitter and LinkedIn, though increasing visibility of the YouTube channel will also be assured.

Administration and Finance:

The budget is established in accordance with the provisions of the Council Regulation (EC) No 561/2014 of 6 May 2014 setting up the ECSEL Joint Undertaking.

The budget includes the description of human and financial resources deployed by the ECSEL JU for the implementation of its programmes and plans in 2021. Budget execution is a key performance indicator on progress towards ECSEL JU’s objectives.

Budget commitments to cover the legal obligations of ECSEL JU in 2021 will be limited to the JU’s running costs and will amount to:

- 4,940,000.00 € in 2021: -97.73% compared to 2020

Budget payments which are dedicated for the main part to payments of participants in the selected running projects and for the minor part to the running costs (including the payments of experts involved in reviews) in 2021 will amount (with respect of the follow up of certificates received from the Participating States for the legacy, and in accordance with the rules under H2020 for the new programme) to:

- 197,938,660.00 € in 2021: -8.04% compared to 2020

The running costs required for the administrative expenditure will be reduced (in commitments) from 5,400,000.00 (final adopted budget for 2020) € to 4,940,000.00 € reflecting the activities related to ECSEL JU in the context of H2020 programme. The JU budget for 2021 shall cover all ECSEL JU actions and needs until the launching of Horizon Europe programme.

Should there be a need not yet identified, the Governing Board will be invited to enter the necessary adjustments for appropriations.

B. Operations

Actions: no new ECSEL JU calls to be launched

Managing the projects/Dissemination and information on projects

This covers the activities related to the project management: grant agreement signature, amendments, cost eligibility recognition and payments, checks, reporting, monitoring and audits, Information sessions, management of the EPS information exchange.

For the monitoring of the ECSEL projects selected in previous calls, approximately 50 reviews are planned, that will require 100 expert appointments. Due to COVID-19 situation in 2020 (and most
probably part of 2021) several projects were delayed and may require additional reviews, therefore this number is approximate and most likely will go up.

Project dissemination will be encouraged and facilitated, through direct help to projects in developing attractive project documentation (posters, project descriptions…) and active support at appropriate community and JU events.

Grant preparation of around 12 projects.

Other activities

- Support to the 3 lighthouse initiatives and their respective CSAs
- Running the programme: portfolio analysis, KPI tracking, audit support, etc.
- Information sessions: coordinator info sessions on cost recognitions, information session towards PAB regarding JU payments, information session for new coordinators, etc.
- Liaising with the different services of the CSC and implementing the Sygma-Compas tools
- Support to audits and audit processes
- Support the other departments: administration, finance and communication as well as the ED

4. Call management rules (not applicable)

5. Support to Operations

A. Communication and events

The following summarises the key elements of the Communications Strategy for the ECSEL JU and gives an indicative guide to the allocation of resources. The Working Group (WG) for Communications of the Governing Board has already indicated that Internal Communications are to be regarded as part of the general management of the Office, though recognises the essential need for communication on operational issues with the participants (mostly, coordinators).

It should be noted that these are the planned actions for Communication and Events for the ECSEL JU and focus on the first part of 2021.

The concrete external communication objectives are to:

1. **Strengthen the public and political awareness** of Electronic Components and Systems (ECS) technologies and their applications as Key Enablers of solutions for pressing societal issues, to achieve wide support of European society;

2. **Facilitate access to support mechanisms at European, National, and Regional level** which are complementary to those offered by the ECSEL JU, including new and additional financial resources;

3. **Expand the outreach of the ECSEL JU** to new public and private audiences and potential partners with the objective of building bridges to other JU’s, PPP’s, EUREKA clusters and programmes;

4. Attract **appropriate and dedicated political support** to maintain an adequate and effective European regulatory framework for ECS technologies;
5. Ensure that the **communication policies** of all ECSEL JU members are **aligned** wherever possible;

6. Channel the information from the operational group in charge of the projects about the **programme successes** (which is mandatory);

7. Establish a **calendar of actions/events** in alignment with the member organisations.

These objectives can be addressed by continuing to deliver easy-to-understand technical information about:

- ECS,
- ECSEL JU (including the rationale about the tripartite model),
- the projects and their added value induced by the public funding as well as their impact on competitiveness, growth, and quality of daily life.

The following tables describe the potential audiences for external communication activities, the associated topics of interest and suggested media for communication.
<table>
<thead>
<tr>
<th>Potential audiences</th>
<th>Possible communication topics</th>
<th>Possible communication media</th>
</tr>
</thead>
</table>
| A. Peer groups and ECSEL (potential) stakeholders | - Themes to be addressed in future calls;  
- Brokerage opportunities for active and potential project participants;  
- How to create or engage in a project consortium; dos and don’ts when drafting an ECSEL proposal;  
- Creating support for ECSEL at relevant levels through dedicated events e.g. on “Lighthouse initiative(s)” etc.;  
- Publication of results;  
- Alignment of messages and coordinated actions between ECSEL public and private stakeholders in order to underline the ECSEL profile and strengthen important communication moments. Examples: joint press releases on call launches and funding decisions or sharing messages at national events. | - Website;  
- Publications;  
- Workshops, seminars, forum sessions, brokerage events;  
- Events at national level;  
- Press releases;  
- Public appearances of ECSEL stakeholders. |
<table>
<thead>
<tr>
<th>Potential audiences</th>
<th>Possible communication topics</th>
<th>Possible communication media</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Parliament and national Parliaments;</td>
<td>- Demonstration of results of projects and, in particular, the societal relevance of the “communication toolbox” items, in terms of new solutions to problems or economic benefits etc.; The justification of the public funding of the project should be specifically highlighted;</td>
<td>- Website;</td>
</tr>
<tr>
<td>Policy makers and dedicated bodies (European, national and regional);</td>
<td>- Underlining the unique tripartite nature of the ECSEL concept and the (pan-European) synergies it creates on various policy fields;</td>
<td>- Factsheets, Position documents;</td>
</tr>
<tr>
<td>Permanent Representation to the EU of the various Participating States.</td>
<td>- The combination of European and national priorities and interests and ECSEL’s capability to mobilise and combine substantial European, national and regional funds;</td>
<td>- Active dissemination of project results by the consortium partners;</td>
</tr>
<tr>
<td>Sister JUs and other programmes focused on application areas covered by ECSEL;</td>
<td>- Interaction with relevant organisations on societal issues and possible technology solutions e.g. in the areas of health, automotive, energy, IoT, environment etc.;</td>
<td>- Participation of ECSEL stakeholders at relevant events organised by user communities, public authorities or civil society organisations;</td>
</tr>
<tr>
<td>Civil society organisations.</td>
<td>- Opportunities for cooperation and for joint initiatives.</td>
<td>- (…)</td>
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<tr>
<td></td>
<td>- (…)</td>
<td>-</td>
</tr>
</tbody>
</table>
### Potential Audiences
- Interested public;
- Dedicated groups: students; technology adopters; special interest groups, NGO’s;

### Possible Communication Topics
- Key application areas: mobility, society, energy, health, security and the solutions that ECSEL-generated technology can offer;
- (…)

### Possible Communication Media
- Website;
- Television, notably programmes that address science and technology for a broader audience;
- Social media;
- Dedicated information packages e.g. for schools.

* The Working Group (WG) for Communications of the Governing Board indicated that Internal Communications are to be regarded as part of the general management of the Office, but it is noted here for completeness. The reference descriptions in the above table will in future be updated to reflect the further outcome of the WG’s recommendations. However, it is expected that the major audiences identified will remain unchanged.
In 2021 the following events and publications are proposed

**ECSEL JU Events 2021:**

A. MAJOR “ECSEL JU” branded events for communication and dissemination

1. ECSEL JU would normally actively participate in the Brokerage sessions organised by the PMB organisations, giving information and guidance about the Calls for Proposals for the following year. An online version of event is planned on 13+14/01/2021. As there is normally no Call for ECSEL JU, contribution will be limited. This will be followed up with additional information sessions via Webinars, once the Call planning is clarified.

2. ECSEL JU will present successes from its programme to Members of the European Parliament, though various online events to be set up with targeted members of the EP.

3. To provide a platform for projects to present their main results to their colleague participants (and thereby seed new ideas for future projects), ECSEL JU will organise an online “Technical Conference” (exact name TBC) in the April/May timeframe.

4. A slimmed down version of the ECSEL JU Symposium, to be held online in June 2021. Targeted audience: Regional, National and European policy makers, in cooperation with the ECSEL JU members. The main theme will be on **opinion-building and foresight** concerning the impact of ECS for/with ECS policy-makers, National/Regional funding authorities and industry/RTO representatives, with a strong identification with the ECSEL JU programme.

5. It has become common practice for the Associations (in their role as PMB) to organise a specific event that incorporates the function of ECSEL JU Stakeholders’ Forum : EFECS (the European Forum for Electronic Components and Systems) – an industry-wide event.
   - **set strategic technical priorities of relevant industries** and technical innovation pathways.
   - **network across the whole ECS Community:** EFECs brings together all the partners in the ECS value chain ecosystem, from end users to raw materials, forming the basis for the next generation of collaborative activities.
   - **brokerage event for ECS projects**

   The activity and any financing agreement for EFECs will be under ECSEL’s successor JU.

6. Some other events will be organised to ensure stronger presence of the ECSEL JU, complementing the events of the other Members of the JU, in particular with active participation in relevant events organised by various DGs in the EC.

B. Other “bridge building” initiatives to facilitate contacts between Permanent Representations to the EU (i.e. Scientific Attaché and Councillors acting in the field of Research and ICT) and the Public Authorities Members of the ECSEL JU will be organised.

C. ECSEL JU events on specific topics

1. ECSEL JU Programme Dissemination Support events. As the ECSEL JU clearly has an obligation to facilitate the dissemination of the programme results (and by analogy the projects it funds) and has also called into life the Lighthouse Initiatives which further support this strategy, support, and facilitation of appropriate dissemination activities, such as workshops, seminars, or similar events, is to be foreseen. To that end, ECSEL JU will assist all running LIs in organising their (ad-hoc) events.

2. Coordinator’s Day. This is to provide updates, training, and general information of specific use to project coordinators. To be organised in close collaboration with the Operations unit and making use of Webinars as a low-threshold tool for reaching an expanding audience.

3. The ECSEL JU office will facilitate and support, together with the industrial and public-sector stakeholders, a number of politically-focussed events related to preparing the next phase of the JU (see also C. below); timing, location, scope and audience to be confirmed.
Ad-hoc: PAB / NFA events to clarify administrative arrangements through tutorials, workshops, etc... for NFA administrations.

D. Specific events for communication with Institutions (Commission, Parliament, Council)
Noting that the decision process for future initiatives (JUs, …) that are particularly relevant for the community of stakeholders in ECSEL JU will be a high-profile activity that will be closely monitored, with appropriate follow-up, by the ECSEL JU stakeholders and supported where necessary by the ECSEL JU Communications team. The following activities will strongly depend on the evolution of the COVID-19 pandemic and consequent meeting restrictions.

1. Breakfast Sessions with MEPs / European Commissioners’ Cabinets.
2. Presence and active participation in working-group meetings and high-level Round Tables
3. Participation in exhibition / promotion events at the relevant EU institutions (for example in conjunction with other JUs sharing common interest).
4. As a continuation of the 2019 (Eindhoven, Graz/Villach) activities, further ECSEL JU impact visits with important Public-sector representatives. To maximise the visibility of project results, selected site visits will be organised, engaging the relevant representatives of EU Institutions.

E. Support to Community-building and road-mapping
1. Support, through Service Level Agreements and/or “Sponsoring”, of events organised by Members Industrial Associations, where these are directly relevant for the ECSEL JU or where they contribute to Dissemination and Exploitation of ECSEL JU project results or Lighthouse Initiative actions.
2. Support by direct participation in relevant events organised by the European Commission.
3. Support by direct participation to events set up by National and/or Regional authorities to promote ECSEL participation in their area. (ECSEL-JU frequently and pro-actively request such meetings ad-hoc, with specific National/Regional or other relevant authorities).

PUBLICATIONS

Annual Activity Report (AAR)
As in preceding years, ECSEL JU will publish its statutory AAR as an attractive book, that serves not only to catalogue the activities but also as an aid to publicising the positive impact of ECSEL JU to a wide audience.

Flyers/Brochures:
ECSEL JU will publish informative brochures / flyers on relevant topics for general promotion of the programme. Specific instruments of this type that are relevant for participants in the programme will be developed. These instruments shall be foreseen for primarily digital distribution but shall also be printable as needed. Other promotional materials (“Merchandising”) will be prepared, as supporting tools for the Events.

ECSEL JU will also help the projects in achieving the levels of active dissemination required by the Dissemination and Exploitation Strategy of H2020 by providing for preparation of basic materials such as an exhibition poster and project summary information, professionally edited and produced to assure clear and concise communication to a broad public.
The third and final volume of the ECSEL JU “Book of Projects” will be prepared and published. Its publication has been delayed to allow the immediate inclusion of the ECSEL JU Calls2020 selected projects.

Website and Social Media:

ECSEL JU’s reworked public website has greatly facilitated the timely publication of news and other public announcements. In 2021 – some cosmetic updates to the existing ECSEL JU website will be implemented. ECSEL JU will maintain and expand the web-site and highlight the use of the Twitter account (the LinkedIn page will be kept open, though it is not gaining traction in the community and will continue to be evaluated along with other options), as well as the VIMEO video library and newly-launched YouTube channel.

Media coverage

Regular contacts with Media and specialised magazines will be paramount given the strategic nature of the ECS sector, even more crucial and relevant during the COVID-19 pandemic. A collaboration based on some months of sustained media coverage, from January 2021 to July 2021, will be proposed. This would allow ECSEL to:

- keep ECS policy issues on the public agenda;
- communicate on the crucial importance of the ECS sector from different angles;
- bring visibility to ECSEL JU.

A dedicated page could be built together with the provider where to write with a mix of articles and interviews and non-original content.

Press releases

In addition to press releases independently published by members, ECSEL JU can foresee approximately 3 press releases, distributed by the JU using its own means, covering, but not limited to, the following key events:

- Outcome of the ECSEL JU Calls 2020 (funding decisions).
- Event relevant for the constituents and JU Members.
- Key events relevant for the Institutions.

Service-Level Agreements (SLAs)

Effective Dissemination and Communication requires specialist resources, many of which are already available within Members of the ECSEL JU. Therefore, execution of parts of the ECSEL JU Communications and Events and related actions may be implemented by means of Service Level Agreements (SLA) with relevant member organisations, though bearing in mind that clear, individual branding of ECSEL JU must remain a priority.
B. Procurement and contracts

Procurement and contracts are managed in accordance with the provisions of the Financial Rules adopted by the Governing Board of ECSEL JU (Decision GB 2020.138).

In order to reach its objectives and adequately support its operations and infrastructures, ECSEL JU will allocate funds to procure the necessary services and supplies. In order to make tender and contract management as effective and cost-efficient as possible, ECSEL JU concludes Service Level Agreements (SLAs) with relevant Commission services as well as its private members and makes use of inter-institutional framework contracts (FWC). In 2021, ECSEL JU foresees to run a limited number of procurement procedures, mainly for very low and low value contracts.

<table>
<thead>
<tr>
<th>Supply/service</th>
<th>Max. indicative expenditure (EUR)</th>
<th>Type of procedure</th>
<th>Indicative schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trainings</td>
<td>45,000 €</td>
<td>Very low and low value contracts or specific contracts/order forms implementing FWC or negotiated procedure for low value contracts</td>
<td>Q1, Q2, Q3 and Q4 2021</td>
</tr>
<tr>
<td>IT services and equipment</td>
<td>300,000 €</td>
<td>Very low and low value contracts or specific contracts/order forms implementing FWC or negotiated procedure for low value contracts</td>
<td>Q1, Q2, Q3 and Q4 2021</td>
</tr>
<tr>
<td>Catering services</td>
<td>30,000 €</td>
<td>Very low and low value contracts or specific contracts/order forms implementing FWC or negotiated procedure for low value contracts</td>
<td>Q1, Q2, Q3 and Q4 2021</td>
</tr>
<tr>
<td>Communication and event organisation</td>
<td>100,000 €</td>
<td>Very low and low value contracts or specific contracts/order forms implementing FWC or negotiated procedure for low value contracts</td>
<td>Q1, Q2, Q3 and Q4 2021</td>
</tr>
<tr>
<td>Legal and audit services</td>
<td>55,000 €</td>
<td>Low value contracts or specific contracts/order forms implementing FWC or negotiated procedure for low value contracts (including for a defence in court).</td>
<td>Q1, Q2, Q3 and Q4 2021</td>
</tr>
</tbody>
</table>

This list shall be considered indicative, but non-exhaustive, as other procurement procedures may be launched within the budgetary limits approved by the Governing Board. The Executive Director shall report to the Governing Board about the procedures launched as part of the AAR 2021.

C. IT and logistics

At present, six Joint Undertakings are sharing the housing location in the building “White Atrium”, Brussels Belgium: Clean Sky, FCH, IMI, BBI, S2R, and ECSEL.

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2 According with Article 43 of the ECSEL JU Financial Rules, for contracts with a value between EUR 60,000.00 and the thresholds laid down in Article 175 of the Financial Regulation 2018, the procedure set out for contracts with a low value not exceeding EUR 60,000.00 may be used.
The arrangements for the facilities are subject to a common contract for both the office space and the IT management of equipment, maintenance and help desk.

The 6 Joint Undertakings have jointly developed a common IT work programme and a common IT Security Policy. They also developed joint Business Continuity and Disaster Recovery Plans (BCP+DRP). The common IT programme includes a roadmap and a timeline, in order to be able to cope with business needs and required updates of networks and equipment.

In accordance with the principles of economy, efficiency and effectiveness, ECSEL as well as the other JUs are also using and paying for tools and applications developed by the Commission, namely for finance (ABAC and SAP), for evaluation and grant management under H2020 (SYGMA and COMPASS) and administration (Sysper, ARES, web hosting, …).

D. JU Executive Team – HR matters

The number of staff employed by ECSEL JU in 2021 will be kept at 31 statutory staff.

These limited human resources are to be considered as a challenge for ECSEL JU, which manages two programmes at the same time (FP7 and H2020) and running with different rules. In this context trainees and interim solutions have proven necessary and are expected to remain needed in 2021.

Details on the staff establishment plan can be found in ECSEL budget 2021 (decision ECSEL GB 2020.150).

E. Administrative Budget and Finance

The administrative budget of ECSEL JU will be reduced to 4,940,000.00 € for 2021 (- 8.52% with regard to 2020 commitment appropriations for administrative budget) reflecting the phasing-out of ECSEL JU activities under H2020 programme.

Funding sources for the budget of ECSEL are at present limited to:

- The EU budget for the operational costs and a part of the running costs,
- The Private Members for the remaining part of the running costs.

Accounting tasks have been transferred to European Commission’s DG BUDG, which has been formally appointed ECSEL JU’s accountant as of 1 July 2018. Interface with ECSEL JU is ensured through an “accounting correspondent” function within the JU.

F. Data protection and conflicts of interest

- Data protection

The EUI-GDPR N°2018/1725, implemented by ECSEL JU in internal set of documents, will be regularly updated to include recent developments. Mostly, these are internal privacy policies that are concerned, as published on the ECSEL website.

In 2020, a Data Protection Impact Assessment (DPIA) was initiated together with the 6 other Joint Undertakings to anticipate the migration to Microsoft tools. 2021 will see the finalisation of this exercise and its implementation into internal policies as well as the migration towards Office 365.
Conflicts of interest

The Governing Board has adopted comprehensive rules on the prevention and management of conflicts of interest in June 2015 (ECSEL GB 2015.41). It addresses all actors involved in the Joint Undertaking activities, including staff, PAB and GB members, experts involved in projects reviews and evaluations, participants in procurement and recruitment committees.

6. Governance

Governance of the Joint Undertaking includes the following bodies:

- The Governing Board has overall responsibility for the strategic orientation and the operations of the ECSEL Joint Undertaking and supervises the implementation of its activities. The Chair is Ms Sabine Herlitschka.

- The Executive Director is the chief executive responsible for the day-to-day management of the ECSEL Joint Undertaking in accordance with the decisions of the Governing Board. Mr. Bert De Colvenaer is the Executive Director of ECSEL JU since January 2016.

- The Public Authorities Board is competent for matters related to calls for proposals and allocation of public funding. The Chair is Ms Doris Vierbauch.

- The Private Members Board is responsible for drawing up the draft multiannual strategic research and innovation agenda and the draft research and innovation activities plan. It consists of the three industry associations, AENEAS, ARTEMISIA and EPoSS. Its Chair is Mr Jean-Luc di Paola-Galloni.
7. Internal Control framework

A. Financial procedures

1. Legacy projects (ARTEMIS and ENIAC)

The financial procedures of ENIAC and ARTEMIS projects have been harmonised. Despite the intrinsic similarities, some adjustments in the internal procedures (check-lists, work-flows, etc.) were implemented taking into account best practices of both programmes. The bulk of the process remains the same with payments based on certificates provided by Participating States in both cases.

2. ECSEL projects

The financial procedure for projects under H2020 depends on the H2020 IT tools developed by the European Commission. These IT tools encompass the full cycle of the process, including work-flows, check-lists, etc.

B. Ex-ante and ex-post controls

The internal control processes and methods have been subject, from the first days of existence of ECSEL JU, to a decision of the Governing Board (ECSEL GB 2014.15 of 03 July 2014) adopting the internal control standards for efficient management. A Revised Internal Control Framework has been adopted in 2020 (Decision ECSEL GB 2020.147).

With regard to financial matters, ex-ante and ex-post controls are organised in accordance with the Financial Rules of the ECSEL JU (Decision ECSEL GB 2020.138, in particular its articles 21 and 22).

1. Legacy projects (ARTEMIS and ENIAC)

The ECSEL JU continues to operate under the stipulations previously defined under FP7 for the former organisations ARTEMIS and ENIAC. The procedures have been updated to ensure a high level of quality, in close cooperation with the national funding authorities issuing certificates for payments.

2. ECSEL projects

The current developments for the electronic management of calls and selected projects shall be complemented in cooperation with the Common Implementation Centre of the Commission, in charge of the applications, and in due consideration of the specificities of the tripartite model of the ECSEL JU.

C. Audits

Audits are organised both on an internal and external basis:

C1 Internal audits are operated by the internal auditor of the JU (the competent service of the Commission) and by the staff member appointed by the Governing Board for performing the internal audit capability, in accordance with the provisions of Chapter 5 of the Financial rules of the ECSEL JU.³

³ Decision ECSEL GB 2020.138
C2 External audits are operated by the European Court of Auditors, reporting to the European Parliament and the Council, responsible for the discharge procedure.

C3 Ex-post audits of beneficiaries are also operated by or on behalf of the ECSEL JU, with methods which are adapted to the specificities of the programmes:

1. Legacy projects (ARTEMIS and ENIAC)

In accordance with the financial rules applying to the projects previously managed by the ARTEMIS and ENIAC JUs, the National Authorities of the Participating States are entrusted with the ex-post audit of the beneficiaries. The role of the JU is, in accordance with the ex-post audit strategy defined under FP7, to assess the means and outputs of the audits operated by the National Funding Authorities. A key request in this respect is for the issuance by the latter of a declaration of assurance on a yearly basis.

2. ECSEL projects

Under the regime of H2020, ECSEL JU has defined the needs and methods for the ex-post audits, in close cooperation with the Common Implementation Centre of the European Commission, in view of a coordinated approach of audits of beneficiaries. A common audit plan for all EU services involved in the programme H2020 will be implemented by the CIC of the Commission, acting on behalf of the ECSEL JU. The first audits of the CIC on behalf of the ECSEL JU were launched in 2017.
8. ANNEXES

Annex 4: Key Performance Indicators

KPI-guidelines included below.

**Operational performance**

<table>
<thead>
<tr>
<th>KPI</th>
<th>Definition</th>
<th>Baseline</th>
<th>Objective for year 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>OP-1</td>
<td>% New participating entities</td>
<td>33%</td>
<td>Not applicable</td>
</tr>
<tr>
<td>OP-2</td>
<td>Success rate %</td>
<td>17%</td>
<td>Not applicable</td>
</tr>
<tr>
<td>OP-3</td>
<td>Budget % of selected projects along value chain</td>
<td>N/A</td>
<td>(*)</td>
</tr>
<tr>
<td>OP-4</td>
<td>Time to grant % below maximum time</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>OP-5</td>
<td>Time to payments % Late</td>
<td>2%</td>
<td>&lt;2%</td>
</tr>
<tr>
<td>OP-6</td>
<td>% Projects achieving insufficiently (Monitoring)</td>
<td>5%</td>
<td>&lt;5%</td>
</tr>
<tr>
<td>OP-7</td>
<td>Lighthouse activity</td>
<td>5</td>
<td>&gt;5</td>
</tr>
<tr>
<td>OP-8</td>
<td>Ethics: projects not complying</td>
<td>2%</td>
<td>&lt;2%</td>
</tr>
<tr>
<td>OP-9</td>
<td>Redress requested</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>OP-10</td>
<td>Gender (% women in projects)</td>
<td>N/A</td>
<td>(*)</td>
</tr>
<tr>
<td>OP-11</td>
<td>Participants from non-EU state</td>
<td>5%</td>
<td>Not applicable</td>
</tr>
<tr>
<td>OP-12</td>
<td>Error rate: % common representative errors</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>OP-13</td>
<td>Events/Communication</td>
<td>10</td>
<td>&gt;10</td>
</tr>
</tbody>
</table>

(*) The indicated KPI’s are important and measure useful information to assess the direction, the impact and the balance of the ECSEL JU program. Despite several internal discussions and meetings with the EC/CIC services and the GB delegates, it needs to be concluded that (for the indicated KPI only) it is currently impossible to properly, cost efficiently and correctly measure the value with the available IT tools (OP-10 & OP-3 & PP-10) and/because there is a large remaining uncleanness on the interpretation/definition and on an agreed measuring framework (OP-3 & PP-10). The ECSEL JU Office will put all effort in developing proper measuring methodologies and clear defined KPI indicators for upcoming Horizon Europe program which will start in 2021.
<table>
<thead>
<tr>
<th>KPI</th>
<th>Definition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>OP-1</td>
<td>% New participating entities</td>
<td>Percentage of entities (identified by using PIC number) to total that are participating in one of the submitted proposals at the FPP stage and that have not participated in any of the proposals at FPP stage in the 3 preceding years.</td>
</tr>
<tr>
<td>OP-2</td>
<td>Success rate %</td>
<td>Percentage of selected and funded proposals to all eligible submitted proposals at FPP stage</td>
</tr>
<tr>
<td>OP-3</td>
<td>Budget % of selected projects along value chain</td>
<td>(*)</td>
</tr>
<tr>
<td>OP-4</td>
<td>Time to grant % below maximum time</td>
<td>Percentage of grants that are signed in time (that is within the 8 months from the FPP deadline)</td>
</tr>
<tr>
<td>OP-5</td>
<td>Time to payments % Late</td>
<td>Percentage of payments (operational and administrative) that are past deadline</td>
</tr>
<tr>
<td>OP-6</td>
<td>% Projects achieving insufficiently (Monitoring)</td>
<td>Percentage of the project under monitoring that are assessed as insufficient at yearly review</td>
</tr>
<tr>
<td>OP-7</td>
<td>Lighthouse activity</td>
<td>Number of events attended or organised</td>
</tr>
<tr>
<td>OP-8</td>
<td>Ethics: projects not complying</td>
<td>Percentage of projects that at review show insufficient on the ethics part.</td>
</tr>
<tr>
<td>OP-9</td>
<td>Redress requested</td>
<td>Redress requested in any of the workflows</td>
</tr>
<tr>
<td>OP-10</td>
<td>Gender (%women in projects)</td>
<td>(*)</td>
</tr>
<tr>
<td>OP-11</td>
<td>Participants from non-EU state (associated or third country)</td>
<td>Percentage of participants in selected projects from non-EU countries</td>
</tr>
<tr>
<td>OP-12</td>
<td>Error rate: % common representative errors</td>
<td>% common representative errors</td>
</tr>
<tr>
<td>OP-13</td>
<td>Events/Communication</td>
<td>Number of: presentations given by ECSEL staff at non ECSEL events, publications, organised events by ECSEL.</td>
</tr>
</tbody>
</table>

**Programme performance KPI**

<table>
<thead>
<tr>
<th>KPI</th>
<th>Definition</th>
<th>Baseline</th>
<th>Objective for year 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>PP-1</td>
<td>Number of projects</td>
<td>10</td>
<td>Not applicable</td>
</tr>
<tr>
<td>PP-2</td>
<td>National Funding / EU Funding per year</td>
<td>0.92</td>
<td>Not applicable</td>
</tr>
<tr>
<td>PP-3</td>
<td>Private partners / Public partners</td>
<td>1.5</td>
<td>Not applicable</td>
</tr>
<tr>
<td>PP-4</td>
<td>Average Size of project RIA</td>
<td>27 M€ on H2020 Cost &amp; 30 Beneficiaries</td>
<td>Not applicable</td>
</tr>
<tr>
<td>KPI</td>
<td>Definition</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>PP-1</td>
<td>Number of projects</td>
<td>Number of selected projects</td>
<td></td>
</tr>
<tr>
<td>PP-2</td>
<td>National Funding / EU Funding per year</td>
<td>Ratio for the selected projects of the total national funding to the total EU funding</td>
<td></td>
</tr>
<tr>
<td>PP-3</td>
<td>Private partners / Public partners</td>
<td>Ratio for the selected projects of the total participation of private entities (Large enterprises and SMEs) to the public entities</td>
<td></td>
</tr>
<tr>
<td>PP-4</td>
<td>Average Size of project RIA</td>
<td>Average H2020 cost for selected project and Average number of beneficiaries for selected project</td>
<td></td>
</tr>
<tr>
<td>PP-5</td>
<td>Average Size of project IA</td>
<td>Average H2020 cost for selected project and Average number of beneficiaries for selected project</td>
<td></td>
</tr>
<tr>
<td>PP-6</td>
<td>EU-countries without national funding Countries participating in the call</td>
<td>Number of EU countries without national funding in the call but with beneficiaries in the selected calls All countries participating in the selected projects of the call</td>
<td></td>
</tr>
<tr>
<td>PP-7</td>
<td>Oversubscription</td>
<td>Average of EU and national oversubscription. Oversubscription is calculated as the requested funding for the eligible proposals submitted at the FPP divided by the total amount that is committed by the funding authority</td>
<td></td>
</tr>
<tr>
<td>PP-8</td>
<td>Number of patents per 10MEuro of EU funding</td>
<td>Number of patents for all finished ECSEL projects divided by the total EU funding for those projects (per 10M€)</td>
<td></td>
</tr>
<tr>
<td>PP-9</td>
<td>Participation of SME to the programme</td>
<td>Proportion of SMEs participating in the selected projects of the calls of that year.</td>
<td></td>
</tr>
<tr>
<td>PP-10</td>
<td>Publications</td>
<td>(*), N/A</td>
<td></td>
</tr>
</tbody>
</table>

**Impact KPI**

*Will be defined according to the lines of the KIP defined for the Horizon Europe programme.*
DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT
UNDERTAKING

on the appointment of an observer and a representative for the pre-selection stage of the
selection procedure for the recruitment of the Executive Director
of the ECSEL Joint Undertaking

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Statutes annexed to Council Regulation (EU) 561/2014 of 6 May 2014 establishing
the ECSEL Joint Undertaking and in particular Article 8.1 of the Statutes,

WHEREAS:

(1) The Executive Director shall be appointed by the Governing Board, from a list of candidates
proposed by the Commission, following an open and transparent selection procedure. The
Commission shall associate the representation from the other members of the ECSEL Joint
Undertaking in the selection procedure, as appropriate. An appropriate representation from the
other members of the ECSEL Joint Undertaking shall be ensured at the pre-selection stage of
the selection procedure. For that purpose, the ECSEL Participating States and the private
members shall appoint by common accord a representative as well as an observer on behalf of
the Governing Board.

(2) The Governing Board should nominate a representative and an observer for the pre-selection
stage of the selection procedure.

HAS DECIDED AS FOLLOWS:

Article 1

The Governing Board hereby appoints Mr Sebastian Jester, member of the delegation of Germany, as
observer, and Mr Jan Lohstroh, lead delegate of the delegation of INSIDE (former ARTEMIS-IA), as
representative, for the pre-selection stage of the selection procedure for the recruitment of the Executive
Director of the ECSEL Joint Undertaking.

Article 2

This Decision shall enter into force on the date of its adoption.

Done on 5th June 2021
August 2021

Sabine Hertitschka
Chairperson of the Governing Board