

## 2010 discharge: Fuel Cells and Hydrogen Fuel Cell Joint Undertaking

2011/2242(DEC) - 10/05/2012 - Text adopted by Parliament, single reading

The European Parliament adopted a decision to grant discharge to the Executive Director of the FCH Joint Undertaking in respect of the implementation of the Joint Undertakings budget for the financial year 2010. This decision also approves the closure of the Agencies accounts.

Noting that the Court of Auditors stated that it has obtained reasonable assurances that the annual accounts of the Joint Undertaking for the financial year 2010 are reliable and that the underlying transactions are legal and regular, Parliament adopted a resolution containing a series of recommendations that need to be taken into account when the discharge is granted, in addition to the general recommendations that appear in the [draft resolution](#) on performance, financial management and control of EU agencies.

These recommendations may be summarised as follows:

- **Budget and Financial Management:** Parliament notes the low execution rate on Infrastructure payment appropriations, i.e. 15.39%, related to the late autonomy of the Joint Undertaking. It notes that all the 2010 operational payments to beneficiaries were made during the last six weeks of 2010. It urges the Joint Undertaking, moreover, to inform the discharge authority about the measures adopted and implemented to redress the situation and enable a greater execution rate of its budget both in terms of commitments and payments;
- **Internal Control Systems:** Parliament calls on the Joint Undertaking and in particular its Accounting Officer to formalise and validate the underlying business processes as required by its financial rules. They note that the Joint Undertaking has an adequate level of IT governance and practice for its size and mission but stress that formalisation of policies and procedures in strategic IT planning cycle, etc is lagging behind. They call on the Joint Undertaking to remedy the situation and provide the discharge authority with an up-to-date report on the matter;
- **Internal Audit:** Members take note that the Commission and the Joint Undertaking have taken action to ensure that the respective operational roles of the Commissions Internal Audit Service and the Joint Undertakings internal auditing function are clearly defined;
- **Call for Proposals and Project Management:** Members note that the evaluation of the Call for Proposal 2010 was carried out by 32 independent experts and a chairperson, and that two independent observers monitored that the evaluation procedure was carried out in a fair, impartial and confidential manner. They call on the Joint Undertaking to inform the discharge authority on the verification mechanisms that it implements to ensure the full independence of experts and observers and therefore to mitigate the risks of conflicts of interests during the evaluation of tenders;
- **Lack of host State agreement:** Members reiterate that the Joint Undertaking should rapidly conclude a host agreement with Belgium concerning office accommodation, privileges and immunities and other support to be provided by Belgium to it.

**Horizontal observations on the Joint Undertakings:** Members underline that seven Joint Undertakings have so far been established by the European Commission under Article 187 of the Treaty on the Functioning of the European Union and that the total Union contribution deemed necessary for the Joint Undertakings for their period of existence amounts to EUR 11.5 billion (for the financial year 2010 alone, the overall Union contribution amounted to EUR 505 million). They note that six Joint Undertakings (IMI, ARTEMIS, ENIAC, CLEAN SKY, FCH and ITER-F4E) are in the research area under the Commissions DGs RTD and INFSO and one is charged with developing the new air traffic management system (SESAR) in the transport domain whose activities are supervised by DG MOVE.

In this context, Parliament calls on the Commission to provide the discharge authority annually with consolidated information on the total annual funding per Joint Undertaking made from the general budget of the Union in order to ensure transparency and clarity on the use of the Union's funds and restore trust among the European taxpayers. It recalls that Joint Undertakings are public-private partnerships and that as a consequence public and private interests are intertwined. Members consider that the likelihood of conflicts of interest should not be dismissed but addressed properly. They call therefore on the Joint Undertakings to inform the discharge authority on the verification mechanisms which exist in their respective structures to enable a proper management and prevention of conflicts of interest.

Parliament notes, with the notable exception of the Joint Undertaking for ITER and the Development of Fusion Energy, that Joint Undertakings are relatively small structures and geographically-concentrated and that they should pool their resources where possible.

Lastly, the Court of Auditors is invited to provide, within a reasonable deadline, a special report to Parliament, on the added value of the establishment of the Joint Undertakings.