Establishment of the "ARTEMIS Joint Undertaking" to implement a Joint Technology Initiative in Embedded Computing Systems

2007/0088(CNS) - 11/12/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Gianni **DE MICHELIS** (PES, IT) and made some amendments to the proposal for a Council regulation on the establishment of the "ARTEMIS Joint Undertaking" to implement a Joint Technology Initiative in Embedded Computing Systems.

The main amendments were as follows:

Creation of a Joint Undertaking: the report stipulates that it should be ensured that after the last call for proposals in 2013 projects still in progress are implemented, monitored and funded until 2017. The ARTEMIS Joint Undertaking should also be considered as a Community body as referred to in Point 47 of the IIA of 17 May 2006.

Objectives: the Joint Undertaking should also promote the involvement of SMEs in its activities. Parliament deleted the objective in the Commission's proposal stating that the Joint Undertaking should ensure the efficiency and durability of the JTI on Embedded Computing Systems.

Financing: the sum of the contributions from ARTEMISIA and the European Union shall not exceed 5% of the overall budget of the ARTEMIS Joint Undertaking. ARTEMIS Member States shall ensure that national funds are allocated within the shortest possible delay. The report stipulates that the financial contributions to the cost of projects from public funds shall be conditional on in-kind contributions to the projects submitted by research and development organisations to cover their share of the costs of the projects.

Financial rules: the financial rules of the ARTEMIS Joint Undertaking may not depart from Regulation (EC) No 2343/2002, unless its specific operating needs so require and subject to the prior consent of the Commission. The budgetary authority shall be informed of such derogations.

Evaluation: the evaluation and selection process will be carried out with the assistance of external experts.

Staff: the ARTEMIS Joint Undertaking shall recruit its staff in accordance with applicable regulations of the host country. The Commission may second to the ARTEMIS Joint Undertaking as many officials as may be needed. Parliament deleted the clause stating that the Protocol on the Privileges and Immunities of the European Communities shall apply to the ARTEMIS Joint Undertaking and its staff.

Responsibility: some essential clauses of the JU Statutes have been inserted to clarify that the Joint Undertaking shall be solely responsible for meeting its obligations. It shall not be responsible for meeting the financial obligations of its Members. It shall not be liable for any ARTEMIS Member State failing to meet its obligations resulting from calls for proposals launched by the ARTEMIS Joint Undertaking. The Members shall not be liable for any of the ARTEMIS Joint Undertaking's obligations. The financial liability of the Members shall be an internal liability towards the ARTEMIS Joint Undertaking only, limited to their commitment to contribute to the resources.

Report, evaluation and discharge: no later than 31 December 2010, the Commission shall present to the European Parliament and the Council an interim evaluation of the ARTEMIS Joint Undertaking prepared

with the assistance of independent experts. Parliament deleted the clause stating that the final evaluation will be carried out by 31 March 2018.

Discharge for the implementation of the budget of the ARTEMIS Joint Undertaking shall be given: a) respecting the Court of Auditor's competence to examine the revenue and expenditures accounts of all bodies set up by the Communities; b) recognising the specificities of the Joint Technology Initiatives as new mechanisms for implementing public private partnerships, in order to find a more effective solution for the purpose of discharging the Community's budget.

Parliament also introduced the following amendments in the **annexes:**

- a new clause states that the ARTEMIS Joint Undertaking is a body as referred to in Article 185 of the Financial Regulation and Point 47 of the IIA of 17 May 2006;

- in the event of an application for membership from another legal entity or third country, the Governing Board shall provide timely information to the Commission on the assessment made of the applicant and, where applicable, on the recommendation or decision of the Governing Board. The Commission shall transmit this information to the Council;

- the Public Authorities Board shall elect its Chairperson every two years. The same Chairperson may be re-elected no more than twice;

- the Executive Director shall be appointed by the Governing Board on the basis of a list of candidates proposed by the Commission following a call for expression of interest published in the Official Journal of the EU and in the press or on the internet, for a period of up to three years, which may extend the term of office once for a further period of not more than three years;

- the Governing Board must consult with the Commission on some matters, including the financial rules;

- the ARTEMIS Joint Undertaking's financial rules shall not depart from Regulation (EC, Euratom) No 2343/2002, unless its specific operating needs so require. The prior consent of the Commission shall be required for the adoption of any rules which depart from Regulation (EC, Euratom) No 2343/2002. The budgetary authority shall be informed of any such derogation;

- the Multiannual Strategic Plan, the Annual Work Programme and the Annual Implementation Plan shall be made public. The Annual Activity Report shall include the participation of SMEs in the R&D activities of the ARTEMIS Joint Undertaking. Calls for proposals shall be made public to the greatest extent possible through periodicals, on the internet, etc.

- the Annual Accounts and balance sheets for the preceding year shall be submitted to the European Court of Auditors and to the budgetary authority;

- with the exception of the financial contributions due to Project participants the financial liability of the ARTEMIS Joint Undertaking for its debts is limited to the contributions that the Members have made to the running costs;

- proposals for amendments to the Statutes shall be approved by the Governing Board and submitted to the Commission for decision after consulting the European Parliament;

- access Rights shall be granted on a non-exclusive, non-transferable basis. The clause on time limits for access rights was deleted;

- the report specifies the procedure for evaluating in-kind contributions;

- the terms and conditions of grant agreements shall be in accordance with the financial rules.