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#### 'I/A' ITEM NOTE

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From: Budget Committee  
To: Permanent Representatives Committee/Council  
Subject: Discharge to be given to the joint undertakings in respect of the  
implementation of the budget for the financial year 2015  
– *Draft Council recommendations*

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ANNEX 1:	European Joint Undertaking for ITER and the Development of Fusion Energy .....	2
ANNEX 2:	Single European Sky Air Traffic Management Research (SESAR) Joint Undertaking .....	6
ANNEX 3:	Clean Sky 2 Joint Undertaking.....	9
ANNEX 4:	Innovative Medicines Initiative 2 Joint Undertaking .....	12
ANNEX 5:	Fuel Cells and Hydrogen 2 Joint Undertaking .....	15
ANNEX 6:	Electronic Components and Systems for European Leadership (ECSEL) Joint Undertaking .....	18
ANNEX 7:	Bio-based Industries Joint Undertaking .....	22

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Director**  
**of the European Joint Undertaking for ITER and the Development of Fusion Energy**  
**in respect of the implementation of the budget**  
**of the European Joint Undertaking for ITER and the Development of Fusion Energy**  
**for the financial year 2015**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2007/198/Euratom of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it<sup>1</sup>, and in particular Article 5(3) thereof and the fourth subparagraph of Article 15(1) of the Annex thereto,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

Having regard to the Financial Regulation of the European Joint Undertaking for ITER and the Development of Fusion Energy adopted by its Governing Board on 22 October 2007,

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<sup>1</sup> OJ L 90, 30.3.2007, p. 58.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2015 and the balance sheet as at 31 December 2015 of the European Joint Undertaking for ITER and the Development of Fusion Energy, hereinafter referred to as the "Joint Undertaking", as well as the Court of Auditors' report on the annual accounts of the Joint Undertaking for the financial year 2015, accompanied by the Joint Undertaking's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2015 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Joint Undertaking is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Director of the Joint Undertaking in respect of the implementation of the budget for the financial year 2015.

Done at Brussels,

*For the Council*

*The President*

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<sup>1</sup> OJ C 473, 16.12.2016, p. 33.

**COMMENTS ACCOMPANYING  
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO  
THE EUROPEAN JOINT UNDERTAKING FOR ITER AND THE DEVELOPMENT OF  
FUSION ENERGY**

The Council welcomes the Court's opinion that, in all material respects, the Joint Undertaking's annual accounts present fairly its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Joint Undertaking's Financial Rules, and that the underlying transactions for 2015 are legal and regular in all material respects. Nevertheless, some observations need to be made.

The Council is concerned about the very significant cost increase of the ITER project that in November 2015 was estimated at EUR 2 375 million for the construction phase. The Council invites the Joint Undertaking to update the valuation of its contribution to the ITER project beyond the construction phase and to present it with the least possible delay. It urges the Joint Undertaking to swiftly implement its action plan in order to improve the performance of the project and to increase the reliability of its monitoring and forecasts.

Moreover, the Council, following the Court's observations and while recognising the improvements made in 2015, urges the Joint Undertaking to present in the annual accounts more accurate information on the status and value of the activities carried out so far as regards the procurement arrangements signed with the ITER International Organisation.

In order to avoid excessive carry-overs, the Council calls on the Joint Undertaking to pay due attention to the proper programming and implementation of commitment and payment appropriations in the course of the budgetary year and to decommit unused appropriations if necessary, in line with the budgetary principle of annuality.

The Council welcomes the progress achieved by the Joint Undertaking with regard to the establishment and implementation of its internal control systems. However, since some deficiencies still persist, the Council invites the Joint Undertaking to continue its efforts in upgrading various components of its internal control systems and in making them more efficient.

As regards the procurement and grant award procedures, the Council regrets that several weaknesses were still identified by the Court. It calls on the Joint Undertaking to maximise competition in the areas of procurement and grant contract management, to respect the target dates for the procedures, and to improve the controls and verifications at different stages of the procurement and grant procedures, with a view to mitigating any financial risk in the use of EU funds.

The Council welcomes the fact that in 2015 the Joint Undertaking amended its Financial and Implementing Rules to align them with the new EU Financial Framework and invites the Joint Undertaking to develop further some of the provisions of its Implementing Rules as requested by the Commission.

Finally, the Council invites the Joint Undertaking to follow-up thoroughly the Court's recommendations on Industrial Policy and on the Joint Undertaking's procurement strategy from previous years and to continue adopting the necessary rules for the proper implementation of the Staff Regulations.

**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the Single European Sky Air Traffic Management Research (SESAR) Joint Undertaking**  
**in respect of the implementation of the budget**  
**of the SESAR Joint Undertaking**  
**for the financial year 2015**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR)<sup>1</sup>, and in particular Article 4b thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, and in particular Article 208(2) thereof,

Having regard to the Financial Rules of the SESAR Joint Undertaking adopted by its Administrative Board on 28 July 2009,

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<sup>1</sup> OJ L 64, 2.3.2007, p. 1.

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

Having examined the revenue and expenditure accounts for the financial year 2015 and the balance sheet as at 31 December 2015 of the SESAR Joint Undertaking, hereinafter referred to as the "Joint Undertaking", as well as the Court of Auditors' report on the annual accounts of the Joint Undertaking for the financial year 2015, accompanied by the Joint Undertaking's replies to the Court's observations<sup>1</sup>,

Whereas the observations in the Court of Auditors' report in relation to the financial year 2015 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Joint Undertaking is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Joint Undertaking in respect of the implementation of the budget for the financial year 2015.

Done at Brussels,

*For the Council*

*The President*

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<sup>1</sup> OJ C 473, 16.12.2016, p. 66.

**COMMENTS ACCOMPANYING  
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO  
THE SINGLE EUROPEAN SKY AIR TRAFFIC MANAGEMENT RESEARCH (SESAR)  
JOINT UNDERTAKING**

The Council welcomes the Court's opinion that, in all material respects, the Joint Undertaking's annual accounts present fairly its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Joint Undertaking's Financial Rules, and that the underlying transactions for 2015 are legal and regular in all material respects. Nevertheless, some observations need to be made.

In order to avoid excessive carry-overs, the Council calls on the Joint Undertaking to pay due attention to the proper programming and implementation of commitment and payment appropriations in the course of the budgetary year and to decommit unused appropriations if necessary, in line with the budgetary principle of annuality.

Moreover, it encourages the Joint Undertaking to implement its action plan on operational governance and the Master Plan update without delay.

Finally, the Council invites the Joint Undertaking to incorporate in its procedures a declaration of absence of a conflict of interest as stated in the Commission's guidelines.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the Clean Sky 2 Joint Undertaking**  
**in respect of the implementation of the budget**  
**of the Clean Sky 2 Joint Undertaking**  
**for the financial year 2015**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 558/2014 of 6 May 2014 establishing the Clean Sky 2 Joint Undertaking<sup>1</sup>, and in particular Article 12 thereof,

Having regard to the Financial Rules of the Clean Sky 2 Joint Undertaking adopted by its Governing Board on 3 July 2014,

Having examined the revenue and expenditure accounts for the financial year 2015 and the balance sheet as at 31 December 2015 of the Clean Sky 2 Joint Undertaking, hereinafter referred to as the "Joint Undertaking", as well as the Court of Auditors' report on the annual accounts of the Joint Undertaking for the financial year 2015, accompanied by the Joint Undertaking's replies to the Court's observations<sup>2</sup>,

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<sup>1</sup> OJ L 169, 7.6.2014, p. 77.

<sup>2</sup> OJ C 473, 16.12.2016, p. 15.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2015 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Joint Undertaking is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Joint Undertaking in respect of the implementation of the budget for the financial year 2015.

Done at Brussels,

*For the Council*  
*The President*

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**COMMENTS ACCOMPANYING  
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO  
THE CLEAN SKY 2 JOINT UNDERTAKING**

The Council welcomes the Court's opinion that, in all material respects, the Joint Undertaking's annual accounts present fairly its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Joint Undertaking's Financial Rules, and that the underlying transactions for 2015 are legal and regular in all material respects. Nevertheless, some observations need to be made.

In order to avoid excessive carry-overs, the Council calls on the Joint Undertaking to pay due attention to the proper programming and implementation of commitment and payment appropriations in the course of the budgetary year and to decommit unused appropriations if necessary, in line with the budgetary principle of annuality.

Moreover, the Council encourages the Joint Undertaking to implement its action plan on planning, performance monitoring and reporting, the dissemination of research results, the quality control of beneficiaries' publications, and the establishment of a central repository of outputs without delay.

Finally, the Council invites the Joint Undertaking to incorporate in its procedures a declaration of absence of a conflict of interest as stated in the Commission's guidelines.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the Innovative Medicines Initiative 2 Joint Undertaking**  
**in respect of the implementation of the budget**  
**of the Innovative Medicines Initiative 2 Joint Undertaking**  
**for the financial year 2015**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 557/2014 of 6 May 2014 establishing the Innovative Medicines Initiative 2 Joint Undertaking<sup>1</sup>, and in particular Article 12 thereof,

Having regard to the Financial Rules of the Innovative Medicines Initiative 2 Joint Undertaking adopted by its Governing Board on 7 July 2014,

Having examined the revenue and expenditure accounts for the financial year 2015 and the balance sheet as at 31 December 2015 of the Innovative Medicines Initiative 2 Joint Undertaking, hereinafter referred to as the "Joint Undertaking", as well as the Court of Auditors' report on the annual accounts of the Joint Undertaking for the financial year 2015, accompanied by the Joint Undertaking's replies to the Court's observations<sup>2</sup>,

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<sup>1</sup> OJ L 169, 7.6.2014, p. 54.

<sup>2</sup> OJ C 473, 16.12.2016, p. 57.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2015 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Joint Undertaking is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Joint Undertaking in respect of the implementation of the budget for the financial year 2015.

Done at Brussels,

*For the Council*  
*The President*

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**COMMENTS ACCOMPANYING  
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO  
THE INNOVATIVE MEDICINES INITIATIVE 2 JOINT UNDERTAKING**

The Council welcomes the Court's opinion that, in all material respects, the Joint Undertaking's annual accounts present fairly its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Joint Undertaking's Financial Rules, and that the underlying transactions for 2015 are legal and regular in all material respects. Nevertheless, some observations need to be made.

In order to avoid excessive carry-overs, the Council calls on the Joint Undertaking to pay due attention to the proper programming and implementation of commitment and payment appropriations in the course of the budgetary year and to decommit unused appropriations if necessary, in line with the budgetary principle of annuality.

With regard to the in-kind contributions of other members, the Council regrets that a large share of the amount entered into the accounts was based on value estimates. It urges the Joint Undertaking to obtain from its members the reports on the value of their in-kind contributions on time.

Finally, the Council invites the Joint Undertaking to incorporate in its procedures a declaration of absence of a conflict of interest as stated in the Commission's guidelines.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the Fuel Cells and Hydrogen 2 Joint Undertaking**  
**in respect of the implementation of the budget**  
**of the Fuel Cells and Hydrogen 2 Joint Undertaking**  
**for the financial year 2015**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 559/2014 of 6 May 2014 establishing the Fuel Cells and Hydrogen 2 Joint Undertaking<sup>1</sup>, and in particular Article 12 thereof,

Having regard to the Financial Rules of the Fuel Cells and Hydrogen 2 Joint Undertaking adopted by its Governing Board on 30 June 2014,

Having examined the revenue and expenditure accounts for the financial year 2015 and the balance sheet as at 31 December 2015 of the Fuel Cells and Hydrogen 2 Joint Undertaking, hereinafter referred to as the "Joint Undertaking", as well as the Court of Auditors' report on the annual accounts of the Joint Undertaking for the financial year 2015, accompanied by the Joint Undertaking's replies to the Court's observations<sup>2</sup>,

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<sup>1</sup> OJ L 169, 7.6.2014, p. 108.

<sup>2</sup> OJ C 473, 16.12.2016, p. 47.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2015 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Joint Undertaking is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Joint Undertaking in respect of the implementation of the budget for the financial year 2015.

Done at Brussels,

*For the Council*  
*The President*

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**COMMENTS ACCOMPANYING  
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO  
THE FUEL CELLS AND HYDROGEN 2 JOINT UNDERTAKING**

The Council welcomes the Court's opinion that, in all material respects, the Joint Undertaking's annual accounts present fairly its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Joint Undertaking's Financial Rules, and that the underlying transactions for 2015 are legal and regular in all material respects. Nevertheless, some observations need to be made.

In order to avoid excessive carry-overs, the Council calls on the Joint Undertaking to pay due attention to the proper programming and implementation of commitment and payment appropriations in the course of the budgetary year and to decommit unused appropriations if necessary, in line with the budgetary principle of annuality.

With regard to the in-kind contributions of other members, the Council regrets that a large share of the amount entered into the accounts was based on value estimates. It urges the Joint Undertaking to timely obtain from its members the reports on the value of their in-kind contributions.

Finally, the Council invites the Joint Undertaking to incorporate in its procedures a declaration of absence of a conflict of interest as stated in the Commission's guidelines.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the Electronic Components and Systems for European Leadership (ECSEL) Joint**  
**Undertaking**  
**in respect of the implementation of the budget**  
**of the ECSEL Joint Undertaking**  
**for the financial year 2015**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking<sup>1</sup>, and in particular Article 12 thereof,

Having regard to the Financial Rules of the ECSEL Joint Undertaking adopted by its Governing Board on 3 July 2014,

Having examined the revenue and expenditure accounts for the financial year 2015 and the balance sheet as at 31 December 2015 of the ECSEL Joint Undertaking, hereinafter referred to as the "Joint Undertaking", as well as the Court of Auditors' report on the annual accounts of the Joint Undertaking for the financial year 2015, accompanied by the Joint Undertaking's replies to the Court's observations<sup>2</sup>,

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<sup>1</sup> OJ L 169, 7.6.2014, p.152.

<sup>2</sup> OJ C 473, 16.12.2016, p. 24.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2015 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Joint Undertaking is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Joint Undertaking in respect of the implementation of the budget for the financial year 2015.

Done at Brussels,

*For the Council*  
*The President*

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**COMMENTS ACCOMPANYING**  
**THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO**  
**THE ELECTRONIC COMPONENTS AND SYSTEMS FOR EUROPEAN LEADERSHIP**  
**(ECSEL) JOINT UNDERTAKING**

The Council welcomes the Court's opinion that, in all material respects, the Joint Undertaking's annual accounts present fairly its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Joint Undertaking's Financial Rules, and that the underlying transactions for 2015 are legal and regular, with the exception of the matter described below. Nevertheless, some observations need to be made.

The Council regrets the Court's qualified opinion on the legality and regularity of the transactions underlying the accounts of the Joint Undertaking, resulting from the significant variation in the methodologies and procedures used by the different national funding authorities. It asks the Joint Undertaking to improve its assessment methods for the implementation of national *ex-post* audit procedures, in order to obtain reasonable assurance to calculate a reliable single error rate.

Moreover, the Council is concerned about the shortcomings identified by the Court in the presentation of the Joint Undertaking's accounts, where the value of in-kind contributions by other members was based on estimates. It urges the Joint Undertaking to timely obtain from its members the reports on the value of their in-kind contributions.

In order to avoid excessive carry-overs, the Council calls on the Joint Undertaking to pay due attention to the proper programming and implementation of commitment and payment appropriations in the course of the budgetary year and to decommit unused appropriations if necessary, in line with the budgetary principle of annuality.

Furthermore, the Council takes note of the Court's observation related to an outstanding comprehensive analysis of the measures introduced by the Joint Undertaking's updated Anti-Fraud Strategy, and of the Joint Undertaking's response. It calls on the Joint Undertaking to take appropriate corrective action without delay, in order to have reasonable assurance about the prevention and detection of fraud.

Finally, the Council invites the Joint Undertaking to incorporate in its procedures a declaration of absence of a conflict of interest as stated in the Commission's guidelines.

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**Draft COUNCIL RECOMMENDATION**  
**of**  
**on the discharge to be given to the Executive Director**  
**of the Bio-based Industries Joint Undertaking**  
**in respect of the implementation of the budget**  
**of the Bio-based Industries Joint Undertaking**  
**for the financial year 2015**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 560/2014 of 6 May 2014 establishing the Bio-based Industries Joint Undertaking<sup>1</sup>, and in particular Article 12 thereof,

Having regard to the Financial Rules of the Bio-based Industries Joint Undertaking adopted by its Governing Board on 14 October 2014,

Having examined the revenue and expenditure accounts for the financial year 2015 and the balance sheet as at 31 December 2015 of the Bio-based Industries Joint Undertaking, hereinafter referred to as the "Joint Undertaking", as well as the Court of Auditors' report on the annual accounts of the Joint Undertaking for the financial year 2015, accompanied by the Joint Undertaking's replies to the Court's observations<sup>2</sup>,

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<sup>1</sup> OJ L 169, 7.6.2014, p. 130.

<sup>2</sup> OJ C 473, 16.12.2016, p. 1.

Whereas the observations in the Court of Auditors' report in relation to the financial year 2015 call for certain comments by the Council, which are annexed to this recommendation; whereas the Council stresses the importance it attaches to these comments being followed up,

Whereas, following the above examination, the implementation of the budget of the Joint Undertaking is such as to allow a discharge to be given in respect of that implementation,

HEREBY RECOMMENDS to the European Parliament to give a discharge to the Executive Director of the Joint Undertaking in respect of the implementation of the budget for the financial year 2015.

Done at Brussels,

*For the Council*  
*The President*

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**COMMENTS ACCOMPANYING  
THE DRAFT COUNCIL RECOMMENDATION ON THE DISCHARGE TO BE GIVEN TO  
THE BIO-BASED INDUSTRIES JOINT UNDERTAKING**

The Council welcomes the Court's opinion that, in all material respects, the Joint Undertaking's annual accounts present fairly its financial position as at 31 December 2015 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of the Joint Undertaking's Financial Rules, and that the underlying transactions for 2015 are legal and regular in all material respects. Nevertheless, some observations need to be made.

In order to avoid excessive carry-overs, the Council calls on the Joint Undertaking to pay due attention to the proper programming and implementation of commitment and payment appropriations in the course of the budgetary year and to decommit unused appropriations if necessary, in line with the budgetary principle of annuality.

With regard to the in-kind contributions of other members, the Council regrets that the total amount entered into the accounts was based on value estimates. It urges the Joint Undertaking to timely obtain from its members the reports on the value of their in-kind contributions.

Finally, the Council invites the Joint Undertaking to incorporate in its procedures a declaration of absence of a conflict of interest as stated in the Commission's guidelines.

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