



EUROPEAN PARLIAMENT

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*Committee on Industry, Research and Energy*

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**2013/0245(NLE)**

6.12.2013

# **AMENDMENTS 28 - 157**

**Draft report**  
**Vladko Todorov Panayotov**  
(PE522.764v01-00)

on the Fuel Cells and Hydrogen 2 Joint Undertaking

Proposal for a regulation  
(COM(2013)0506 – C7-0256/2013 – 2013/0245(NLE))

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PE524.727v01-00

**EN**

*United in diversity*

**EN**



**Amendment 28**  
**Jean-Pierre Audy**

**Draft legislative resolution**  
**Paragraph 1**

*Draft legislative resolution*

1. **Approves** the Commission proposal as amended;

*Amendment*

1. **Commends** the Commission proposal as amended;

Or. fr

**Amendment 29**  
**Jean-Pierre Audy**

**Draft legislative resolution**  
**Paragraph 4**

*Draft legislative resolution*

4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;

*Amendment*

4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal, **as amended**, substantially;

Or. fr

**Amendment 30**  
**Jan Březina, Evžen Tošenovský**

**Proposal for a Regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) Regulation (EU) No .../2013 of the European Parliament and of the Council *of ... 2013 establishing* Horizon 2020 - *The Framework Programme for Research and Innovation (2014-2020)*<sup>11</sup> aims to achieve a greater impact on research and innovation by combining Horizon 2020 Framework Programme and private sector

*Amendment*

(4) Regulation (EU) No .../2013 of the European Parliament and of the Council<sup>11</sup> [*the* Horizon 2020 Framework Programme] aims to achieve a greater impact on research and innovation by combining **funding under the** Horizon 2020 Framework Programme and private sector funds in public-private partnerships

funds in public-private partnerships in key areas where research and innovation can contribute to Union's wider competitiveness goals and help tackle societal challenges. The involvement of the Union in those partnerships may take the form of financial contributions to joint undertakings established on the basis of Article 187 of the Treaty under Decision No 1982/2006/EC.

in key areas where research and innovation can contribute to *the* Union's wider competitiveness goals, *leverage private investments more effectively*, and help tackle societal challenges. *Those partnerships should be based on a long-term commitment, be accountable for the achievement of their targets and be aligned with the Union's strategic goals related to research, development and innovation. The governance and functioning of those partnerships should be open, transparent, effective and efficient and should give an equal opportunity to all stakeholders active in the specific areas of those partnerships to participate.* The involvement of the Union in those partnerships may take the form of financial contributions to joint undertakings established on the basis of Article 187 of the Treaty *on the Functioning of the European Union (TFEU)* under Decision No 1982/2006/EC.

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<sup>11</sup> OJ ... [H2020 FP]

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<sup>11</sup> OJ ... [H2020 FP]

Or. en

## **Amendment 31** **Christian Ehler**

### **Proposal for a Regulation** **Recital 4**

*Text proposed by the Commission*

(4) Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 2013 establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020)<sup>11</sup> aims to achieve a greater impact on research and innovation by combining Horizon 2020 Framework Programme and private sector funds in public-private partnerships in key areas

*Amendment*

(4) Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 2013 establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020)<sup>11</sup> aims to achieve a greater impact on research and innovation by combining Horizon 2020 Framework Programme and private sector funds in public-private partnerships in key areas

where research and innovation can contribute to Union's wider competitiveness goals and help tackle societal challenges. The involvement of the Union in those partnerships may take the form of financial contributions to joint undertakings established on the basis of Article 187 of the Treaty under Decision No 1982/2006/EC.

where research and innovation can contribute to Union's wider competitiveness goals, ***leverage private investment***, and help tackle societal challenges. ***Those partnerships should be based on a long-term commitment, including a balanced contribution from all partners, be accountable for the achievement of their targets and be aligned with the Union's strategic goals relating to research, development and innovation. The governance and functioning of those partnerships should be open, transparent, effective and efficient and give the opportunity to a wide range of stakeholders active in their specific areas to participate.*** The involvement of the Union in those partnerships may take the form of financial contributions to joint undertakings established on the basis of Article 187 of the Treaty under Decision No 1982/2006/EC.

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<sup>11</sup> OJ ... [H2020 FP]

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<sup>11</sup> OJ ... [H2020 FP]

Or. en

*(See Article 19 of Horizon 2020 Regulation.)*

#### *Justification*

*This addition stresses the important principles that have been agreed upon during the Horizon 2020 negotiations regarding JTIs and what they should deliver.*

### **Amendment 32** **Christian Ehler**

#### **Proposal for a Regulation** **Recital 5**

*Text proposed by the Commission*

(5) In accordance with Decision (EU) No [...] /2013 of the Council of [...] 2013

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*Amendment*

(5) In accordance with ***Regulation (EU) No .../2013 [the Horizon 2020 Framework***

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establishing the Specific Programme implementing Horizon 2020 (2014-2020)<sup>12</sup> further support should be provided to joint undertakings established under Decision (EU) No 1982/2006/EC under the conditions specified in Decision (EU) No [...] /2013.

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<sup>12</sup> OJ ... [H2020 SP].

**Programme] and** Decision (EU) No [...] /2013 of the Council of [...] 2013 establishing the Specific Programme implementing Horizon 2020 (2014-2020)<sup>12</sup> further support should be provided to joint undertakings established under Decision (EU) No 1982/2006/EC under the conditions specified in Decision (EU) No [...] /2013.

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<sup>12</sup> OJ ... [H2020 SP].

Or. en

### *Justification*

*A reference not only to the Specific Programme but also to the Framework Programme should be included, which is important to evidence the compliance with Article 19 of the Framework Programme and the principles stated there.*

## **Amendment 33**

**Claude Turmes**

on behalf of the Greens/EFA Group

## **Proposal for a Regulation**

### **Recital 5**

#### *Text proposed by the Commission*

(5) In accordance with Decision (EU) No [...] /2013 of the Council of [...] 2013 establishing the Specific Programme implementing Horizon 2020 (2014-2020)<sup>12</sup> further support **should** be provided to joint undertakings established under Decision (EU) No 1982/2006/EC under the conditions specified in Decision (EU) No [...] /2013.

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<sup>12</sup> OJ ... [H2020 SP].

#### *Amendment*

(5) In accordance with Decision (EU) No [...] /2013 of the Council of [...] 2013 establishing the Specific Programme implementing Horizon 2020 (2014-2020)<sup>12</sup> further support **may** be provided to joint undertakings established under Decision (EU) No 1982/2006/EC under the conditions specified in Decision (EU) No [...] /2013.

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<sup>12</sup> OJ ... [H2020 SP].

Or. en

**Amendment 34**  
**Claude Turmes**  
on behalf of the Greens/EFA Group

**Proposal for a Regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) Their contributions ***should also relate*** to additional activities to be undertaken by the Members other than the Union or their constituent entities, as specified in an additional activities plan. ***In order to get a proper overview*** of the ***leverage effect those additional activities*** should ***represent contributions to the broader FCH Joint Technology Initiative***.

*Amendment*

(11) Their contributions ***related*** to additional activities to be undertaken by the Members other than the Union or their constituent entities, as specified in an additional activities plan ***should be quantified. These contributions support the broader objectives*** of the ***FCH Joint Technology Initiative*** but should ***not count directly as in kind-contributions to the undertaking***.

Or. en

**Amendment 35**  
**Christian Ehler**

**Proposal for a Regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) Their contributions should also relate to additional activities to be undertaken by the Members other than the Union or their constituent entities, as specified in an additional activities plan. In order to get a proper overview of the leverage effect those additional activities should represent contributions to the broader FCH Joint Technology Initiative.

*Amendment*

(11) Their contributions should also relate to additional activities to be undertaken by the Members other than the Union or their constituent entities, as specified in an additional activities plan ***and presented in an annual report***; In order to get a proper overview of the leverage effect those additional activities should represent contributions to the broader FCH Joint Technology Initiative.

Or. en

(See amendment in Art. 4(4).)

**Amendment 36**  
**Jan Březina**

**Proposal for a Regulation**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) Any eligible institution may become a participant of a coordinator in selected projects. According to specific policy requirements or to the nature and objective of the action set out in the work plan, it can be required that the coordinator is a constituent entity of a Member other than the Union, in accordance with the Regulation (EU) No .../2013 [the Horizon 2020 Rules for Participation].***

Or. en

**Amendment 37**  
**Christian Ehler**

**Proposal for a Regulation**  
**Recital 15**

*Text proposed by the Commission*

*Amendment*

(15) The Union financial contribution should be managed in accordance with the principle of sound financial management and with the relevant rules on indirect management set out in Regulation (EU, Euratom) No 966/2012 and Commission delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012<sup>18</sup>.

(15) The Union financial contribution should be managed in accordance with the principle of sound financial management and with the relevant rules on indirect management set out in **Article 60 paragraphs 1 4 of** Regulation (EU, Euratom) No 966/2012 and Commission delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012<sup>18</sup>.



Or. en

**Amendment 38**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The Commission's internal auditor should exercise the same powers over the FCH 2 Joint Undertaking as those exercised in respect of the Commission.

*Amendment*

(18) The Commission's internal auditor should exercise the same powers over the FCH 2 Joint Undertaking as those exercised in respect of the Commission.  
***The same should apply to the European Court of Auditors and the European Parliament.***

Or. fr

**Amendment 39**  
**Christian Ehler**

**Proposal for a Regulation**  
**Recital 19**

*Text proposed by the Commission*

***(19) In accordance with Article 287(1) of the Treaty, the constituent instrument of bodies, offices or agencies set up by the Union may preclude the examination of the accounts of all revenue and expenditure of those bodies, offices or agencies by the Court of Auditors. In accordance with Article 60(5) of Regulation (EU, Euratom) No 966/2012, the accounts of the bodies under Article 209 Regulation (EU, Euratom) No 966/2012 are to be examined by an independent audit body which is to give***

*Amendment*

***deleted***

*an opinion inter alia on the reliability of the accounts and the legality and regularity of the underlying transactions. Avoidance of duplication of the examination of the accounts justifies that the accounts of the Fuel Cells and Hydrogen 2 Joint Undertaking should not be subject to the examination by the Court of Auditors.*

Or. en

**Amendment 40**  
**Christian Ehler**

**Proposal for a Regulation**  
**Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

*(19a) Without prejudice to the interim evaluation referred to in Article 11 and in accordance with Article 26 of the Regulation (EU) No .../2013 [the Horizon 2020 Framework Programme], Joint Technology Initiatives as a particular funding instrument of Horizon 2020 should be subject to an in-depth interim assessment, which should include, inter alia, an analysis of their openness, transparency and efficiency.*

Or. en

*(See Article 26 of the Horizon 2020 Regulation.)*

*Justification*

*This reference is needed to take into account the final outcome of the Horizon 2020 negotiations. It reflects on another important aspect that the Parliament managed to include in Art. 26 of the Horizon 2020 Regulation.*

**Amendment 41**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) In accordance with Article 287(1) of the Treaty, the constituent instrument of bodies, offices or agencies set up by the Union may preclude the examination of the accounts of all revenue and expenditure of those bodies, offices or agencies by the Court of Auditors. In accordance with Article 60(5) of Regulation (EU, Euratom) No 966/2012, the accounts of the bodies under Article 209 Regulation (EU, Euratom) No 966/2012 are to be examined by an independent audit body which is to give an opinion inter alia on the reliability of the accounts and the legality and regularity of the underlying transactions. ***Avoidance of duplication of the examination of the accounts justifies that*** the accounts of the Fuel Cells and Hydrogen 2 Joint Undertaking should ***not*** be subject to the examination by the Court of Auditors.

*Amendment*

(20) In accordance with Article 287(1) of the Treaty, the constituent instrument of bodies, offices or agencies set up by the Union may preclude the examination of the accounts of all revenue and expenditure of those bodies, offices or agencies by the Court of Auditors. In accordance with Article 60(5) of Regulation (EU, Euratom) No 966/2012, the accounts of the bodies under Article 209 Regulation (EU, Euratom) No 966/2012 are to be examined by an independent audit body which is to give an opinion inter alia on the reliability of the accounts and the legality and regularity of the underlying transactions. ***Notwithstanding the above-mentioned opinion, which does not constitute an audit, the accounts of the Fuel Cells and Hydrogen 2 Joint Undertaking should nevertheless*** be subject to examination by the Court of Auditors.

Or. fr

**Amendment 42**  
**Christian Ehler**

**Proposal for a Regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) The FCH Joint Undertaking was set up for a period up to 31 December 2017. The Fuel Cells and Hydrogen 2 Joint Undertaking should provide continued support to the Fuel Cells and Hydrogen

*Amendment*

(21) The FCH Joint Undertaking was set up for a period up to 31 December 2017. The Fuel Cells and Hydrogen 2 Joint Undertaking should provide continued support to the Fuel Cells and Hydrogen

research programme *by enlarging the scope of the activities under a modified set of rules*. The transition from the FCH Joint Undertaking to the Fuel Cells and Hydrogen 2 Joint Undertaking should be aligned and synchronized with the transition from the Seventh Framework Programme to the Horizon 2020 Framework Programme to ensure optimal use of the funding available for research. In the interest of legal certainty and clarity, Council Regulation (EC) No. 521/2008 should therefore be repealed and transitional provisions should be set out.

research programme *implementing the remaining activities foreseen in the Fuel Cells and Hydrogen research programme under the rules of the Fuel Cells and Hydrogen Joint Undertaking*. The transition from the FCH Joint Undertaking to the Fuel Cells and Hydrogen 2 Joint Undertaking should be aligned and synchronized with the transition from the Seventh Framework Programme to the Horizon 2020 Framework Programme to ensure optimal use of the funding available for research. In the interest of legal certainty and clarity, Council Regulation (EC) No. 521/2008 should therefore be repealed and transitional provisions should be set out.

Or. en

#### *Justification*

*It should be made clear that the FCH 2 JU is merely implementing the remainder of the activities that were originally foreseen until 2017 under the FCH research programme - and nothing else. These remaining activities should follow the "old" set of rules of FCH, whereas the activities of FCH 2 should follow the "new" set of rules. Whilst this is already cumbersome enough, no modifications or interferences of the two sets of rules should occur between 2014 and 2017.*

#### **Amendment 43 Christian Ehler**

#### **Proposal for a Regulation Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

*(21a) With a view to the overall aim of Horizon 2020 to achieve greater simplification and harmonisation of the research and innovation funding landscape at European level, the duration of all public-private partnerships financed under Horizon 2020 should be aligned with the duration of the Framework*

*Programme, to avoid different sets of rules running in parallel and related additional administrative burden for participants and Union bodies in the future;*

Or. en

**Amendment 44**  
**Maria Da Graça Carvalho**

**Proposal for a Regulation**  
**Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

*(21a) With a view to the overall aim of Horizon 2020 of achieving greater simplification and harmonisation of the European research and innovation funding landscape Joint Undertakings should avoid different sets of rules from Horizon 2020.*

Or. en

**Amendment 45**  
**Christian Ehler**

**Proposal for a Regulation**  
**Recital 21 b (new)**

*Text proposed by the Commission*

*Amendment*

*(21b) Considering the importance of basic research to create breakthrough ideas that enable future innovation, calls for proposals for collaborative R&D projects should be issued in the field of fuel cells and hydrogen research under Horizon 2020 in addition and in parallel to the activities of the Fuel Cells and Hydrogen 2 Joint Undertaking, particularly regarding research at Technology*

**Readiness Levels 1 to 4;**

Or. en

*Justification*

*According to the H2020 Regulation, R&D activities covered by JTIs should also be included in regular CfPs in Horizon 2020 work programmes. In the case of FCH2, collaborative research should be carried out in parallel to FCH2 activities at lower TRLs, to achieve a wider inclusion of universities and SMEs in EU-funded fuel cells and hydrogen research, to ensure the right balance between lower and upper TRLs, to create a competitive research environment, and to boost future innovation.*

**Amendment 46**

**Maria Da Graça Carvalho**

**Proposal for a Regulation**

**Recital 21 b (new)**

*Text proposed by the Commission*

*Amendment*

***(21b) In order to help close the research and innovation divide in Europe, complementarity and close synergies should be developed with the Structural Funds. Where possible, interoperability between the two instruments will be promoted. Cumulative or combined funding will be encouraged. In this context, measures will aim at fully exploiting the potential of Europe's talent pool and thereby optimising the economic and social impact of research and innovation and will be distinct yet complementary with regard to policies and actions of the Cohesion policy Funds.***

Or. en

**Amendment 47**

**Maria Da Graça Carvalho**

**Proposal for a Regulation**  
**Recital 21 c (new)**

*Text proposed by the Commission*

*Amendment*

***(21c) Measures that promote the participation of SME, Universities and Research Centres should be implemented. In this context, barriers preventing the participation of new comers to the program should be identified and addressed.***

Or. en

**Amendment 48**  
**Christian Ehler**

**Proposal for a Regulation**  
**Recital 21 c (new)**

*Text proposed by the Commission*

*Amendment*

***(21c) Taking due account of the intended synergies between Horizon 2020 and the Structural Funds as well as relevant national and regional R&D funding programmes, regions across the Union should be encouraged to contribute pro-actively to the activities of the Fuel Cells and Hydrogen 2 Joint Undertaking, e.g. by supporting financially relevant research infrastructure, the preparation of proposals, the exploitation of research results or networking activities of relevant actors, aiming at boosting the regional impact of Fuel Cells and Hydrogen 2 activities and their potential to create jobs and growth at regional level.***

Or. en

*Justification*

*The European Parliament successfully pushed for a new article in the Horizon 2020*

*Framework Regulation that explicitly demands better synergies between Horizon 2020 and the Structural Funds. In this context, JTIs should be no exception. Regions should be encouraged to contribute to their activities, particularly in view of their huge potential for strengthening regional clusters.*

#### **Amendment 49**

**Claude Turmes**

on behalf of the Greens/EFA Group

#### **Proposal for a Regulation**

##### **Article 1 – paragraph 1**

*Text proposed by the Commission*

1. For the implementation of the Joint Technology Initiative on Fuel Cells and Hydrogen, a joint undertaking within the meaning of Article 187 of the Treaty (hereinafter ‘FCH 2 Joint Undertaking’), is established for a period from 1 January 2014 until 31 December 2024.

*Amendment*

1. For the implementation of the Joint Technology Initiative on Fuel Cells and Hydrogen, a joint undertaking within the meaning of Article 187 of the Treaty (hereinafter ‘FCH 2 Joint Undertaking’), is established for a period from 1 January 2014 until 31 December 2024, **with funding until 31 December 2020.**

Or. en

#### **Amendment 50**

**Christian Ehler**

#### **Proposal for a Regulation**

##### **Article 1 – paragraph 1**

*Text proposed by the Commission*

1. For the implementation of the Joint Technology Initiative on Fuel Cells and Hydrogen, a joint undertaking within the meaning of Article 187 of the Treaty (hereinafter ‘FCH 2 Joint Undertaking’), is established for a period from 1 January 2014 until 31 December **2024.**

*Amendment*

1. For the implementation of the Joint Technology Initiative on Fuel Cells and Hydrogen, a joint undertaking within the meaning of Article 187 of the Treaty (hereinafter ‘FCH 2 Joint Undertaking’), is established for a period from 1 January 2014 until 31 December **2020.**

Or. en



## *Justification*

*The parallelism of two generations of JTIs issuing calls (with different members, different rules, different budgets) causes administrative costs, adds to the complexity of EU research funding, and disguises the actual amounts of funding spent annually. The runtime of JTIs should therefore be aligned with the runtime of Horizon 2020 and future framework programmes. Shortening the timeframe of FCH2 also enables the JU to cope with a reduced budget without having to revise planned activities.*

### **Amendment 51**

**Silvia-Adriana Țicău**

#### **Proposal for a Regulation**

##### **Article 1 – paragraph 1**

###### *Text proposed by the Commission*

1. For the implementation of the Joint Technology Initiative on Fuel Cells and Hydrogen, a joint undertaking within the meaning of Article 187 of the Treaty (hereinafter ‘FCH 2 Joint Undertaking’), is established for a period from 1 January 2014 until 31 December **2014**.

###### *Amendment*

1. For the implementation of the Joint Technology Initiative on Fuel Cells and Hydrogen, a joint undertaking within the meaning of Article 187 of the Treaty (hereinafter ‘FCH 2 Joint Undertaking’), is established for a period from 1 January 2014 until 31 December **2024**.

Or. ro

### **Amendment 52**

**António Fernando Correia de Campos**

#### **Proposal for a Regulation**

##### **Article 2 – paragraph 1 – point b**

###### *Text proposed by the Commission*

(b) to contribute to the objectives of the Joint Technology Initiative on Fuel Cells and Hydrogen, through the development of a strong, sustainable and globally competitive fuel cells and hydrogen sector ***in the Union***.

###### *Amendment*

(b) to contribute to the objectives of the Joint Technology Initiative on Fuel Cells and Hydrogen, through the development of a strong, sustainable and globally competitive fuel cells and hydrogen sector, ***its dissemination and capacity building across the Union's Member States***.

Or. en

**Amendment 53**

**Claude Turmes**

on behalf of the Greens/EFA Group

**Proposal for a Regulation**

**Article 2 – paragraph 2 – indent 1**

*Text proposed by the Commission*

– reduce the production cost of fuel cell systems to be used in transport applications, while increasing their lifetime to levels competitive with conventional technologies,

*Amendment*

– reduce the production cost of fuel cell systems to be used in **heavy** transport applications, **such as buses and ships**, while increasing their lifetime to levels competitive with conventional technologies,

Or. en

**Amendment 54**

**Claude Turmes**

on behalf of the Greens/EFA Group

**Proposal for a Regulation**

**Article 2 – paragraph 2 – indent 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**- increase the production of hydrogen from renewable energy sources to 70% by 2020;**

Or. en

**Amendment 55**

**Claude Turmes**

on behalf of the Greens/EFA Group

**Proposal for a Regulation**

**Article 2 – paragraph 2 – indent 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***- swiftly phase out all hydrogen production from fossil fuel and nuclear sources;***

Or. en

## **Amendment 56**

**António Fernando Correia de Campos**

### **Proposal for a Regulation**

**Article 2 – paragraph 2 – indent 4**

*Text proposed by the Commission*

*Amendment*

– demonstrate on a large scale the feasibility of using hydrogen to support integration of renewable energy sources into the energy systems, including through its use as a competitive energy storage medium for electricity produced from renewable energy sources.

– demonstrate on a large scale, ***and provided that market competition is not distorted through FCH 2 funding***, the feasibility of using hydrogen to support integration of renewable energy sources into the energy systems, including through its use as a competitive energy storage medium for electricity produced from renewable energy sources.

Or. en

## **Amendment 57**

**Maria Da Graça Carvalho**

### **Proposal for a Regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. Projects run under the Joint Technology Initiative on Fuel Cells and Hydrogen following open Calls for proposals may include any eligible institution as participant and coordinator.***

Or. en

*Justification*

*Participation (also as coordination role) should not be limited to members.*

**Amendment 58**  
**Christian Ehler**

**Proposal for a Regulation**  
**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 2 a**

**Scope of activities**

- 1. In order to fulfil the objectives set out in Article 2 the Fuel Cells and Hydrogen 2 research programme may fund research and development activities comprising the Technology Readiness Levels from 2 to 6.**
- 2. Should the Fuel Cells and Hydrogen 2 research programme foresee innovation activities comprising the Technology Readiness Levels from 7 to 8, funding rates for indirect actions shall be reduced in accordance with [Art. 22] of the Rules for Participation.**

Or. en

*Justification*

*This article means to clarify the scope of activities of the FCH 2 Joint Undertaking, in particular with respect to the relevant TRLs covered by its research programme. The RfP also call for a greater consideration of the TRL-concept to stipulate funding levels, which is taken up in this article with a view to the funding rates used in indirect actions.*

**Amendment 59**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Article 3 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The maximum Union contribution, including EFTA appropriations, to the FCH 2 Joint Undertaking to cover administrative costs and operational costs shall be EUR 700 million, which shall consist of:

*Amendment*

The maximum Union contribution, including ***contributions from the members of the European Free Trade Association (EFTA)***, to the FCH 2 Joint Undertaking to cover administrative costs and operational costs shall be EUR 700 million, which shall consist of:

Or. fr

**Amendment 60**

**Christian Ehler, Teresa Riera Madurell**

**Proposal for a Regulation**

**Article 3 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The maximum Union contribution, including EFTA appropriations, to the FCH 2 Joint Undertaking to cover administrative costs and operational costs shall be EUR **700** million, which shall consist of:

*Amendment*

The maximum Union contribution, including EFTA appropriations, to the FCH 2 Joint Undertaking to cover administrative costs and operational costs shall be EUR **612.5** million, which shall consist of:

Or. en

*Justification*

*A budget cut of the FCH2 JU by 12,5% as a consequence of the overall reduction of the Horizon 2020 envelope within the MFF is proposed, in order not to jeopardise the sensitive balance of funding for collaborative research in fuel cells and hydrogen on one hand and funding for the JTI on the other hand. The same cut should apply to other JTIs. At the same time, a shortening of the runtime of FCH2 by 4 years is proposed, implying the set-up of a renewed budget under the next MFF after 2020.*

**Amendment 61**

**António Fernando Correia de Campos**

## **Proposal for a Regulation**

### **Article 3 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The maximum Union contribution, including EFTA appropriations, to the FCH 2 Joint Undertaking to cover administrative costs and operational costs shall be EUR **700** million, which shall consist of:

*Amendment*

The maximum Union contribution, including EFTA appropriations, to the FCH 2 Joint Undertaking to cover administrative costs and operational costs shall be EUR **612.5** million, which shall consist of:

Or. en

*Justification*

*The reduction is proportional to the global reduction imposed upon Horizon 2020 budget and is necessary not to unbalance the funding between the Joint Undertakings and other programmes and priorities agreed for Horizon 2020. A proportional budget cut should apply across all Joint Undertakings and Public Private Partnerships.*

## **Amendment 62**

**António Fernando Correia de Campos**

## **Proposal for a Regulation**

### **Article 3 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) up to EUR **600** million corresponding to the contribution committed in accordance with Article 4(1),

*Amendment*

(a) up to EUR **525** million corresponding to the contribution committed in accordance with Article 4(1),

Or. en

*Justification*

*The reduction is proportional to the global reduction imposed upon Horizon 2020 budget and is necessary not to unbalance the funding between the Joint Undertakings and other programmes and priorities agreed for Horizon 2020. A proportional budget cut should apply across all Joint Undertakings and Public Private Partnerships.*

**Amendment 63**  
**Christian Ehler, Teresa Riera Madurell**

**Proposal for a Regulation**  
**Article 3 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) up to EUR **600** million corresponding to the contribution committed in accordance with Article 4(1),

(a) up to EUR **525** million corresponding to the contribution committed in accordance with Article 4(1),

Or. en

*Justification*

*A budget cut of the FCH2 JU by 12,5% as a consequence of the overall reduction of the Horizon 2020 envelope within the MFF is proposed, in order not to jeopardise the sensitive balance of funding for collaborative research in fuel cells and hydrogen on one hand and funding for the JTI on the other hand. The same cut should apply to other JTIs. At the same time, a shortening of the runtime of FCH2 by 4 years is proposed, implying the set-up of a renewed budget under the next MFF after 2020.*

**Amendment 64**  
**Christian Ehler, Teresa Riera Madurell**

**Proposal for a Regulation**  
**Article 3 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) up to EUR **100** million to match any additional contribution committed above the minimum amount specified in Article 4(1).

(b) up to EUR **87.5** million to match any additional contribution committed above the minimum amount specified in Article 4(1).

Or. en

*Justification*

*A budget cut of the FCH2 JU by 12,5% as a consequence of the overall reduction of the Horizon 2020 envelope within the MFF is proposed, in order not to jeopardise the sensitive balance of funding for collaborative research in fuel cells and hydrogen on one hand and funding for the JTI on the other hand. The same cut should apply to other JTIs. At the same time, a shortening of the runtime of FCH2 by 4 years is proposed, implying the set-up of a*

*renewed budget under the next MFF after 2020.*

## **Amendment 65**

**António Fernando Correia de Campos**

### **Proposal for a Regulation**

#### **Article 3 – paragraph 1 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) up to EUR **100** million to match any additional contribution committed above the minimum amount specified in Article 4(1).

*Amendment*

(b) up to EUR **87.5** million to match any additional contribution committed above the minimum amount specified in Article 4(1).

Or. en

#### *Justification*

*The reduction is proportional to the global reduction imposed upon Horizon 2020 budget and is necessary not to unbalance the funding between the Joint Undertakings and other programmes and priorities agreed for Horizon 2020. A proportional budget cut should apply across all Joint Undertakings and Public Private Partnerships.*

## **Amendment 66**

**Christian Ehler**

### **Proposal for a Regulation**

#### **Article 3 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The contribution shall be paid from the appropriations in the general budget of the Union allocated to the Horizon 2020 Specific Programme implementing the Horizon 2020 Framework Programme in accordance with the relevant provisions of Article 58(1)(c)(iv) and Articles 60 and 61 of Regulation (EU, Euratom) No 966/2012 for bodies referred to in Article 209 of that Regulation.

*Amendment*

The contribution shall be paid from the appropriations in the general budget of the Union allocated to the Horizon 2020 Specific Programme implementing the Horizon 2020 Framework Programme in accordance with the relevant provisions of Article 58(1)(c)(iv) and Articles 60 **paragraphs 1 to 4** and 61 of Regulation (EU, Euratom) No 966/2012 for bodies referred to in Article 209 of that Regulation.



**Amendment 67**  
**Christian Ehler**

**Proposal for a Regulation**  
**Article 3 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The delegation agreement referred to in paragraph 2 shall address the elements set out in Article 58(3) and Articles 60 and 61 of Regulation (EU, Euratom) No 966/2012 and in Article 40 of Commission delegated Regulation (EU) No 1268/2012 as well as inter alia the following:

*Amendment*

3. The delegation agreement referred to in paragraph 2 shall address the elements set out in Article 58(3) and Articles 60 ***paragraphs 1 to 4*** and 61 of Regulation (EU, Euratom) No 966/2012 and in Article 40 of Commission delegated Regulation (EU) No 1268/2012 as well as inter alia the following:

Or. en

**Amendment 68**  
**Maria Da Graça Carvalho**

**Proposal for a Regulation**  
**Article 3 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) the arrangements regarding the provision of data necessary to ensure that the Commission is able to meet its dissemination and reporting obligations;

*Amendment*

(d) the arrangements regarding the provision of data necessary to ensure that the Commission is able to meet its dissemination and reporting obligations, ***including complete information on all proposals and grant agreements and their partners to be inserted into the global Horizon 2020 database [ECORDA] in a timely manner;***

Or. en

**Amendment 69**

**Claude Turmes**

on behalf of the Greens/EFA Group

**Proposal for a Regulation**

**Article 4 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) contributions to the FCH 2 Joint Undertaking as laid down in clause 13(2) and clause 13(3)(b) of the Statutes contained in the Annex.

*Amendment*

(a) contributions to the FCH 2 Joint Undertaking ***for the administrative expenditures and their participation in indirect actions*** as laid down in clause 13(2) and clause 13(3)(b) of the Statutes contained in the Annex.

Or. en

**Amendment 70**

**Claude Turmes**

on behalf of the Greens/EFA Group

**Proposal for a Regulation**

**Article 4 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

***(b) in-kind contributions of at least EUR 300 million over the period defined in Article 1 by the Members other than the Union or their constituent entities, consisting of the costs incurred by them in implementing additional activities outside the work plan of the FCH 2 Joint Undertaking contributing to the objectives of the FCH Joint Technology Initiative. Other Union funding programmes may support those costs in compliance with the applicable rules and procedures. In such cases, Union financing shall not substitute for the in kind contributions from the Members other than the Union or their constituent entities.***

*Amendment*

***deleted***

Or. en

## **Amendment 71**

**Claude Turmes**

on behalf of the Greens/EFA Group

### **Proposal for a Regulation**

#### **Article 4 – paragraph 2 – subparagraph 2**

##### *Text proposed by the Commission*

Those costs referred to in point (b) shall not be eligible for financial support by the FCH 2 Joint Undertaking. The corresponding activities shall be set out in an annual additional activities plan that shall indicate the estimated value of those contributions.

##### *Amendment*

***Additional contributions over the period defined in Article 1 of this Regulation by the Members other than the Union or their constituent entities, consisting of the costs incurred by them in implementing additional activities outside the work plan of the FCH 2 Joint Undertaking contributing to the objectives of the FCH Joint Technology Initiative shall be quantified. Other Union funding programmes may support those costs in compliance with the applicable rules and procedures.*** Those costs referred to in point (b) shall not be eligible for financial support by ***the FCH 2 Joint Undertaking and shall not count towards the in-kind contribution*** to the FCH 2 Joint Undertaking. The corresponding activities shall be set out in an annual additional activities plan that shall indicate the estimated value of those contributions.

Or. en

## **Amendment 72**

**Christian Ehler**

### **Proposal for a Regulation**

#### **Article 4 – paragraph 4**

##### *Text proposed by the Commission*

4. For the purpose of valuing the contributions referred to in point (b) of paragraph 2 and clause 13(3)(b) of the

##### *Amendment*

4. For the purpose of valuing the contributions referred to in point (b) of paragraph 2 and clause 13(3)(b) of the

Statutes contained in the Annex, the costs shall be determined according to the usual cost accounting practices of the entities concerned, to the applicable accounting standards of the country where each entity is established, and to the applicable International Accounting Standards / International Financial Reporting Standards. The costs shall be certified by an independent external auditor appointed by the entity concerned. The valuation of the contributions shall be verified by the FCH 2 Joint Undertaking. In case of remaining uncertainties, it may be audited by the FCH 2 Joint Undertaking.

Statutes contained in the Annex, the costs shall be determined according to the usual cost accounting practices of the entities concerned, to the applicable accounting standards of the country where each entity is established, and to the applicable International Accounting Standards / International Financial Reporting Standards. The costs ***of the contributions referred to in clause 13(3)(b) of the Statutes contained in the Annex*** shall be certified by an independent external auditor appointed by the entity concerned. The valuation of the contributions shall be verified by the FCH 2 Joint Undertaking. In case of remaining uncertainties, it may be audited by the FCH 2 Joint Undertaking. ***The entity concerned shall present annually in a report its additional activities to the general public.***

Or. en

#### *Justification*

*While the additional activities to be carried out by private members are a welcome addition to the leverage effect of the JTI, they should not be subject to auditing. Additional activities should be planned and carried-out accordingly, determined clearly as in-kind contributions, and reported on annually. But these activities are not co-financed by the Union and should thus be exempt from control other than through the JU.*

### **Amendment 73**

**António Fernando Correia de Campos**

#### **Proposal for a Regulation**

#### **Article 4 – paragraph 4**

##### *Text proposed by the Commission*

4. For the purpose of valuing the contributions referred to in point (b) of paragraph 2 and clause 13(3)(b) of the Statutes contained in the Annex, the costs shall be determined according to the usual cost accounting practices of the entities

##### *Amendment*

4. For the purpose of valuing the contributions referred to in point (b) of paragraph 2 and clause 13(3)(b) of the Statutes contained in the Annex, the costs shall be determined according to the usual cost accounting practices of the entities

concerned, to the applicable accounting standards of the country where each entity is established, and to the applicable International Accounting Standards / International Financial Reporting Standards. The costs shall be certified by an independent external auditor appointed by the entity concerned. The valuation of the contributions shall be verified by the FCH 2 Joint Undertaking. In case of remaining uncertainties, it may be **audited by the FCH 2 Joint Undertaking**.

concerned, to the applicable accounting standards of the country where each entity is established, and to the applicable International Accounting Standards / International Financial Reporting Standards. The costs shall be certified by an independent external auditor appointed by the entity concerned. The valuation of the contributions shall be verified by the FCH 2 Joint Undertaking. In case of remaining uncertainties, it may be **inspected by an auditor appointed by the Commission**.

Or. en

#### *Justification*

*To ensure full independence and transparency of initiative.*

#### **Amendment 74** **Christian Ehler**

#### **Proposal for a Regulation** **Article 5 – paragraph 1**

##### *Text proposed by the Commission*

The FCH 2 Joint Undertaking shall adopt its specific financial rules in accordance with Article 209 of Regulation (EU, Euratom) No 966/2012 and Regulation (EU) No ... [Delegated Regulation on the model Financial Regulation for PPPs.]

##### *Amendment*

**Notwithstanding Article 12 of this Regulation**, the FCH 2 Joint Undertaking shall adopt its specific financial rules in accordance with Article 209 of Regulation (EU, Euratom) No 966/2012 and Regulation (EU) No ... [Delegated Regulation on the model Financial Regulation for PPPs.]

Or. en

#### **Amendment 75** **Jean-Pierre Audy**

**Proposal for a Regulation**  
**Article 6 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The Governing Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment of Other Servants delegating the relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director is authorised to sub-delegate those powers.

*Amendment*

The Governing Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and Article 6 of the Conditions of Employment of Other Servants delegating the relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director ***shall be*** authorised to sub-delegate those powers. ***He shall report at the next meeting of the Governing Board on the delegation or sub-delegation of these powers.***

Or. fr

**Amendment 76**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Article 6 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

***Where exceptional circumstances so require, the*** Governing Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member of the Joint Undertaking other than the Executive Director.

*Amendment*

***The*** Governing Board may by way of a ***substantiated*** decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member of the Joint Undertaking other than the Executive Director.

Or. fr

**Amendment 77**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

The Protocol on the Privileges and Immunities of the Union shall apply to the FCH 2 Joint Undertaking *and its staff*.

*Amendment*

The Protocol on the Privileges and Immunities of the Union shall apply to the ***Executive Director and the members of the Governing Board of*** the FCH 2 Joint Undertaking.

Or. fr

**Amendment 78**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. In the case of non-contractual liability, the FCH 2 Joint Undertaking shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its staff in the performance of their duties.

*Amendment*

2. In the case of non-contractual liability, the FCH 2 Joint Undertaking shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its staff ***and members of the Governing Board*** in the performance of their duties.

Or. fr

**Amendment 79**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Article 10 – paragraph 1 – point c**

*Text proposed by the Commission*

***(c) in disputes relating to compensation for damage caused by the staff of the***

*Amendment*

***deleted***

***FCH 2 Joint Undertaking in the performance of their duties;***

Or. fr

**Amendment 80**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. Regarding any matter not covered by this Regulation or by other acts of Union law, the law of the State where the seat of the FCH 2 Joint Undertaking is located shall apply.***

***deleted***

Or. fr

**Amendment 81**  
**Claude Turmes**  
on behalf of the Greens/EFA Group

**Proposal for a Regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. By 31 December 2017 the Commission shall conduct an interim evaluation of the FCH 2 Joint Undertaking, which shall assess, notably, the level of participation in, and contribution to, the indirect actions both by the constituent entities of the Members other than the Union, and also by other legal entities. The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament and to the Council by 30 June 2018.

1. By 31 December 2017 the Commission shall conduct an interim evaluation of the FCH 2 Joint Undertaking, which shall assess, notably, the level of participation in, and contribution to, the indirect actions both by the constituent entities of the Members other than the Union, and also by other legal entities. ***This shall include detailed breakdown of the amounts spent on different projects, and what has been achieved with these amounts.*** The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament



and to the Council by 30 June 2018.

Or. en

**Amendment 82**  
**Christian Ehler**

**Proposal for a Regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. By 31 December 2017 the Commission shall conduct an interim evaluation of the FCH 2 Joint Undertaking, which shall assess, notably, the level of participation in, and contribution to, the indirect actions both by the constituent entities of the Members other than the Union, and also by other legal entities. The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament and to the Council by 30 June 2018.

*Amendment*

1. By 31 December 2017 the Commission shall conduct an interim evaluation of the FCH 2 Joint Undertaking, which shall assess, notably, the level of participation in, and contribution to, the indirect actions both by the constituent entities of the Members other than the Union, and also by other legal entities. The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament and to the Council by 30 June 2018. ***The interim evaluation of the Fuel Cells and Hydrogen 2 Joint Undertaking shall form part of and be compiled with the interim evaluation of Horizon 2020.***

Or. en

*Justification*

*This amendment reflects the changes that have been made to Article 26 of the Horizon 2020 Regulation, where the JTIs are clearly mentioned as being part of and subject to the interim evaluation of Horizon 2020.*

**Amendment 83**  
**Silvia-Adriana Țicău**

**Proposal for a Regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. By **31 December** 2017 the Commission shall conduct an interim evaluation of the FCH 2 Joint Undertaking, which shall assess, notably, the level of participation in, and contribution to, the indirect actions both by the constituent entities of the Members other than the Union, and also by other legal entities. The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament and to the Council by **30 June 2018**.

*Amendment*

1. By **30 June** 2017 the Commission shall conduct an interim evaluation of the FCH 2 Joint Undertaking, which shall assess, notably, the level of participation in, and contribution to, the indirect actions both by the constituent entities of the Members other than the Union, and also by other legal entities. The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament and to the Council by **31 December 2017**.

Or. ro

**Amendment 84**

**António Fernando Correia de Campos**

**Proposal for a Regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. By 31 December 2017 the Commission shall ***conduct an*** interim evaluation of the FCH 2 Joint Undertaking, which shall assess, notably, ***the level of participation in, and contribution to, the indirect actions both by the constituent entities of the Members other than the Union, and also by other legal entities. The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament and to the Council by 30 June 2018.***

*Amendment*

1. By 31 December 2017 the Commission shall ***promote an external*** interim evaluation of the FCH 2 Joint Undertaking, which shall assess, notably:

Or. en

**Amendment 85**

**António Fernando Correia de Campos**

**Proposal for a Regulation**  
**Article 11 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. the level of participation in, and contribution to, the indirect actions both by the constituent entities of the Members other than the Union, and also by other legal entities;***

Or. en

**Amendment 86**  
**António Fernando Correia de Campos**

**Proposal for a Regulation**  
**Article 11 – subparagraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1 b. the FCH 2 contribution to the objectives set out in Article 2(1)(b) as assessed, among others, by the following performance indicators: peer-reviewed papers published and their impact factor; number of patents filed and licensed; technological progress achieved as measured by technology readiness level scale; number of businesses started; cash flows generated by new products or applications; number of jobs created; non-EU sector competitive benchmarking;***

Or. en

**Amendment 87**  
**António Fernando Correia de Campos**

**Proposal for a Regulation**  
**Article 11 – subparagraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1 c. the FCH 2 contribution, in quantified terms, to the to the specific technical objectives set out in Article 2(2), as well as the assessment of the economic value of such technical progress;***

Or. en

**Amendment 88**

**António Fernando Correia de Campos**

**Proposal for a Regulation**

**Article 11 – subparagraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***1 d. The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament and to the Council by 30 June 2018.***

Or. en

**Amendment 89**

**Christian Ehler**

**Proposal for a Regulation**

**Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The budget of the Fuel Cells and Hydrogen 2 Joint Undertaking may be subject to review in the course of the Midterm Review.***

Or. en

*(See recital 20a.)*

## *Justification*

*Depending on the outcome of the interim evaluation, and taking due account of all other relevant factors, the possibility for an adaptation of the Fuel Cells and Hydrogen 2 budget should be included in the legal basic act of Fuel Cells and Hydrogen 2. Generally, references to a possible budgetary review during the midterm-review should also be included in the basic acts of the other JUs respectively.*

### **Amendment 90**

**António Fernando Correia de Campos**

#### **Proposal for a Regulation**

##### **Article 11 – paragraph 3**

###### *Text proposed by the Commission*

3. Within six months after the winding up of the FCH 2 Joint Undertaking, but no later than two years after the triggering of the winding up procedure referred to in clause 21 of the Statutes contained in the Annex, the Commission shall **conduct a** final evaluation of the FCH 2 Joint Undertaking. The results of that final evaluation shall be presented to the European Parliament and to the Council.

###### *Amendment*

3. Within six months after the winding up of the FCH 2 Joint Undertaking, but no later than two years after the triggering of the winding up procedure referred to in clause 21 of the Statutes contained in the Annex, the Commission shall **promote an external** final evaluation of the FCH 2 Joint Undertaking, **which shall at least comprehend the elements assessed in the interim evaluation**. The results of that final evaluation shall be presented to the European Parliament and to the Council.

Or. en

### **Amendment 91**

**Jean-Pierre Audy**

#### **Proposal for a Regulation**

##### **Article 12 – paragraph 1**

###### *Text proposed by the Commission*

1. The discharge of the budget **implementation with regard to the Union contribution to** the FCH 2 Joint Undertaking shall **be part of the discharge** given by the European Parliament, upon

###### *Amendment*

1. The discharge of the budget **of** the FCH 2 Joint Undertaking shall be given by the European Parliament upon recommendation of the Council in accordance with a procedure **comparable**

recommendation of the Council, *to the Commission* in accordance with the procedure provided for in Article 319 of the Treaty.

*to that* provided for in Article 319 of the Treaty *on the Functioning of the European Union and Articles 164 to 166 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council, and based on the audit report of the Court of Auditors.*

Or. fr

#### *Justification*

*It is important for joint undertakings to be subject to audit by the European Court of Auditors and to the same discharge procedures as the European Commission, with the European Parliament exercising budgetary and political control.*

#### **Amendment 92** **Christian Ehler**

#### **Proposal for a Regulation** **Article 12 – paragraph 1**

##### *Text proposed by the Commission*

1. The discharge of the budget implementation with regard to the Union contribution to the FCH 2 Joint Undertaking shall be *part of the discharge* given by the European Parliament, upon recommendation of the Council, *to the Commission* in accordance with *the* procedure *provided for* in Article 319 of *the Treaty*.

##### *Amendment*

1. The discharge of the budget implementation with regard to the Union contribution to the FCH 2 Joint Undertaking shall be given by the European Parliament, upon recommendation of the Council, *before 15 May of year n+2* in accordance with a procedure *comparable to the one outlined* in Article 319 *TFEU and Articles 164 and 165 of Regulation (EU, Euratom) No 966/2012 and provided for by the Financial rules of the FCH 2 Joint Undertaking.*

Or. en

#### **Amendment 93** **Jean-Pierre Audy**

**Proposal for a Regulation**  
**Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. If the European Parliament refuses to grant discharge, the Executive Director shall tender his resignation to the Governing Board, which shall take its final decision in the light of the circumstances.***

Or. fr

*Justification*

*For the credibility of the discharge procedure, it is important that, following a refusal to grant discharge, the decision regarding the Executive Director be placed in the hands of the Governing Board. This procedure does not constitute dismissal but simply requires the Executive Director to tender his resignation to the Governing Board, which will then decide what action to take.*

**Amendment 94**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Article 14 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. The staff of the Joint Undertaking, the Executive Director and the members of the Governing Board shall without delay notify OLAF of any instances of fraud which have come to their attention in the fulfilment of their duties or remit, without in any way being made accountable for them as a result. If they fail to meet this obligation and to inform OLAF of instances of fraud known to them, they shall become personally liable for the***

*consequences thereof:*

Or. fr

*Justification*

*Anti-fraud measures should be a priority for the Union. This notification procedure, which already operates in at least one Member State, is a very useful instrument for this purpose.*

**Amendment 95**  
**Christian Ehler**

**Proposal for a Regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

Regulation (EU) No ... [Rules for the participation and dissemination in Horizon 2020] shall apply to the actions funded by the FCH 2 Joint Undertaking. In accordance with that Regulation, the FCH 2 Joint Undertaking shall be considered as a funding body and shall provide financial support to indirect actions as set out in clause 1 of the Statutes contained in the Annex.

*Amendment*

Regulation (EU) No ... [Rules for the participation and dissemination in Horizon 2020] **and Commission Decisions relevant to its implementation** shall apply to the **indirect** actions funded by the FCH 2 Joint Undertaking. In accordance with that Regulation, the FCH 2 Joint Undertaking shall be considered as a funding body and shall provide financial support to indirect actions as set out in clause 1 of the Statutes contained in the Annex.

Or. en

*Justification*

*This amendment serves to clarify that not only the Rules for Participation, but also related implementing acts such as the rules for submission, evaluation, selection, award and review procedures shall apply. According to Article 1(1) of the Rules for Participation these rules apply only to indirect actions.*

**Amendment 96**  
**António Fernando Correia de Campos**



**Proposal for a Regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Pursuant to Article 8(5) of the Regulation (EU) No .../2013 [the Horizon 2020 Rules for Participation], work plans may provide for justified additional conditions according to specific policy requirements or to the nature and objective of the action, inter alia, that coordinators shall be constituent entities of a Member other than the Union. This should under no condition and throughout the programme raise undue conditions or restrain that willing entities can become a constituent entity of a Member; principles of openness and transparency shall apply throughout the duration of the FCH 2 Joint Undertaking.***

Or. en

**Amendment 97**  
**Jan Březina**

**Proposal for a Regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Pursuant to Article 8(5) of the Regulation (EU) No .../201s [the Horizon 2020 Rules for Participation], work plans may provide for justified additional conditions according to specific policy requirements or to the nature and objective of the action, inter alia, that coordinator shall be constituent entities of a Member other than the Union.***

Or. en

**Amendment 98**  
**Christian Ehler**

**Proposal for a Regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In accordance with the principles of transparency and non-discrimination as laid out in Articles 35, 60(1) and 128(1) of Regulation (EU, Euratom) No 966/2012 and Article 16 of this Regulation, calls for proposals organised by the FCH 2 Joint Undertaking shall be published on the web-based Horizon 2020 Participant Portal.***

Or. en

*Justification*

*During the Horizon 2020 trilogue negotiations the institutions agreed to promote a greater coherence of all call possibilities financed under Horizon 2020. To this effect, the Commission promised to promote the publication of CfPs organised by the JTI on the Horizon 2020 Participant Portal. All of them agreed to follow this approach. This amendment aims to turn a self-obligation into a legal requirement, guaranteeing simple and accessible information for applicants.*

**Amendment 99**  
**Teresa Riera Madurell**

**Proposal for a Regulation**  
**Article 19 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***5. Any unused appropriations under Regulation (EC) No 521/2008 shall be transferred to the FCH 2 Joint Undertaking.***

***5. Only the indispensable appropriations needed to cover administrative cost derived from FCH 1 calls for proposals shall be transferred to the FCH 2 Joint Undertaking from the unused appropriations under Regulation (EC) No 521/2008.***

**Amendment 100**  
**António Fernando Correia de Campos**

**Proposal for a Regulation**  
**Annex 1 – part 1 – point a**

*Text proposed by the Commission*

(a) supporting financially research and innovation indirect actions mainly in the form of grants;

*Amendment*

(a) supporting financially research and innovation indirect actions mainly in the form of grants ***awarded through open calls to participants***;

Or. en

**Amendment 101**  
**António Fernando Correia de Campos**

**Proposal for a Regulation**  
**Annex 1 – part 1 – point a a (new)**

*Text proposed by the Commission*

***(aa) provide for the timely communication of calls for proposals, availability of legal documentation, evaluation processes and transparency of results;***

Or. en

**Amendment 102**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 2 – point b**

*Text proposed by the Commission*

(b) upon acceptance of these Statutes ***by means of a letter of endorsement***, the New

*Amendment*

(b) upon acceptance of these Statutes ***following deliberation by the body***

Energy World Industry Grouping AISBL, a non-profit organisation established under Belgian Law (registration number: 890025478, with its permanent office in Brussels, Belgium) (hereinafter referred to as the ‘Industry Grouping’), and

*responsible for its governance*, the New Energy World Industry Grouping AISBL, a non-profit organisation established under Belgian Law (registration number: 890025478, with its permanent office in Brussels, Belgium) (hereinafter referred to as the ‘Industry Grouping’), and

Or. fr

**Amendment 103**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 2 – point c**

*Text proposed by the Commission*

(c) upon acceptance of these Statutes *by means of a letter of endorsement*, the New European Research Grouping on Fuel Cells and Hydrogen AISBL, a non-profit organisation established under Belgian Law (registration number: 0897.679.372, with its permanent office in Brussels, Belgium) (hereinafter referred to as the ‘Research Grouping’).

*Amendment*

(c) upon acceptance of these Statutes *following deliberation by the body responsible for its governance*, New European Research Grouping on Fuel Cells and Hydrogen AISBL, a non-profit organisation established under Belgian Law (registration number: 0897.679.372, with its permanent office in Brussels, Belgium) (hereinafter referred to as the ‘Research Grouping’).

Or. fr

**Amendment 104**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 3 – point 1**

*Text proposed by the Commission*

1. Any Member may terminate its membership to the FCH 2 Joint Undertaking. The termination shall become effective and irrevocable six months after notification to the other Members. As of

*Amendment*

1. Any Member may terminate its membership to the FCH 2 Joint Undertaking. The termination shall become effective and irrevocable six months after notification to the other Members. As of

then, the former Member shall be discharged from any obligations other than those approved or incurred by the FCH 2 Joint Undertaking prior to terminating the membership.

then, the former Member shall be discharged from any obligations other than those approved or incurred by the FCH 2 Joint Undertaking prior to terminating the membership. ***In such cases, an account shall be opened for settlement of financial obligations between the departing member and the FCH 2 Joint Undertaking.***

Or. fr

**Amendment 105**  
**Maria Da Graça Carvalho**

**Proposal for a Regulation**  
**Annex 1 – part 3 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The Governing Board shall assess the application taking into account the relevance and the potential added value of the applicant for the achievement of the objectives of the FCH Joint Undertaking. It shall then decide on the application. Rules for accepting new members should be public and transparent, not pose undue obstacles, and any rejection must be clearly justified in writing and made available to the candidate and to the States Representative Group***

Or. en

**Amendment 106**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 3 – point 2**

*Text proposed by the Commission*

*Amendment*

2. Membership of the FCH 2 Joint Undertaking may not be transferred to a

2. Membership of the FCH 2 Joint Undertaking may not be transferred to a

third party without prior agreement of the Governing Board.

third party without prior agreement of the Governing Board. ***The Commission shall be notified of this agreement and shall have the right to object.***

Or. fr

#### **Amendment 107**

**Claude Turmes**

on behalf of the Greens/EFA Group

#### **Proposal for a Regulation**

##### **Annex 1 – part 5 – point a**

*Text proposed by the Commission*

(a) **three** representatives of the Commission;

*Amendment*

(a) **five** representatives of the Commission;

Or. en

#### *Justification*

*In previous funding period there were five representatives of the Commission*

#### **Amendment 108**

**Claude Turmes**

on behalf of the Greens/EFA Group

#### **Proposal for a Regulation**

##### **Annex 1 – part 6 – point 1**

*Text proposed by the Commission*

1. The Commission shall hold **50** % of the voting rights. The vote of the Commission shall be indivisible. The Industry Grouping shall hold **43** % of the voting rights and the Research Grouping 7 % of the voting rights. The Members shall use their best efforts to achieve consensus. Failing consensus, the Governing Board shall take its decisions by a majority of at least 75 %

*Amendment*

1. The Commission shall hold **51** % of the voting rights. The vote of the Commission shall be indivisible. The Industry Grouping shall hold **42%** of the voting rights and the Research Grouping 7 % of the voting rights. The Members shall use their best efforts to achieve consensus. Failing consensus, the Governing Board shall take its decisions by a majority of at least 75 %

of all votes, including the votes of those who are not in attendance.

of all votes, including the votes of those who are not in attendance.

Or. en

## **Amendment 109**

**Christian Ehler**

### **Proposal for a Regulation**

#### **Annex 1 – part 6 – point 3 – subparagraph 3**

##### *Text proposed by the Commission*

The chairperson of the States Representatives Group shall have the right to attend meetings of the Governing Board *as an observer*.

##### *Amendment*

The chairperson of the States Representatives Group shall have the right to attend meetings of the Governing Board **and take part in the deliberations, but shall have no voting rights**.

Or. en

##### *Justification*

*The States Representative Group as well as the Scientific Committee and the Stakeholder Forum are advisory bodies to the Fuel Cells and Hydrogen 2 Joint Undertaking according to point 4(2) of the statutes. To appropriately fulfil this role they should be given the right both to attend meetings of the Governing Board as well as to take part in the deliberations taking place there. Who shall advise, shall have the right to speak.*

## **Amendment 110**

**Teresa Riera Madurell**

### **Proposal for a Regulation**

#### **Annex 1 – part 6 – point 3 – – subparagraph 3 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

**The chairperson of the Scientific Committee shall have the right to attend meetings of the Governing Board and take part in its deliberations, but shall have no voting rights.**

**Amendment 111**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 6 – point 3 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***The chairperson of the Scientific Committee shall have the right to attend meetings of the Governing Board and take part in the deliberations, but shall have no voting rights.***

Or. en

*Justification*

*The States Representative Group as well as the Scientific Committee and the Stakeholder Forum are advisory bodies to the Fuel Cells and Hydrogen 2 Joint Undertaking according to point 4(2) of the statutes. To appropriately fulfil this role they should be given the right both to attend meetings of the Governing Board as well as to take part in the deliberations taking place there. Who shall advise, shall have the right to speak.*

**Amendment 112**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 6 – point 3 – subparagraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***The chairperson of the Stakeholder Forum shall have the right to attend meetings of the Governing Board and take part in the deliberations, but shall have no voting rights.***

Or. en



### *Justification*

*The States Representative Group as well as the Scientific Committee and the Stakeholder Forum are advisory bodies to the Fuel Cells and Hydrogen 2 Joint Undertaking according to point 4(2) of the statutes. To appropriately fulfil this role they should be given the right both to attend meetings of the Governing Board as well as to take part in the deliberations taking place there. Who shall advise, shall have the right to speak.*

#### **Amendment 113**

**Teresa Riera Madurell**

#### **Proposal for a Regulation**

**Annex 1 – part 6 – point 3 – subparagraph 6**

##### *Text proposed by the Commission*

The Governing Board shall adopt its own rules of procedure.

##### *Amendment*

The Governing Board shall adopt ***and make publicly available*** its own rules of procedure.

Or. en

#### **Amendment 114**

**Christian Ehler**

#### **Proposal for a Regulation**

**Annex 1 – part 7 – point 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***1 a. The Commission shall ensure a constant coordination between the activities of Horizon 2020 and the activities of the Fuel Cells and Hydrogen 2 Joint Undertaking by regularly identifying possible complementarities and synergies, including desirable overlaps, and implementing a formal coordination process to attune the research priorities covered by collaborative research under the framework programme and the activities covered by the Fuel Cells and Hydrogen 2 Joint Undertaking.***

*Justification*

*There is an urgent need to coordinate the research activities under the framework programme and the activities carried out in the JTIs, including the management of desired overlap and needed synergies and complementarities. Naturally this task would be best fulfilled by the Commission whose role in the governance structure of the JTIs (50% of votes) should provide it with sufficient means to do so.*

**Amendment 115**

**António Fernando Correia de Campos**

**Proposal for a Regulation**

**Annex 1 – part 7 – point 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) To adopt and make publicly accessible open and transparent rules for willing entities to become constituent entities of a Member of the Joint Undertaking.***

**Amendment 116**

**Jean-Pierre Audy**

**Proposal for a Regulation**

**Annex 1 – part 7 – point 2 – point e**

*Text proposed by the Commission*

*Amendment*

(e) appoint, ***dismiss***, extend the term of office of, provide guidance to and monitor the performance of the Executive Director;

(e) appoint, ***remove***, extend the term of office of, provide guidance to and monitor the performance of the Executive Director;

**Amendment 117**

**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 7 – point 2 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

**(ka) appoint, on the basis of a public invitation to tender, the independent audit body that will be given the task of presenting an opinion under Article 60(5) of Regulation (EU, EURATOM) No 966 / 2012 of the European Parliament and the Council;**

Or. fr

*Justification*

*It is up to the deliberative body approving the accounts to designate the independent audit body to be entrusted with the task of presenting an opinion under Article 60(5) of Regulation (EU-EURATOM) No 966 /2012 of the European Parliament and the Council. In the interests of transparency, it is proposed that a public tendering procedure be organised for this purpose.*

**Amendment 118**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 7 – point 2 – point l**

*Text proposed by the Commission*

*Amendment*

**(l) approve the calls *as well as, where appropriate, the related rules for submission, evaluation, selection, award and review procedures;***

**(l) approve the calls;**

Or. en

*Justification*

*The rules for submission, evaluation, selection, award and review procedures of Horizon 2020 should apply, mutatis mutandis.*

**Amendment 119**  
**António Fernando Correia de Campos**

**Proposal for a Regulation**  
**Annex 1 – part 7 – point 2 – point l**

*Text proposed by the Commission*

(l) approve the calls as well as, where appropriate, the related rules for submission, evaluation, selection, award **and** review procedures;

*Amendment*

(l) approve the calls as well as, where appropriate, the related rules for submission, evaluation, selection, award, review procedures, **and transparency norms**;

Or. en

**Amendment 120**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 7 – point 2 – point m**

*Text proposed by the Commission*

(m) approve the list of actions selected for funding;

*Amendment*

(m) approve the list of actions selected for funding **on the basis of the ranking list produced by a panel of independent experts in accordance with Article 37 of the Regulation (EU) No .../2013 [the H2020 Rules for Participation]**;

Or. en

**Amendment 121**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 7 – point 2 – point s a (new)**

*Text proposed by the Commission*

*Amendment*

**(sa) inform the States Representatives Group, the Scientific Committee and the Stakeholder Forum regularly on all**

*matters relevant to their advisory role;*

Or. en

*Justification*

*In order to fulfil their task as advisory bodies to the Fuel Cells and Hydrogen 2 Joint Undertaking, the States Representatives Group, the Scientific Committee and the Stakeholder Forum should receive adequate information on all relevant issues.*

**Amendment 122**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 8 – point 1 – subparagraph 1**

*Text proposed by the Commission*

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 FCH 2 Joint Undertaking in the selection procedure as appropriate.

*Amendment*

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 FCH 2 Joint Undertaking in the selection procedure as appropriate. ***The European Parliament shall be entitled to object.***

Or. fr

**Amendment 123**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 9 – point 4 – introductory part**

*Text proposed by the Commission*

4. The Executive Director shall in particular carry out the following tasks ***in***

*Amendment*

4. The Executive Director shall in particular carry out the following tasks:

*an independent manner:*

Or. fr

*Justification*

*The Executive Director does not act independently but is, like the staff, subject to the Governing Board in particular and the interests of the Union and other stakeholders in general.*

**Amendment 124**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 9 – point 4 – point c**

*Text proposed by the Commission*

(c) *submit* for approval to the Governing Board *the annual accounts*;

*Amendment*

(c) *establish the annual accounts to be submitted* for approval to the Governing Board;

Or. fr

**Amendment 125**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 9 – point 4 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

*(ia) draw up an annual report on the progress of the research and development activities in cooperation with the communications division of the Fuel Cells and Hydrogen 2 Joint Undertaking*

Or. en

*Justification*

*It would be recommendable to disseminate more and easily accessible information on the progress and performance of the JTI on a regular basis, in order to raise the visibility of the JTI and create awareness of its achievements among the wider public.*

**Amendment 126**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 9 – point 4 – point j a (new)**

*Text proposed by the Commission*

*Amendment*

***(ja) organise the public tendering procedure on the basis of which the Governing Board shall appoint the independent audit body to be entrusted with the task of submitting an opinion under Article 60(5) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council;***

Or. fr

**Amendment 127**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 9 – point 4 – point l a (new)**

*Text proposed by the Commission*

*Amendment*

***(la) follow-up on any recommendations resulting from the final evaluation of the Fuel Cells and Hydrogen Joint Undertaking, the interim evaluation of the Fuel Cells and Hydrogen 2 Joint Undertaking or any other relevant assessment of the Fuel Cells and Hydrogen 2 activities in a timely manner;***

Or. en

*Justification*

*To ensure sufficient impact of the formally foreseen evaluations and to improve the quality management of the JU the Executive Director should be responsible for following-up any relevant recommendations.*

**Amendment 128**  
**Maria Da Graça Carvalho**

**Proposal for a Regulation**  
**Annex 1 – part 9 – point 5 – point b**

*Text proposed by the Commission*

(b) manage the calls as provided for in the **annual** work plan, **and the administration of** the agreements or decisions, including their coordination;

*Amendment*

(b) manage the calls, **including the evaluation by a panel of independent experts**, as provided for in the work plan **and administer** the agreements or decisions, including their coordination

Or. en

**Amendment 129**  
**Maria Da Graça Carvalho**

**Proposal for a Regulation**  
**Annex 1 – part 9 – point 5 – point c a (new)**

*Text proposed by the Commission*

**(ca) supervise an information and promotion system for wide participation in the Joint Undertaking's activities, namely the Calls for proposals, including a link to the NCP system**

*Amendment*

Or. en

**Amendment 130**  
**Silvia-Adriana Țicău**



**Proposal for a Regulation**  
**Annex 1 – part 10 – point 1**

*Text proposed by the Commission*

1. The Scientific Committee shall consist of no more than nine members. It shall elect a chairperson from amongst its members.

*Amendment*

1. The Scientific Committee shall consist of **28 members, one from each Member State, for a renewable period of two years.** **The group** shall elect a chairperson from amongst its members **for one year. Its composition shall respect gender equality under Article 16 of the Horizon 2020 Framework Programme.**

Or. ro

**Amendment 131**  
**Teresa Riera Madurell**

**Proposal for a Regulation**  
**Annex 1 – part 10 – point 2**

*Text proposed by the Commission*

2. The members shall reflect a balanced representation of world-wide recognised experts from academia, industry and regulatory bodies. Collectively, the Scientific Committee members shall have the necessary scientific competencies and expertise covering the technical domain needed to make science-based recommendations to the FCH 2 Joint Undertaking.

*Amendment*

2. The members shall reflect a balanced representation of world-wide recognised experts from academia, industry and regulatory bodies. Collectively, the Scientific Committee members shall have the necessary scientific competencies and expertise covering the technical domain needed to make science-based recommendations to the FCH 2 Joint Undertaking. **Its composition shall seek to achieve gender equality in accordance with Article 16 of the Regulation (EU) No .../2013 [the Horizon 2020 Framework Programme].**

Or. en

**Amendment 132**  
**Teresa Riera Madurell**

**Proposal for a Regulation**  
**Annex 1 – part 10 – point 4 – point a**

*Text proposed by the Commission*

(a) advise on the scientific priorities to be addressed in the annual work plans;

*Amendment*

(a) advise on the scientific priorities to be addressed in the annual work plans, ***including draft call texts;***

Or. en

**Amendment 133**  
**Claude Turmes**  
on behalf of the Greens/EFA Group

**Proposal for a Regulation**  
**Annex 1 – part 10 – point 4 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) advise on the scientific priorities to be addressed in the Strategic Research Agenda***

Or. en

**Amendment 134**  
**Teresa Riera Madurell**

**Proposal for a Regulation**  
**Annex 1 – part 10 – point 5**

*Text proposed by the Commission*

*Amendment*

5. The Scientific Committee shall meet at least ***once*** a year. The meetings shall be convened by its chairperson.

5. The Scientific Committee shall meet at least ***twice*** a year. The meetings shall be convened by its chairperson.

Or. en

**Amendment 135**  
**Claude Turmes**

on behalf of the Greens/EFA Group

**Proposal for a Regulation**  
**Annex 1 – part 10 – point 5**

*Text proposed by the Commission*

5. The Scientific Committee shall meet at least **once** a year. The meetings shall be convened by its chairperson.

*Amendment*

5. The Scientific Committee shall meet at least **twice** a year. The meetings shall be convened by its chairperson.

Or. en

**Amendment 136**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 10 – point 5**

*Text proposed by the Commission*

5. The Scientific Committee shall meet at least **once** a year. The meetings shall be convened by its chairperson.

*Amendment*

5. The Scientific Committee shall meet at least **twice** a year. The meetings shall be convened by its chairperson.

Or. en

**Amendment 137**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 10 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6 a. The Scientific Committee shall receive information on a regular basis, in particular on the participation in indirect actions funded by the Fuel Cells and Hydrogen 2 Joint Undertaking, on the outcome of each call and project implementation, on synergies with other relevant Union programmes, on the execution of the Fuel Cells and Hydrogen***

***2 budget and on the dissemination and exploitation of research results.***

Or. en

*Justification*

*In order to fulfil its task as an advisory body to the Fuel Cells and Hydrogen 2 Joint Undertaking, the Scientific Committee should receive adequate information on all relevant issues.*

**Amendment 138**  
**Teresa Riera Madurell**

**Proposal for a Regulation**  
**Annex 1 – part 10 – point 7**

*Text proposed by the Commission*

7. The Scientific Committee shall adopt its own rules of procedure.

*Amendment*

7. The Scientific Committee shall adopt ***and make publicly available*** its own rules of procedure.

Or. en

**Amendment 139**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 11 – point 2 – subparagraph 1**

*Text proposed by the Commission*

2. The States Representatives Group shall meet at least ***once*** a year. The meetings shall be convened by its chairperson. The Executive Director and the chairperson of the Governing Board or their representatives shall attend the meetings.

*Amendment*

2. The States Representatives Group shall meet at least ***twice*** a year. The meetings shall be convened by its chairperson. The Executive Director and the chairperson of the Governing Board or their representatives shall attend the meetings.

Or. en

**Amendment 140**  
**Teresa Riera Madurell**

**Proposal for a Regulation**  
**Annex 1 – part 11 – point 3 – point c**

*Text proposed by the Commission*

(c) ***links to the*** Horizon 2020 Framework Programme;

*Amendment*

(c) ***compliance with*** Horizon 2020 Framework Programme;

Or. en

**Amendment 141**  
**Teresa Riera Madurell**

**Proposal for a Regulation**  
**Annex 1 – part 11 – point 3 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) the advisability of including a given research priority covered by the FCH 2 Joint Undertaking in regular calls in the Horizon 2020 Framework Programme in order to develop new synergies with research and innovation activities of strategic importance;***

Or. en

**Amendment 142**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 11 – point 5 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The States Representatives Group shall receive information on a regular basis, in particular on the participation in indirect actions funded by the Fuel Cells and Hydrogen 2 Joint Undertaking, on the***

*outcome of each call and project implementation, on synergies with other relevant Union programmes, on the execution of the Fuel Cells and Hydrogen 2 budget and on the dissemination and exploitation of research results.*

Or. en

*Justification*

*In order to fulfil its task as an advisory body to the Fuel Cells and Hydrogen 2 Joint Undertaking, the States Representatives Group should receive adequate information on all relevant issues.*

**Amendment 143**  
**Teresa Riera Madurell**

**Proposal for a Regulation**  
**Annex 1 – part 11 – point 6**

*Text proposed by the Commission*

6. The FCH 2 States Representatives Group shall adopt its own rules of procedure.

*Amendment*

6. The FCH 2 States Representatives Group shall adopt ***and make publicly available*** its own rules of procedure.

Or. en

**Amendment 144**  
**António Fernando Correia de Campos**

**Proposal for a Regulation**  
**Annex 1 – part 11 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6 a. In order for the States Representative Group to fulfil its responsibilities in regard to points 3, 4 and 5 of this clause, it should be regularly provided by the Executive Director with all relevant information on call results, country***

*participation and participants, including financial data and detailed in-kind contributions by Members.*

Or. en

**Amendment 145**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 12 – point 2**

*Text proposed by the Commission*

2. The Stakeholder Forum shall be informed of the activities of the FCH 2 Joint Undertaking and shall be invited to provide comments.

*Amendment*

2. The Stakeholder Forum shall be informed of the activities of the FCH 2 Joint Undertaking *on a regular basis, in particular on the participation in indirect actions funded by the Fuel Cells and Hydrogen 2 Joint Undertaking, on the outcome of each call and project implementation, on synergies with other relevant Union programmes, on the execution of the Fuel Cells and Hydrogen 2 budget and on the dissemination and exploitation of research results*, and shall be invited to provide comments.

Or. en

*Justification*

*In order to fulfil its task as an advisory body to the Fuel Cells and Hydrogen 2 Joint Undertaking, the Stakeholder Forum should receive adequate information on all relevant issues.*

**Amendment 146**  
**Claude Turmes**  
on behalf of the Greens/EFA Group

**Proposal for a Regulation**  
**Annex 1 – part 12 – point 2**

*Text proposed by the Commission*

2. The Stakeholder Forum shall be informed of the activities of the FCH 2 Joint Undertaking and shall be invited to provide comments.

*Amendment*

2. The Stakeholder Forum shall be **regularly** informed of the activities of the FCH 2 Joint Undertaking and shall be invited to provide comments.

Or. en

**Amendment 147**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***14a. Should any member of the Clean Sky 2 Joint Undertaking be in default of its commitments concerning its agreed financial contribution, the Executive Director shall put this in writing and 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 defaulter's membership is to be revoked or if any other measures are to be taken until its obligations have been met. The Governing Board may initially suspend the voting rights of all members in breach of their obligations, once they have been heard and given the opportunity of regularising matters.***

Or. fr

**Amendment 148**  
**António Fernando Correia de Campos**

**Proposal for a Regulation**  
**Annex 1 – part 17 – point 1 – subparagraph 2 – point c**



*Text proposed by the Commission*

(c) the actions selected for funding, including a breakdown by participant type, including SMEs, **and by country and indicating the** contribution of the FCH 2 Joint Undertaking to the individual participants and actions.

*Amendment*

(c) the actions selected for funding, including a breakdown by participant type, including SMEs, **country statistics, and indication of the financial** contribution of the FCH 2 Joint Undertaking to the individual participants and actions.

Or. en

**Amendment 149**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 17 – point 3**

*Text proposed by the Commission*

3. The FCH 2 Joint Undertaking shall report annually to the Commission **in accordance with Article 60(5) of Regulation (EU, Euratom) No 966/2012.**

*Amendment*

3. The FCH 2 Joint Undertaking shall report annually to the Commission **and the budgetary authorities.**

***Within two months after the end of each fiscal year, the Executive Director shall submit the annual accounts and balance sheet of the previous year to the Court of Auditors. The Court of Auditors may carry out inspections, including on-the-spot checks.***

Or. en

**Amendment 150**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 17 – point 4 – subparagraph 1**

*Text proposed by the Commission*

4. The accounts of the FCH 2 Joint Undertaking shall be examined by an

*Amendment*

4. The accounts of FGH 2 Joint Undertaking shall be examined by **the**

independent audit body as laid down in Article 60(5) of Regulation (EU, Euratom) No 966/2012.

***Court of Auditors as part of the discharge procedure. In its deliberations, the Court shall take account of the findings of the independent audit body required to deliver an opinion under Article 60(5) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council;***

Or. fr

**Amendment 151**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 17 – point 4 – subparagraph 1**

*Text proposed by the Commission*

4. The accounts of the FCH 2 Joint Undertaking shall be examined by ***an independent audit body as laid down in Article 60(5) of Regulation (EU, Euratom) No 966/2012.***

*Amendment*

4. The accounts of the FCH 2 Joint Undertaking shall be examined by ***the Court of Auditors in accordance with Article 287 of the Treaty.***

Or. en

**Amendment 152**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 17 – point 4 – subparagraph 2**

*Text proposed by the Commission*

***The accounts of the FCH 2 Joint Undertaking shall not be subject to examination by the Court of Auditors.***

*Amendment*

***deleted***

Or. en

**Amendment 153**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 17 – point 4 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*The accounts of the FCH 2 Joint Undertaking shall not be subject to examination by the Court of Auditors.*

*deleted*

Or. fr

**Amendment 154**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 17 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. The Court of Auditors shall prepare a Specific Annual Report on the Fuel Cells and Hydrogen 2 Joint Undertaking.***

Or. en

**Amendment 155**  
**Christian Ehler**

**Proposal for a Regulation**  
**Annex 1 – part 20 – point 2**

*Text proposed by the Commission*

*Amendment*

2. The FCH 2 Joint Undertaking Governing Board **may** adopt rules for the prevention and management of conflicts of interest in respect of its Members, bodies and staff. In those rules, provision shall be made to avoid a conflict of interest for the representatives of the Members serving in the Governing Board.

2. The FCH 2 Joint Undertaking Governing Board **shall** adopt rules for the prevention and management of conflicts of interest in respect of its Members, bodies and staff. In those rules, provision shall be made to avoid a conflict of interest for the representatives of the Members serving in the Governing Board.

**Amendment 156**  
**Jean-Pierre Audy**

**Proposal for a Regulation**  
**Annex 1 – part 21 – point 4**

*Text proposed by the Commission*

4. When the FCH 2 Joint Undertaking is being wound up, its assets shall be used to cover its liabilities and the expenditure relating to its winding up. Any surplus shall be distributed among the Members at the time of the winding up in proportion to their financial contribution to the FCH 2 Joint Undertaking. Any such surplus distributed to the Union shall be returned to the Union budget.

*Amendment*

4. When the FCH 2 Joint Undertaking is being wound up, its assets shall be used to cover its liabilities and the expenditure relating to its winding up. Any surplus shall be distributed among the Members at the time of the winding up in proportion to their financial contribution to the FCH 2 Joint Undertaking. Any such surplus distributed to the Union shall be returned to ***the specific programme implementing the Horizon 2020 Framework Programme, within*** the Union budget.

Or. fr

*Justification*

*It is reasonable for any surplus to be returned to the Horizon 2020 Framework Programme.,*

**Amendment 157**

**António Fernando Correia de Campos**

**Proposal for a Regulation**  
**Annex – 1.4.3**

*Commission text*

*1.4.3. Indicators of results and impact*

A set of Key Performance Indicators (KPIs) is proposed to monitor the FCH 2 JU during the period 2014 to 2020, in line with the specific objectives of the programme.

Area	KPI description	Target	When?
<b>Operational objective 1</b>	Private and public expenditures in R&D, innovation and early deployment activities in Europe (triggered by JU)	> €1,4 billion over 2014-2020	By 2020
<b>Operational objective 2</b>	SME participation in the JU programme	≥25%	Every CfP
<b>Operational objective 3</b>	FCH 2 JU demonstration projects hosted in Member States and Regions benefitting from EU Structural Funds	<b>7 projects</b>	By 2020
<b>Operational objective 4</b>	Time to grant (from call closing to grant signature)	< 180 days	Every CfP
	Time to pay	< 90 days	

#### *Amendment*

#### *1.4.3. Indicators of results and impact*

A set of Key Performance Indicators (KPIs) is proposed to monitor the FCH 2 JU during the period 2014 to 2020, in line with the specific objectives of the programme.

Area	KPI description	Target	When?
<b>Operational objective 1</b>	Private and public expenditures in R&D, innovation and early deployment activities in Europe (triggered by JU)	> €1,4 billion over 2014-2020	By 2020
<b>Operational objective 2</b>	SME participation in the JU programme	≥25%	Every CfP
<b>Operational objective 3</b>	FCH 2 JU demonstration projects hosted in Member States and Regions benefitting from EU Structural Funds	<b>35 projects</b>	By 2020
<b>Operational objective 4</b>	Time to grant (from call closing to grant signature)	< 180 days	Every CfP
	Time to pay	< 90 days	

Or. en

