



**KADRI SIMSON**

MEMBER OF THE EUROPEAN COMMISSION  
ENERGY

Rue de la Loi, 200  
B-1049 Brussels  
Tel. +32-2 295 05 20  
Kadri.SIMSON@ec.europa.eu

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ARES(2022)855207

Mr. Brian Macklin  
President EPSU  
[Brian.Macklin@iter.org](mailto:Brian.Macklin@iter.org)  
[Brian.Macklin@ec.europa.eu](mailto:Brian.Macklin@ec.europa.eu)

Mr. Cristiano Sebastiani  
President R&D  
[Cristiano.Sebastiani@ec.europa.eu](mailto:Cristiano.Sebastiani@ec.europa.eu)

Mr. Georges Vlandas  
President U4U  
[Georges.Vlandas@ec.europa.eu](mailto:Georges.Vlandas@ec.europa.eu)  
[REP-PERS-OSP@ec.europa.eu](mailto:REP-PERS-OSP@ec.europa.eu)

Dear Mr. Macklin, Mr. Sebastiani and Mr. Vlandas,

Thank you for your email dated 17 January 2022 addressed to Commissioner Hahn and myself regarding the situation in Fusion of Energy Joint Undertaking (F4E).

First, I would like to underline that the Commission is fully committed to delivering on the ITER project. It is of vital importance, and even more than ever given the increasing climate change problems and a rise in the conventional energy prices. The Commission has always been closely working in a partnership with F4E management and staff to ensure that F4E achieves its statutory objectives. Our partnership with F4E Joint Undertaking is based on its autonomous legal entity status. Its founding act provides for the role of the Commission, formally bound to the membership in the Governing Board<sup>1</sup>. In this context, we will not spare any effort to ensure that the overall working climate improves.

Concerning the European Anti-Fraud Office (OLAF), I would like to assure you that OLAF is aware of the situation in F4E. Independently of other information accessible to OLAF, the Governing Board of F4E at its meeting on 28 January decided to transmit to OLAF the report from the preliminary

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<sup>1</sup> See in this regard Annex I [of Council Decision of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it \(2007/198/Euratom\)](#), conferring 5 votes to the Commission out of 72 in the Governing Board. The Commission represents Euratom in accordance with Article 2 of the Council Decision 2007/198/Euratom.

administrative assessment carried out by an external panel in the wake of the suicide. While the Governing Board based on the panel's conclusions could not establish a link between the tragic loss and a breach of statutory responsibilities by any person in F4E, it decided to transmit the report to OLAF for its own consideration. It is important to note that OLAF is fully independent in the conduct of its investigative work. The founding acts of OLAF foresee that it shall neither seek nor take instructions from the Commission, any government or any other institution, body, office or agency in the performance of its duties with regard to the opening and carrying-out of external and internal investigations or coordination activities.

Regarding the current working environment in F4E and notably the Senior Management, I would like to share that the 2022 Annual Assessment of F4E will exclusively focus on Human Resources management matters. This assessment will build, among others on the results of the Annual Assessment of F4E of 2019, in which the assessors identified several areas that should be further improved by senior and middle management. Moreover, DG ENER is providing regular assistance and support to the HR department of F4E notably by sharing HR management best practices applicable in the Commission. In this context, the Commission would encourage F4E administration to consider using 360-degree management assessment for its management team. Furthermore, Commission's DG HR continues to be available to assist F4E at their request in any staff management issue and specially in the most sensitive ones.

In your email, you call for a redefinition of Commission relationship with the Joint Undertaking. While the Commission remains committed to close and constructive collaboration with F4E, its relationship with F4E is governed by its statutory roles foreseen in the Statutes of the Joint Undertaking approved by the Council of the EU and in the legal framework established for EU agencies, particularly the EU financial regulations and the EU staff regulations. The Commission cannot renege on its obligations as a key member of the governance instances of the Joint Undertaking, notably the Governing Board, where the Commission represents Euratom and must defend the financial and legal interests and commitments of the Community, towards F4E staff but also to European citizens and international partners. Against this legal setting, the Commission is open to identify with the Members of the Governing Board and the other European institutions areas to improve these current settings and strengthen its partnership with Joint Undertaking.

The tasks of the Joint Undertaking are enshrined in the establishment act of the F4E as adopted by the Council. The annual work programmes and the corresponding budget are adopted by the Governing Board every year on the basis of a proposal by F4E.

As you are aware, ITER project is very complex. It has to provide first of a kind challenging and risky technologies in cooperation with several domestic agencies, industrial partners and researchers. There is another layer of complication added by the impact of COVID 19. While Fusion for Energy (F4E JU) is already biggest of all the joint undertakings, according to the Joint undertaking these numbers are still insufficient and a substantial request for reinforcement will be made in the context of F4E JU's 2023 Draft Budget..

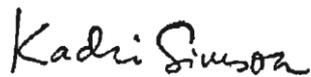
The Commission services are in close contact with F4E JU about this request that comes in a context where the entire MFF 2021-2027 is based on the stable staffing requirement and a temporary reinforcement made during previous MFF were supposed to be given back by F4E in years 2024-2026.

The request will be analysed and discussed during the budgetary procedure. The outcome of the discussions cannot be prejudged at this stage. Any reinforcement of the establishment plan (if proposed by the Commission) will have to be also endorsed by the Budgetary Authority.

All these elements illustrate the Commission's long lasting collaboration with F4E and I can assure you that it is in our collective interest to ensure that staff are offered the working conditions they deserve. We are very well aware that this unprecedented project, in all its complexity, relies on the involvement and dedication of individual colleagues.

While respecting the rules of governance of F4E Joint Undertaking, the Commission is committed to continue constructing a healthy environment for all where staff will be reassured that their management handles adequately their concerns.

Yours sincerely,

A handwritten signature in black ink that reads "Kadri Simson". The signature is written in a cursive, slightly slanted style.

Kadri Simson