**ANNEX 08**

**Agreement and Power of Attorney**

*[Instructions:*

* *Please, remember to insert the number of the procedure in the header;*
* *Text in yellow means that text needs to be entered;*
* *Text between [ ] and in yellow means that there are options of which one shall be chosen;*
* *Text between [ ], in italics and in green are instructions/clarifications.*

*Ensure that all instructions and optional text which is not applicable is deleted before issuing the document.]*

**Agreement and Power of Attorney**

We the undersigned:

*[Add as many signatories as there are Group Members]*

* insert name of the economic operator, an economic operator, having its registered office at insert address of the registered office, with VAT number insert VAT number under the laws of insert name of the country, represented for the purposes of this agreement and power of attorney by insert name of the representative, function [and insert name of the representative, function]; and,
* insert name of the economic operator, an economic operator, having its registered office at insert address of the registered office, with VAT number insert VAT number under the laws of insert name of the country, represented for the purposes of this agreement and power of attorney by insert name of the representative, function [and insert name of the representative, function].[; and,]

Each of them, where needed, duly empowered by the necessary delegation(s) to act on behalf of the economic operator,

WHEREAS:

1. The economic operators indicated above (hereinafter collectively referred to as the “Group Members” and collectively as “Group Members” or “Grouping”) have decided to participate in the Fusion for Energy procurement procedure F4E-XXX-0000 (hereinafter referred to as the “Procurement Procedure”) as a grouping of economic operators (hereinafter referred to as the “Grouping”) and to submit a joint submission as set out in the procurement documents;
2. The Procurement Procedure may result in the award of one or several contracts to be signed (hereinafter referred to as the “Contract”).

HEREBY AGREE AND GIVE POWER OF ATTORNEY AS FOLLOWS:

1. If a Contract is awarded to the Grouping, the Group Members hereby acknowledge and agree that they:

shall each be jointly and severally liable towards Fusion for Energy for the performance of the Contract as a whole, including the tasks that are performed by subcontractors; and

shall each comply with the terms and conditions of the Contract and ensure the proper execution of their respective share of the tasks to be performed under the Contract.

1. The Group Members hereby designate insert name of the Group Member to act as the group leader (hereinafter referred to as the “Group Leader”).
2. The Group Members hereby grant all the necessary powers to the Group Leader to act in the name of the Grouping and on their behalf in connection with the Procurement Procedure and the Contract, as the case may be.
3. This power of attorney involves in particular the following tasks:

the Group Leader shall sign the tender on behalf of the Group Members;

the Group Leader shall act as a single point of contact for Fusion for Energy in connection with the Procurement Procedure and the Contract, as the case may be; and

the Group Leader shall sign any contractual documents (including the Contract and any amendment thereto) and issue any and all invoices on behalf of the Grouping.

1. Payments to be made by Fusion for Energy for the performance of the Contract shall be made to the bank account identified in the Contract.
2. Any modification to this Agreement and Power of Attorney shall be subject to Fusion for Energy’s prior written approval.
3. This Agreement and Power of Attorney expires:

when the Procurement Procedure is cancelled by Fusion for Energy;

when the Grouping gives notice to Fusion for Energy that they withdraw from the Procurement Procedure;

when the Contract is signed by Fusion for Energy with another tenderer.

1. Prior written approval of Fusion for Energy shall be obtained if the Group Members seek to terminate this Agreement and Power of Attorney before any of the events listed under the previous point.

For and on behalf of the Group Members:

*[Add as many signatories as there are Group Members]*

Name of Group Member: ……………………………………………………

Represented by:

Name: ……………………………………………………

Function: ……………………………………………………

Signature: ……………………………………………………

Place: ……………………………………………………

Date: ……………………………………………………

Name of Group Member: ……………………………………………………

Represented by:

Name: ……………………………………………………

Function: ……………………………………………………

Signature: ……………………………………………………

Place: ……………………………………………………

Date: ……………………………………………………