European Co-operation in the Field of Scientific and Technical Research
COST

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Brussels, November 1981.
PREFACE

In autumn 1981, COST i.e. European Co-operation in the Field of Scientific and Technical Research will be celebrating its tenth anniversary. Over this period, COST has proved to be an original and effective framework for preparing and implementing a large number of European projects involving applied scientific research.

Until now, however, there has been no clear description of the co-operation structure which has been created by COST. The aim of this brochure is to fill this gap and to provide the reader with a clear picture of the background, aims, organization, and work methods of COST co-operation.

I hope that this brochure will not only contribute to making the idea of COST co-operation more widely known, but will also serve as a guide for endeavours to set up new projects in common both in areas of research which have already been tackled and in those where COST has not yet been active.

I would like to thank all those who have helped to produce this publication, and in particular to express my gratitude for the technical and administrative support given by the General Secretariat of the Council of the European Communities.

Stockholm, August 1981

Johan MARTIN-LÖF

Chairman of the
COST Committee of Senior Officials
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Chapter 1: what is COST?

The name «COST» (1), European Co-operation in the Field of Scientific and Technical Research, first appeared in the early seventies. At that time the European Community of Six was feeling increasingly uneasy as it lagged behind in many areas of scientific and technical research compared with other parts of the world.

It became evident to progressive-minded «Europeans» that European industrial and scientific competitiveness could really be secured in the long term only if research activities and efforts as far as possible transcended narrow national confines and were carried out within Europe on a multinational basis involving exchanges of results.

This did not mean that the geographical framework had to be formed by the Community’s frontiers. Neighbouring European States of the Community with an equivalent level of technological development were invited to take part from the outset in this common endeavour to break new technological ground. Quicker successes at lower overall cost were to be anticipated from «harnessing» research potential throughout Europe.

a) Participants in «COST-Europe»

COST forms a framework and forum for international, European research co-operation. This co-operation in the field of technical and scientific research goes far beyond the frontiers of the European Community of Ten; in terms of geographical dimensions and research areas it can be regarded as a driving force behind supra-regional European research co-operation.

As may be seen from the following illustration, all the European OECD Member States belong to «COST-Europe».

(1) COST is the abbreviation for «Coopération européenne dans le domaine de la Recherche Scientifique et Technique».
The European Community occupies an important position within COST. All States enjoy the same rights whether they are Community members or not. Turkey, Yugoslavia and Sweden are just as entitled as France, Luxembourg or the European Community «as such» to submit proposals for research projects (see in this connection Chapter 3).

b) COST co-operation: what does it mean?

A basic feature of all COST projects is a joint attack on a research area of common interest by a minimum number of participants and an exchange of the ensuing results among the participants. A basic motive is more efficient utilization of resources for research. By financing only its own share in a project, each participant gains access to the full results of each action. The co-ordination of activities has the further advantage of better resource management through avoiding duplication of effort as well as through filling potential gaps in the total effort.

Thus COST projects facilitate research work that goes beyond the resources of the individual partners. There is one COST project which has led to the setting up of a large common research facility namely the European Centre for Medium Range Weather Forecasting (COST 70). All other activities are performed through joint activities by existing national research centres. Some of them are supported by a common fund, mostly for secretariat support, but also in a few cases for supplementary research activities performed under contract.

The majority of COST activities operate without any joint funding. Secretariat costs are then in most cases carried by the Commission and in a few cases by a participating institution.

c) Nature of COST research problems

There are several types of research problems for which the COST framework has proved to be suitable. In most cases it is used to co-ordinate research programmes either existing or proposed, at European level, in such fields as:

- problems which are intrinsically of an international nature. Such problems are found in the areas of oceanography, environment and meteorology;

- problems in research areas which show many similarities between COST states and where these can benefit from joint actions. Such problems are found in areas such as data processing materials, agriculture and food technology;
problems which should be solved in order to provide the basis for desirable harmonization of regulations at the European level. Such problems are found particularly in telecommunications and transportation.

Most COST projects are designed to promote basic applied scientific and technical research, where the efforts are designed to achieve particular objectives. Thus the efforts fall between fundamental research with the aim of producing new knowledge of less specific nature and technical development work aimed at defining new products. The latter activities are generally accompanied by a desire for protection of industrial property rights which tends to go contrary to the general openness which is characteristic of COST projects. Many COST agreements have provisions for protection and licensing regarding industrial property rights in connection with research results, but these provisions have very seldom, if ever, been applied in practice. Only in very few instances have COST projects led directly to patents. Industrial research often has these competitive aspects which makes it less suitable for COST activities. These activities thus tend to be directed towards problems of public interest, often in «non-market» areas of particular societal interest where the pace of international development is not so rapid that it outpaces the international co-operation machinery.

d) Participation in COST projects

It follows from the above that the participants in COST projects are mostly administrations, institutes and research centres belonging to the public sector. Only a few projects involve participants from private industry.

It goes without saying that the need to avoid duplication has led to the exclusion from COST work of research areas which are already covered by international organizations, this is for instance the case for energy research. On the other hand, fruitful co-operation with other mostly European organizations is emerging in some areas. Thus the European Space Agency is participating in a project in the telecommunications field (COST 205) and the CEPT is interacting with several other activities in the telecommunications field. OECD has been engaged in COST 33 and IMCO participates in the planning of COST 301.

e) Examples

A few concrete examples of co-operation should perhaps be given at this early stage of this document to illustrate COST's activities. In this way readers can gain a first impression of the advantages of European co-operation in the field of scientific and technical research.
- Environment:
  Treatment of sewage sludge
  (Project 68 bis)

Sewage sludge occurs in the purification of waste water. The aim of the first COST project on the treatment of sewage sludge, which was concluded in 1975 and had 12 European States participating, was to provide a comprehensive survey of the various methods of processing and disposing of sewage sludge and to exchange findings and experience. The project (68 bis) was continued in 1979. The aim was to obtain further information on the uses of sewage sludge, particularly as a fertilizer in agriculture. This involves major environmental problems as most sewage sludge contains dangerous metal compounds, harmful bacteria and viruses. The purpose of this project, in which Norway, Austria, Switzerland, Finland and Sweden participated in addition to the European Community, was to ascertain the potential, limits and dangers of using sewage sludge as a fertilizer. The project is still continuing. Its importance may be gauged by the fact that the Community made it a part of its 1981 - 1985 environmental research and development programme (environmental protection and climatology) in the framework of the 3rd programme for the protection of the environment.

- Transport:
  Electronic traffic aids on major roads
  (Project 30)

This COST project, in which 12 States took part, was concluded in 1980. The main objective was to examine various possible methods of improving road traffic and making it safer. Specifically, an investigation was made into common control and safety systems which are feasible in practice with the help of the electronic revolution. Examples are the use of changeable matrix signs (e.g. indication of recommended speeds to prevent traffic-jams) and new traffic signs. Various communications systems for lorry drivers were also examined in order to pass on and exchange useful information.

- Metallurgy:
  Materials for gas turbines
  (Project 50)

This project, which covered a number of years and to which the European Community as such acceded in 1978, examined the behaviour of various metals and alloys under experimental conditions for the metal-processing industry. The joint research effort in this area even produced new alloys. Industries in the various participating States co-operated in this case in an exemplary manner without recourse to the usual principles of intellectual property protection (patents and licences).
As shown by these examples, COST is mainly concerned with practically-oriented forms of co-operation, the aim being not only to improve the performance of public services but also to place industrial research activities on a broader basis. One of COST's top-priority tasks is therefore to co-ordinate selected research programmes already existing or in preparation in the participating States within the widest possible European framework.

Traffic signs developed in COST-Action 30.
f) Fields of co-operation

Co-operation within COST is confined to the following areas of applied research (as at 1981):

1. INFORMATICS (e.g. project 11)
2. TELECOMMUNICATIONS (e.g. project 205)
3. TRANSPORT (e.g. project 30)
4. OCEANOGRAPHY (e.g. project 43)
5. METALLURGY AND MATERIALS SCIENCE (e.g. project 50)
6. ENVIRONMENTAL PROTECTION (e.g. project 68/68 bis)
7. METEOROLOGY (e.g. project 72)
8. AGRICULTURE (e.g. project 82)
9. FOOD TECHNOLOGY (e.g. project 91)
Further: MEDICAL RESEARCH AND HEALTH (e.g. congenital anomalies)

The figures 1 to 9 for these nine research areas are also used as the basis for numbering COST projects. As may be seen from the examples given above, the first figure of a project always indicates the research area. The second figure designates an individual project within one of the above-mentioned sectors. Three-figure numbers had to be introduced as in some research areas more than nine projects had already been undertaken (e.g. projects 205, 303).

The list of research areas has grown over the past decade to reach its present length. Thus, for example, the areas «Agriculture» and «Food technology» did not originally belong to the fields for COST co-operation. Health and medical research were also only included in COST co-operation at a later stage.

g) COST — a club?

From the viewpoint of international law COST is not a international organization but a club, that is to say an association with a precisely defined objective, set rules and a number of jointly determined obligations. As there is no statute establishing COST, it has no independent international legal personality. It works with flexible, pragmatic operating rules agreed on by the COST Member States. For each individual COST project the form of co-operation has therefore to be defined in simple, entirely «purpose-built» agreements (see Chapter 6).
h) Three important principles

1. **COST constitutes a privileged framework for co-operation between the European Community and European non-Member States in the field of research and development.** The framework is privileged as it:
   - allows non-Community Member States to participate in Community R & D programmes;
   - enables all 19 COST-States — whether they are Member States of the Community or not — to cooperate in selected research programmes.

2. **In the framework of COST joint research planning is carried through as a «concerted action». Financing is therefore provided by the individual States.** Results are used by all States participating in a COST project, depending on their individual requirements. Through this work-sharing procedure research efforts in individual laboratories financed by national funds are brought into an international context. In this way each country participating in a COST project makes an appropriate contribution in the form of individual research work. In the case of each COST project these «contributions in kind» are co-ordinated and the results exchanged through a committee specifically set up for the purpose, on which all participants are represented and whose powers are determined in the relevant COST agreement.

   COST does not have to balance out the individual financial outlay of States participating in a research project. All participants have a right to all the results obtained from the project irrespective of the extent of their research effort. Know-how is freely exchanged among those directly involved.

3. **COST has no common research policy (such as has existed in the case of the European Community since 1974 - see Chapter 2), but functions «à la carte».** This means that there is complete freedom of choice («liberté d'option») regarding projects and participation in them. Depending on their specific interests, the COST partners decide on a case-by-case basis in which research projects they want to participate. There is therefore no obligation whatsoever to collaborate in any COST project. This complete freedom of choice even goes so far as to allow club members who were not involved in the preparation or initial implementation of a COST project to join subsequently within an appropriate period.
Chapter 2: Creation and Relationship to the European Community

COST is closely bound up with the creation of important sections of Community research policy. Although the Treaties establishing the European Communities do lay down certain research tasks and powers, these are confined to specific areas:

- the European Coal and Steel Community Treaty makes provision for technical and economic research relating to the production and increased use of coal and steel and to occupational safety in the coal and steel industries (Article 55, ECSC Treaty);

- the EURATOM Treaty provides for the development of nuclear research in the Member States (Article 4 (2), EAEC Treaty);

- finally, the Treaty establishing the European Economic Community mentions research to increase agricultural productivity (Article 41, EEC Treaty).

In 1967 the Council of the European Communities entrusted the PREST Working Party (French abbreviation for «Scientific and Technical Research Policy») within the Committee for Medium-Term Economic Policy with the task of drawing up a report on possible co-operation in the 7 focal areas of informatics, telecommunications, new means of transport, oceanography, metallurgy, environmental protection and meteorology. In doing so the Community expressed the wish that non-Community States interested in joint research projects should be brought in. As a result the Aigrain report was submitted with 47 concrete research projects.

The Council of the European Communities took note of the report and instructed its President to invite Austria, Denmark, Ireland, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom to participate in the proposed research co-operation. The group was joined later by Finland, Greece, Turkey and Yugoslavia at their own request.

The projects put forward for co-operation in the Aigrain report were re-examined with the help of experts from the above non-Member States in April 1970. The work carried out by the experts was co-ordinated by a body on which all interested parties were represented with equal rights. At the same time this «Committee of COST Senior Officials» (hereinafter referred to as the «CSO»), which first met on 19 October 1970, defined the conditions for participating in individual
projects and prepared the relevant draft agreements (see in this connection Chapter 3).

On completion of all the preparations, the Council of the European Communities convened a Conference in 1971 attended by the Ministers responsible for Research and Technology in the 19 States and the competent member of the Commission of the European Communities. It was decided at the Conference to implement seven COST projects. On the same occasion the Ministerial Conference instructed the CSO to continue its work on preparing further COST projects and developing this new process of European research co-operation.

The Ministerial Conference of 22 and 23 November 1971 thus represents the first systematic attempt to extend intra-European co-operation in the form of research projects to areas going beyond space and nuclear research («Big Sciences»).
One year later – during the European Community summit meeting in Paris – the desire for an intra-Community action programme in the field of science and technology was confirmed. By its decisions of 14 January 1974 the Council of the European Communities then laid the legal foundations for a general European Communities research policy. The object here was not only to continue co-operation which had hitherto been concluded in a multilateral framework on a new Community basis, but above all to make intensive efforts to co-ordinate national policies and carry out independent Community research projects. At the same time the Member States declared their willingness to throw open a portion of future Community research projects to co-operation with selected third countries, with the COST partners principally in mind.

COST became – from the Community’s point of view – a privileged framework for co-operation in the research sector between the Community and third States.

Today, co-operation between the Community and COST takes two main forms:
- the opening up of certain internal Community research projects to non-Community COST members;
- Community participation in projects developed in the COST framework.

This demonstrates the close inter-relationships involved: first of all, the Community is a contracting party to numerous COST agreements, secondly, the Commission of the European Communities takes a full part in the technical preparation of all COST projects; finally, the institutions of the European Communities support the various COST activities (see also Chapter 4).

It emerged very early on that the legal mechanisms available were unequal to the task of fitting forms of co-operation based on supra-national Community law into an international legal framework which would enable non-Community States to take part on equal terms in the COST context. The question therefore arose of how selected partners of the Community could be involved in Community research programmes without becoming subordinated to Community research policy.

A considerable step towards solving this problem was made with the negotiation of a model agreement on COST Project 68bis (Research in the field of sewage sludge) and by a text adopted by the Council of the European Communities on 18 July 1978 and agreed to by the COST CSO five months later on the procedures for co-operation within the COST framework (see Chapter 6). As a joint policy declaration of all the delegations represented on the CSO, this text not only completely clarified the situation but above all helped to
speed up the future negotiation of new projects.

Since COST was set up on the initiative of the Community — and the Member States of the Community are therefore likely to predominate, a position often further strengthened by the participation of the Community as such — the question of the role of non-Community States in COST is of fundamental importance. However, practice so far has shown that there has never been any discrimination among COST members.

It should be particularly noted in this connection that so far most non-Community States have exercised their right to propose new co-operation projects to the CSO.

The opportunity for non-Community members to participate in internal Community research projects is regarded by all COST partners as a considerable benefit helping to strengthen the European research potential to mutual advantage using a minimum of resources.
Chapter 3: categories of co-operation

THE responsibility acquired by the European Community in 1974 in the field of scientific and technical research could not fail to influence the COST framework. In these changed circumstances new, additional structures and forms needed to be found for broader European research co-operation.

As part of its research policy the Community carries out multi-annual programmes decided by the Council, and it can offer the non-Community COST partners an opportunity of participating in these. The negotiations on the involvement of COST partners in such research projects are conducted by the Commission of the European Communities. In addition, COST's own mechanisms for the preparation of research projects which it has used since its inception continue to apply.

A systematic set of rules was needed for the allocation of work at the preparatory, negotiation and implementing phases of research projects put forward in COST. The preconditions for this were provided by the research policy decisions of the Council of the European Communities, and, as already mentioned, the COST CSO defined four categories of co-operation in the text on «Procedures for co-operation within the COST framework».

The systematic breakdown thus created plays an important part in the preparation of new COST projects (see in this connection an initiative by the Community, in Annex IV).

The four categories of co-operation can be described as follows (see also the table at the end of this chapter):

**CATEGORY 1: Community programmes with which interested COST States which are not Member States of the Community may be associated**

These are research projects developed by the Community and adopted by the Council. Under an appropriate provision in the Council's programme decision, non-Community COST partners are invited to participate in the projects. The Community then concludes an agreement with the interested States.

The interested COST States participate in the project by contributing certain precisely defined research activities of their national laboratories to a programme which they have had no part in preparing. This means that responsibility for co-ordinating
the research contributions of all the participating States – whether or not they are members of the Community – lies with the Commission of the European Communities. At the same time however, the representatives of the respective research programmes have full membership status of the relevant internal Community bodies [such as the Advisory Committee on Programme Management (ACPM) or the Steering Committee on Concerted Action (COMAC)].

CATEGORY II: COST projects which also form the subject of a Community programme

Here a research project is worked out in COST at the suggestion of a State not belonging to the Community. The Council of the European Communities decides that the Community is to participate in the form of a Community programme. Consequently the Community – rather than its Member States – concludes an agreement on the carrying out of the research with the other interested COST partners. The agreement is known as a «Community-COST concertation agreement» [see Chapter 6 b)].

Within the Community the pooling of effort merely entails certain research programmes of the Member States, listed in a Council decision, being co-ordinated by the Commission of the European Communities. The co-ordinating function developed for intra-Community use does not include any centralized right of supervision or directive on the part of the Commission since the Member States’ governments themselves remain materially and financially responsible for their national programme contributions.

For the other COST States the transfer of authority by the European Community States to the Community itself represents an internal Community decision. Such a uniform research policy stance by the Community within COST naturally gives the Community superior weight but is necessary for progress in internal Community integration in the research field.

CATEGORY III: COST agreements where there is parallel participation by Community Member States and the Community itself as well as by COST States which are not members of the Community

In these projects the Community participates alongside its Member States. This form of co-operation goes back to 1971, i.e. before the Community had its own research policy.

CATEGORY IV: COST projects where there is no participation by the Community as such

These are projects in which only States participate, irrespective of whether or not they are members
of the Community. Thus the Community as such does not participate. In most cases, however, the Commission of the European Communities provides and pays for the secretarial services to avoid States having to carry out their own finance authorization procedures. The Commission is also kept informed of the progress of the projects.

Standard DUO-BUS overhead wire/battery electric
① Electric motor
② Air compressor
③ Cooling fan
④ Current feed DC-DC-converter
⑤ Ventilation for energy storage unit
⑥ Electronic controls
⑦ Energy storage, battery
⑧ Automatically controlled power collectors
⑨ Cooling for energy storage unit

Standard DUO-BUS overhead wire electric/diesel
① Electric motor
② Diesel motor with automatic gearbox
③ Transfer drive
④ Air compressor and steering aid pump
⑤ Current feed and electronic controls
⑥ Automatically controlled power collectors

Articulated DUO-BUS overhead wire electric/diesel
① Electric motor
② Diesel motor with automatic gearbox
③ Transfer drive
④ Air compressor and steering aid pump
⑤ Current feed and electronic controls
⑥ Automatically controlled power collectors

Research Project on the Dual-Mode Trolleybus (COST-Project 303, Category III), signed recently by Denmark, France, Finland and Germany.
To illustrate the different categories more clearly, the following table indicates the source of the initiative for a research project, the possible participants and the maximum number of members of a COST project:

<table>
<thead>
<tr>
<th>Category</th>
<th>Initiative</th>
<th>Number of possible partners</th>
<th>maximum (*) n° of members</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>EC</td>
<td>Community as such plus 1 to 9 other COST partners</td>
<td>10</td>
<td>Medical Research</td>
</tr>
<tr>
<td>II</td>
<td>COST</td>
<td>1 to 9 third States plus Community as such</td>
<td>10</td>
<td>68a</td>
</tr>
<tr>
<td>III</td>
<td>COST</td>
<td>1 to 9 third States plus 1 to 10 Community States plus EC as such</td>
<td>20</td>
<td>50</td>
</tr>
<tr>
<td>IV</td>
<td>COST</td>
<td>1 to 9 third States plus 1 to 10 Community States</td>
<td>19</td>
<td>85</td>
</tr>
</tbody>
</table>

For individual COST projects and the categories they fall into see table at page 67.

(*) Two exceptional cases where the «maximum» number of members was exceeded should be mentioned here. Both belong to Category IV. Because of its special geographical position Iceland participated in Project 43 on the setting up of an experimental network of ocean stations. The European Space Agency (ESA), to which most COST States belong, is in turn participating in Project 204 on phased array antennas and their novel applications.
As stated in Chapter 1, the main purpose of COST co-operation is to co-ordinate existing research projects by the participating States. However, as the following examples show, COST projects do not follow a strictly defined pattern from the outset.

For example, COST Project 33 — a Forward Study of Passenger Transport between Large Conurbations — was carried out and financed by the OECD, while certain studies on meteorological balloons and probes (as preparation for COST Project 72) were financed exclusively by the COST Fund. Other projects — such as COST Project 50 in the field of metallurgical materials research — are exclusively intended to co-ordinate research and exchange knowledge. Projects 11 (in the field of data processing) and 43 (an oceanographic project) not only co-ordinate the individual national research contributions but also have a common fund contributed jointly by all the partners. It should be noted finally that the object of COST Project 70 was the setting up of an international organization, the European Centre for Medium - Range Weather Forecasts.

COST projects must be divided into two fundamentally different classifications: the preparatory phase (until a project gets under way) and the implementing phase (which should produce the desired results). As in the preceding chapter, these two phases will first be described in words and then diagramatically.

a) Preparation of a COST project

Each of the 19 States can submit proposals for COST research projects to the CSO. In principle all research topics are considered. However, because of the Community's responsibility for research policy it must be assumed that the Community Member States first submit such proposals to the internal Community bodies — in this case CREST — for an opinion. Countries which propose new projects are expected to work out proposals for projects which can be communicated for an opinion to research institutes or undertakings in COST Member States. The proposals should not only be aimed at approval of the project in a particular area but also contain a brief description of the project and details about its preparation, its economic dimensions, its duration, and about project partners, if any. Moreover, the proposals must be of general interest to several countries.
The proposals are received by the CSO, which examines the suggestions made and decides whether a project should be undertaken. If so, a special working party is entrusted with the further planning. This is where the scientific-technical preparation of the future COST project begins.

The instructions from the CSO to the working party specify the tasks set and the time limits. On this basis the General Secretariat of the Council of the European Communities, acting in its capacity as COST secretariat, invites all the COST partners to send their experts to the working party’s meetings. The Commission takes over the secretarial functions and, where possible, assists the meetings with its own experts.

The working party meets as long and as often as is necessary to reach unanimous agreement on a report to the CSO. The report must include concrete proposals concerning the scientific and technical content of the research project. An important consideration here is whether the project can be expected to produce concrete results.

The CSO has instituted a «New Projects» working group for a first examination of project proposals on fields not covered by Technical Committees.

The report is forwarded for examination to the CSO. The States represented on the CSO now consider whether they wish to participate in the proposed joint research project. In parallel with this the internal Community procedures take their course, with the aim of determining whether a Community programme should be set up in line with the working party's proposal. In other words, the proposed project has to be assigned to an organizational and legal category (see on this point the table at the end of Chapter 4).

In the event of the COST project being assigned to categories III or IV, the CSO instructs the Working Party on Legal, Administrative and Financial Questions (the «JAF» Working Party) to prepare an appropriate legal instrument for the project. If the Community as such is to participate in the proposed COST project – i.e. in category II – the Commission of the European Communities and the interested non-Community States negotiate a «Community-COST Concertation Agreement» [see Chapter 6 b)].

b) Implementation of COST projects

With the signing of the instrument constituting the legal basis of the COST project, the latter enters the implementing phase. All COST States – irrespective of whether or not they have signed the project concerned – are invited by the Commission to an initial meeting of
the project committee. In this way the other partners are also able to acquaint themselves with the scientific content of the project in case they should wish to join at a later stage.

At its first meeting the committee selects a chairman, agrees on its rules of procedure and decides – in the case of categories III and IV – who is to provide the secretariat for the project. The last-mentioned duty normally, but not invariably, falls to the Commission. The COST partners (i.e. the delegations present) then describe the scientific contributions which their respective countries can make to the COST project in question. Sub-committees ensure that the research topic and the research contributions made by the parties involved are exploited to the full.

Annual reports and a final report bear witness to the success of COST projects. They are prepared by the committee and made available to the States involved in a given project.

Gas Turbine Disc Developed in COST-Project 50.
Diagram of the Preparatory and Implementing Phases

I. Preparatory phase

1. Proposals for new projects
2. Decision on further procedure
3. Setting up of Technical Subcommittees
4. Preparation of the scientific and technical content of projects
5. Decision on whether certain projects should initially be implemented as Community programmes

II. Implementing phase

NO COMMUNITY PROGRAMME

COMMUNITY PROGRAMME

Managem. Commit.

Community-COST Concertation Committee
Chapter 5: structure and bodies of COST

a) Committee of Senior Officials

The Committee of Senior Officials (CSO), composed of the Representatives of the 19 States concerned, is a permanent body and also the most important in COST. The European Community is represented through the participation of representatives of the Commission of the European Communities and through the secretarial role of the General Secretariat of the Council.

The Committee was set up in 1970 (see Chapter 2). Its terms of reference, laid down in two exchanges of letters (see Annexes I and II), were renewed and expanded by the 1971 Conference of Ministers for Research.

The following are the tasks of the Committee of Senior Officials in the preparatory phase of COST projects:

- preparation of the overall strategy of COST co-operation;
- selection and preparation of individual COST projects;
- elaboration of the appropriate agreements, including provisions for protection and licensing regarding industrial property rights;
- improvement of the machinery for co-operation and development of new legal instruments.

In the implementing phase it is responsible for:

- vetting of proposals for particularly extensive amendments to the scientific content of a COST project;
- discussion of proposals to extend current COST projects;
- consideration of reports on the results of particular research projects if so requested by the States participating in them.

Information feed-back is particularly important for the preparation of new projects.

The following are also among the Committee's responsibilities: administration of the COST Fund, appointment of project co-ordinators and experts for commissioned studies, and creation of sub-committees.

The CSO selects its chairmen and vice-chairmen from amongst its members. Decisions are normally reached by consensus. Meetings are held four to six times a year, usually at the headquarters of the Council of the European Communities in Brussels.
b) Committees involved in the preparation of COST projects


This is a body with a horizontal consultative function whose task is to examine legal, administrative and financial questions of general import and to prepare the texts of the various COST agreements, insofar as the latter are not negotiated directly between the Commission and the COST States concerned. This body also produced the model Memorandum of Understanding and was responsible for preparing the present brochure. The Working Party is composed of Representatives of all interested partners.

- Technical Committees

The Technical Committees developed from the seven groups of experts set up by the Council of the European Communities which – on the basis of the Aigrain report (see Chapter 2) – were responsible for preparing proposals for research projects for the 1971 Ministerial Conference. Today, only two of these Committees still function: one for telecommunications and the other for transport questions. The task of these two Committees is to select research projects in their sector and to prepare them technically as well as to keep a critical eye on the progress of projects and, where appropriate, to give expert opinions on proposals to amend projects already under way. The Technical Committees, which are composed of delegations from the 19 COST States and the Community, therefore have a sectoral sphere of competence in which they work under the general supervision of the CSO.
- Ad hoc Working Parties for the preparation of new projects

The actual scientific and technical preparation of individual projects is entrusted to working parties. In those sectors in which there is a Technical Committee, the latter sets up the preparatory working party. In all other cases the working parties are set up by the CSO, which then gives them specific terms of reference in each case.

Participation in the ad hoc working parties is also open to all COST States. As a rule, however, they are normally made up only of those States which show particular interest in the project to be prepared. Particular mention should be made of the contribution made by the Commission of the European Communities at this level, placing its experts at the disposal of the working parties and providing the secretariat.

c) Committees for the implementation of COST projects

The bodies set up to implement the various COST projects have very different duties. They are always set up in accordance with the provisions of the agreements on individual COST projects. In the case of category II projects the scientific committee is called the «Community-COST Concertation Committee»; for categories III and IV it is known as the «Management Committee».

- Concertation Committees

The main task of these Committees is to discuss and evaluate results of the actions, in order to contribute to the optimum execution and best possible use of a given project and to maintain a permanent exchange of information. They prepare interim and final reports and are responsible for the distribution of the results.

Being directly responsible to the signatories of agreements, the Concertation Committees inform the CSO about the projects where necessary. The composition of the Committees depends on the participants in the projects: the Commission of the European Communities sends up to two delegates and each State involved – whether its participation is based on a decision of the Council of the European Communities or on the signing of an agreement – sends an expert responsible for the project programme. There is in addition a project leader.

- Management Committees

The tasks of a Management Committee, which are determined either in an agreement or in a separate annex to the Memorandum of Understanding, usually include:
- selection of the research work involved in a project;
- examination of proposed amendments;
- detailed planning of programmes;
- exchanges of information on
current research and on the results of the project;
- preparation of interim and final reports on the research project.

It is also the responsibility of the Management Committee to examine applications for participation which are received after expiry of the «appropriate period of time» for delayed participation in individual COST projects. The Management Committee may make the later joining of other COST States dependent on certain conditions.

In the case of projects with a common fund (e.g. COST projects 11 and 43) the relevant agreement may grant the Committee additional powers of decision and direction, including those of an economic or financial nature.

As with the Co-ordinating Committees, the Management Committees are directly answerable to the signatories, rather than to the Committee of Senior Officials. However, they keep the CSO informed and, where appropriate, forward reports to it. They must submit to the CSO – or, as the case may be, to the competent Technical Committee – for an opinion any proposals for substantial amendments to a programme.

In the case of category I projects the participant non-Member States send representatives to the internal Community bodies, whose terms of reference and rules of procedure are not affected by this.

There are normally one or two delegates per signatory State on the committees for the implementation of projects. Interested parties can for an appropriate period – with a view to subsequent signing of the legal instrument on which the project is based – participate as observers without the right to vote.

d) The COST Secretariat

The COST Secretariat is provided by the General Secretariat of the Council of the European Communities, with technical and scientific support from the Commission. The General Secretariat provides the secretariat for the CSO and its «horizontal» sub-committees (e.g. JAF Working Party), while the Commission of the European Communities provides secretariat services for the Technical Committees and the ad hoc working parties responsible for the preparation of individual projects.

The strict distinction between the preparation and implementation of individual projects is also reflected in the organization of the secretariat services. All committees which are responsible for the co-ordination and exchange of information in respect of a COST project which is in the implementing phase have their own secretariat.

For category I and II projects the Commission provides the secretariat services for the implementing com-
mittees, while the question of the secretariat services for category III and IV projects is dealt with in the basic legal text governing the project concerned. Normally, the Commission provides the secretariat for category III projects. For category IV projects, the secretariat is — at the request of the signatories — assumed by one or more signatories or by the Commission of the European Communities.

All arrangements concluded in the framework of COST and all Memoranda of Understanding are deposited with the Secretary-General of the Council of the European Communities and ratification is notified to him. The Secretary-General is responsible for forwarding any relevant information to the parties concerned. Procedures for the extension of COST projects also take place under the aegis of the General Secretariat.
Committee of
Senior Officials

Group JAF (*)
Group new
Projects
Technical Committee
Technical Committee

Technical Sub-Committee
Ad-hoc-group for
preparation of new projects

COST-Action
Management Committees

Chapter 6: legal aspects

a) Legal basis

The 19 COST States and the Commission of the European Communities have deliberately refrained from establishing any statute for COST. On the contrary, the legal structure of relations with COST has evolved gradually, adapting to the varying requirements of co-operation.

COST has no legal personality, but possesses its own particular institutions and its own jointly managed financial resources.

The basis in international law for this special type of co-operation is to be found in two letters from the President of the Council of the European Communities of 4 November 1969 and 24 July 1970 to the Foreign Ministers of the States invited to participate in co-operation (see Annexes I and II) and in the respective bilateral replies to these letters.

Further to this exchange of letters the European Research Ministers who attended the Conference held in Brussels on 22 and 23 November 1971 adopted a joint resolution (see frame).
General Resolution
adopted by the Conference of European Research Ministers,
Brussels, 22 and 23 November 1971

The Representatives of the Governments of the Kingdom of Belgium, the Federal Republic of Germany, Spain, the French Republic, the Kingdom of Greece, Ireland, the Italian Republic, the Socialist Federal Republic of Yugoslavia, the Grand-Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Austria, the Republic of Portugal, the Swiss Confederation, the Republic of Finland, Sweden, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland and the European Communities, represented by the Council and the Commission, being met at Brussels on 22 and 23 November 1971;

Whereas the constant increase in the means required for research work makes it imperative to utilise as efficiently as possible the limited human and capital resources which each State is able to devote to such activities;

Whereas many scientific and technical research and development projects, by their very nature, are not affected by national frontier divisions and it is therefore necessary that they be undertaken within a framework of international co-operation;

Having taken note of the report by the Committee of Senior Officials:

- stress the interest which they attach to the swift implementation of the first draft projects proposed by the Committee of Senior Officials;

- will ensure therefore that such procedures as may be required by their national legislation for the entry into force of these agreements are completed as speedily as possible;
– invite the Committee of Senior Officials to ensure that the work on the projects mentioned in paragraph III (c) of the report by the Committee is continued with due haste so as to be in a position to submit the proposals for projects in these fields to the competent Ministers for their approval at the earliest possible opportunity;

– instruct the Committee of Senior Officials to continue to exercise the mandate vested in them, in July 1970, to keep itself informed about the implementation of the projects on which agreement is reached or a resolution passed at the Conference and to submit in due course any proposals on these projects that it might consider useful to the competent Ministers;

– agree to take, in due course, any measure necessary to enable such agreements as may be concluded on the implementation of further projects to be signed at the earliest opportunity;

– confirm their will to co-operate in the carrying out of concrete projects in the field of scientific and technical research and development and, for that purpose, to make use of the most flexible possible arrangements for co-operation, in particular by co-ordinating the work of their research agencies.
These international statements of intent affirmed the principle that co-operation in the field of scientific and technical research should be as flexible as possible; they also set up the COST CSO for an unlimited term of office and created a common fund to cover administrative expenditure. The possibility of convening a further Ministerial Conference of COST States at a later date is left open.

A document of fundamental importance for the future development of COST is the «Procedures for co-operation within the COST framework» adopted by the CSO on 14 December 1978. This document sets out the four categories of co-operation (as described in Chapter 3) and gives a non-exhaustive list of the legal instruments on the basis of which agreements on COST projects may be concluded.

Since membership of COST involves no obligation to participate in individual COST projects and there is no general legal commitment, each COST project requires a separate international agreement.

The variety of legal instruments applied may at first appear surprising. The explanation lies in the wide range of research topics covered by COST projects and in the efforts made by the CSO to evolve increasingly pragmatic, purpose-built legal instruments for COST. Inasmuch as the CSO is not only concerned with the theoretical elaboration of new legal instruments but is also able to test them in practice, European co-operation in the field of scientific and technical research plays a certain role in the development of international law.

b) International agreements

The 1971 Brussels Ministerial Conference saw the signing of six agreements on the implementation of COST projects. These were international agreements in the classical sense, by which the signatories undertook to take part in specific projects and to comply with specific rules of participation.

The «Convention establishing the European Centre for Medium-Range Weather Forecasts» has a special place in the COST framework in that it set up a new autonomous international organization with its own staff and budget as well as privileges and immunities which are enshrined in a separate Protocol.

The «Community-COST Concertation Agreement» is a unique model for formal international agreements which has been copied many times.

Such agreements are used where the Community as such takes part in research projects prepared by COST (the so-called category II projects, see Chapter 3).

The model for Community-COST Concertation Agreements which was
drafted in the course of negotiations on COST Project 68bis applies to research projects involving concourtertment between the «Community concerted action programme» and the corresponding programmes of the participating non-Member States [Article 1(2)]. It is expressly stipulated that the individual States retain responsibility for the research carried out by them [Article 1(3)]. This so-called «concertation» is effected through a committee composed of delegates from all the participating States, i.e. Member States of the European Communities and non-Member States (Article 2 and Annex B), the secretariat being provided by the Commission of the European Communities and financed by contributions from all the contracting parties (Article 2(2), Article 4(1), Annex C, point 2). The committee is also the forum for the exchange of information referred to in Article 5 of the Agreement. In this connection pragmatic arrangements are made for safeguarding industrial property rights.

Another form of international arrangement comes into play where COST States which are not members of the European Communities are to be associated with research projects. In the document on «Procedures for co-operation within the COST framework» such cases are designated category I co-operation (see Chapter 3).

These arrangements too are negotiated by the Commission of the European Communities with interested COST States under the procedure laid down in Article 228 of the EEC Treaty and then concluded by the Council of the European Communities.

c) Resolutions of the 1971 Ministerial Conference

The above Conference adopted four Resolutions, two of which issued directives to the CSO for the preparation of agreements. This was the case, for example, of the Convention establishing the European Centre for Medium-Range Weather Forecasts. The other two Resolutions provide the basis in international law for Projects 25/4 and 33 (see table on page 67).

The Resolution by the Governments of the States concerned in the co-ordination of the work carried out in the field of telecommunications on the topic «Influence absorption by hydrometeors and maximum usable gain in aerials for frequencies above 10 GHz» (COST Project 25/4) endorsed the continuation of a research project already under way and set up a Committee to co-ordinate the project. In the «Resolution by the Governments of the States concerned in the carrying out of a forward study on inter-urban passenger transport requirements» (COST Project 33) the representatives of the participating Governments declared their intention of entrusting the OECD with a study of the subject.
Being simply «recommendations» the Resolutions of the 1971 Ministerial Conference neither establish enforceable provisions nor impose any obligations on the signatory States. They are more in the nature of expressions of a joint intention to carry out certain types of research and are thus only «morally» binding. The Resolutions of the Conference may be seen as the forerunners of the «Memoranda of Understanding» later devised by the CSO, as well as of the «Interim Resolutions» which to date have been used on two occasions (COST Projects 70 and 43).

Clearly, such a legal instrument can only be applied as between partners who are conversant with each others’ ideas and working methods and have been able to put them to the test. Given the voluntary nature of the Memorandum of Understanding parliamentary approval is unnecessary. Hence the research work can be undertaken simultaneously and without delay by the participating COST States. This idea has proved its worth in the COST context - witness the total of 14 Memoranda of Understanding signed since 1976.

Having experimented for several years with various Memoranda of Understanding which for the most part differed only in details, the CSO on 18 November 1980 agreed on a model Memorandum of Understanding. It comprises six sections and two Annexes and will in future serve as a specimen agreement (see Annex V).

In Section I the purpose of the research project is defined and the signatories declare their intention of taking part in the research work in accordance with the conditions and programme set out in Annexes I and II. Sections 2 and 3 describe the methods of co-operation. Section 4 gives other COST States the right to take part by signing the Memorandum of Understanding within an appropriate period. In line with the judicial practice of the International Court of Justice at The Hague, Section 5 stipulates that the Memorandum of Understanding is of a purely recommendatory nature.

d) Memoranda of Understanding

In the Memorandum of Understanding the CSO created a particularly flexible legal instrument for research co-operation between COST partners. Such Memoranda can have no binding effect in international law.

Memoranda of Understanding are the expression of the will of the signatories to co-ordinate projects carried out in the participating States on the basis of national law in such a way that duplication is avoided and results can be exchanged without infringing industrial property rights.

Being based solely on good faith, this instrument presupposes a particularly high degree of trust and a community of interest between the participants.
and that the contracting parties do not wish it to have any binding legal effect.

Annex I deals with co-ordination of the research, to be carried out in a Management Committee, the principles governing the conclusion of research contracts with national contractors in the signatory States and minimum provisions in respect of industrial property rights. Annex II consists of a general description of the research programme which is the subject of the project.
Chapter 7: financing arrangements

Expenditure arising in connection with COST projects can be subdivided according to the category of research involved (see Chapter 3):

- Category I projects

Here financing is confined to implementation of the programme, since there is no preparatory phase for this category in the COST framework.

If the project follows the concerted action model, the Community budget contributes to the co-ordination costs only. Each non-Community COST State taking part pays a tenth of the amount set aside by the Community. Purely co-ordination expenditure is thus apportioned on a «linear» basis.

In the case of indirect programmes in which the Community concludes research contracts with national laboratories and finances up to 50% of the research, each non-Community State taking part pays a contribution calculated as a proportion of its GDP.

Non-Community States however acquire the same rights as a Community Member State when they join a Community research programme.

- Category II projects

Expenditure arising from the preparatory phase of the project is apportioned as follows: the secretariats of the technical Committees or ad hoc working parties are provided free by the Commission of the European Communities, but any typists employed on a part-time basis are paid from the COST fund.

In the implementing phase the co-ordination costs for Community Member States are paid out of the Community budget while non-Member States taking part in the COST project each contribute a tenth of these costs.

Some category II projects provide for a modest common fund which serves to finance special studies and assignments in the interest of all concerned. In such cases the co-ordination costs plus the expenditure on studies and assignments are paid out of these pooled resources. For Community Member States all expenses are covered by the Community budget, while the other COST States taking part pay into the common fund their «tenth» of the co-ordination costs plus a contribution based on GDP for studies and assignments.

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- **Category III and IV projects**

For the *preparatory phase* the arrangements are basically the same as those for category II projects. In some cases it has been found expedient to hold seminars and symposia as early as phase 1 of the COST project, and these are then financed from the COST Fund.

In the *implementing phase* the pooling of resources occurs only in exceptional cases, the cash in question serving to finance the jointly-executed parts of a project. As a rule the principle of burden-sharing is applied, each State taking part being responsible for its own costs. In most cases the Commission of the European Communities provides the secretariat for the project, free of charge. National experts must charge their expenses for meetings of the various committees to the relevant national bodies.
The COST Fund

The 1970 exchange of letters which led to the setting up of the Committee of Senior Officials (CSO) also created a COST Fund. The initial endowment of the Fund was 600,000 European units of account, which at that time was equivalent to BF 30 million. Every State which joined the COST «club» had to pay its share into the Fund. Contributions were determined mainly in the light of the economic strength of the State concerned, i.e. on the basis of gross domestic product (GDP).

The COST Fund is managed by the CSO, which is responsible for directing the financial resources for COST projects to the proper channels. In the 10 years of its existence COST’s total expenditure has been brought to BF 55 million.

Here it must be stressed that the joint COST Fund is used solely to finance the preparation of new COST projects. In other words, joint financing only applies up to the stage where agreements on COST projects are concluded; from that point the financing of a project is the responsibility of the participants. The method of apportioning the costs of the various projects is flexible and based on a scale determined by mutual agreement in each case.

In practice the CSO, which is responsible for financing, has delegated the task of making routine payments to the General Secretariat of the Council of Ministers of the European Communities. This also applies to collection of the contributions of the COST partners. The General Secretariat submits an annual statement of revenue and expenditure to the CSO.
Letter from the President of the Council of the European Communities inviting other European Countries to participate in scientific and technical co-operation

Sir,

The Member States of the Communities consider that the large-scale development of scientific and technological research, the constantly increasing magnitude of the resources involved, and the considerable achievements registered in this field by certain non-European countries, make it increasingly necessary to adopt some form of co-operation. They have therefore agreed to embark upon an active programme for stimulating scientific and technological research and for making up the existing leeway, wherever possible in collaboration with other European countries.

To this end, they instructed a Working Party of experts to study the possibilities for co-operation in this field, beginning with the following sectors: information science, telecommunications, development of new means of transport, oceanography, metallurgy, environmental pollution and meteorology.

At the end of the first stage of its work, the Experts Working Party submitted a report setting out a series of activities, in some cases covering entire sectors of research, the implementation of which seemed to it to be both possible and desirable.

A study of this report by the Member States of the Communities showed that there was a large measure of agreement, and often, indeed, unanimous agreement, among the Member States as to the importance and urgency of many of the activities proposed by the Experts Working Party.

The position adopted by the Member States of the Communities as regards these various activities does not, however, imply any firm undertaking to participate in them. Such an undertaking can, indeed, only be given once the content and cost of the
projected activities, and the procedure for putting them into effect, have been precisely determined in collaboration with the other European countries concerned.

On behalf of the Member States of the European Communities, I therefore have the honour to inform you of the importance which the Member States attach to your country's participation in the co-operation which they intend to achieve in the field of scientific and technological research. I would be most grateful if you could inform me, if possible before the end of this year, of your Government's opinion on the above proposals, and of any suggestions or comments which it might like to make on this subject, it being understood that the technical, financial and similar problems raised by the implementation of these activities can be examined at a later date.

To this end, please find enclosed:


- a supplement to the above report, dated 9 July 1969, containing amendments and further details;

- corrigenda and addenda to the analytical notes annexed to the comprehensive report, taking the supplementary report into account;

- a memorandum drawn up by the Member States of the Communities setting out certain considerations arising from the study of the comprehensive report and the supplementary report.

I should like to point out that Section 2 of the comprehensive report (pages 35 to 39) contains only the preliminary observations made by the Experts Working Party on certain questions which it is now studying.

I should also like to emphasize that although the activities so far decided upon by the Member States of the European Communities may seem insignificant when compared with the size of the problem facing Europe, they constitute, in the opinion
of the Member States, only the beginning of a far broader and more coherent co-operation which they would like to see established with other European countries in the field of science and technology. To this end, the Member States of the Communities have instructed the Experts Working Party, which had already begun preliminary studies, to examine the possibility of including further activities in this co-operation. The Member States hope to submit further proposals for co-operation to you at a later date.

Please accept, Sir, the assurances of my highest consideration.

H.J. de Koster

4 November 1969
A L-band phased array antenna for ship intending to communicate via satellite. The antenna is electronically steered by a microprocessor

(COST project 25/1 and 204)
Letter from the President of the Council of the European Communities to the Foreign Ministers of the States invited to participate in scientific and technical co-operation

Sir,

In accordance with the mandate given them, the seven Working Parties of the Member States of the European Communities and the interested third countries have submitted their reports by the required date, namely 15 June 1970. They had been instructed last April to examine the projects adopted by the Six with a view to drawing up, for the attention of the Ministers responsible for technology, suggestions for giving effect to the co-operation envisaged in the field of scientific and technical research.

In view of the short period of time available to them for the submission of these reports, all the Working Parties felt they had to restrict themselves to obtaining the opinions of the countries not belonging to the European Communities on the various projects proposed by the Six only, and jointly to attempt to establish the guidelines to be laid down for the projects or programmes to be undertaken in these fields. At the end of their reports, the Working Parties therefore suggested that new study groups or working parties should be entrusted with undertaking, during a second stage of the work, the task of making a number of studies in order to prepare, for the attention of the Ministers responsible for technology, draft agreements setting out programmes and specific procedures for implementing the projects or programmes adopted.

A meeting of the Ministers responsible for technology of the Six and of the interested third countries could therefore, at this stage, only deal with the examination of the suggestions relating to the terms for implementing the second stage of the work. For this reason it seems preferable to allow the Working Parties sufficient time to complete their studies before planning for such a
meeting. In view of these considerations, I would request you, on behalf of the Member States of the European Communities, kindly to let me know whether your Government is in a position to confirm the general interest which its representatives have shown, in the Working Parties, in the Projects adopted by the Six, and whether your Government would therefore be prepared to take part, under the terms set out below, in the various studies proposed by the Working Parties, until such time as any other procedure is adopted by the Ministers responsible for technology of the Six and of the interested third countries.

1. The seven Working Parties initially envisaged would be instructed to continue their work under the same terms as before and, in particular, to carry out the tasks set out in the conclusions to their reports to the Ministers responsible for technology. The working arrangements for the Working Parties could, however, be adapted in the light of the new tasks thus given them. The Working Parties might, in particular, entrust the study of certain matters to sub-Committees.

2. A Committee of Senior Officials, composed of representatives of the States taking part in these Working Parties, and of experts from the Commission, and working under the same conditions as the above Working Parties, would be instructed to:

   a) give directives for the carrying out of their work to the various Working Parties, with a view, in particular, to ensuring the necessary co-ordination between the projects and programmes adopted;

   b) study all the common problems which implementation of the projects and programmes adopted might raise, including:

      i) the legal framework and the administrative and financial arrangements to be adopted for carrying out the various programmes and projects;

      ii) the concept of concerted action and the arrangements for making use of this method, at present envisaged for the «Metallurgy» project in particular;

      iii) industrial property problems;
iv) the role of industry in the study and implementation of the various programmes and projects, and to define the general principles to be applied for the solution of these problems;

c) prepare the discussions of the Ministers responsible for technology on all the problems submitted to them;

d) comment on the allocation of the funds envisaged below for the second stage of the work;

e) take, at its level, any decisions necessary for carrying out the tasks entrusted to it.

3. A credit of 600,000 u.a. would be opened to cover the costs of this second stage of the work, in particular for the possibility of calling on outside help for certain work. This amount would be subscribed by the States participating, in accordance with the scale annexed.

4. A meeting of the Ministers responsible for technology in the Six and the interested third countries will in principle be held at the end of 1970 to take decisions on the first draft agreements prepared by the Working Parties for the implementation of the programmes or projects which are adopted and to examine any problems arising in respect of the development of co-operation between them in the field of technology.

I should like to draw your attention to the interest which the Member States of the European Communities would have in being informed, as far as possible before the beginning of September 1970, of the position of and of any observations by your Government as regards these proposals. Rapid agreement by all the Governments on these provisional measures would, indeed, allow the studies envisaged for the second stage of the work to be started as early as September.

Please accept, Sir, the assurances of my highest consideration.

H. LEUSSINK

24 July 1970
A satellite used for measurement of influence of the atmosphere on radiopropagation on satellite-earth paths
(COST project 205)
Co-operation within the COST framework

In regard to co-operation within the COST framework the Council, meeting on 18 July 1978, took the decision described below and instructed its President to forward these findings to the Chairman of the Committee for Senior Officials for Scientific and Technical Co-operation (COST) by letter:

1. The Council approved:

   a) the four categories of co-operation set forth by the Commission in its communication concerning activities in the context of European co-operation in the field of Scientific and Technical Co-operation (COST), namely:

      Category I:
      Community programmes, in which non-Community COST States may be involved;

      Category II:
      COST projects which also form the subject of a Community programme;

      Category III:
      COST projects where Member States participate in parallel to the Community;

      Category IV:
      COST projects where there is no participation by the Community;

   b) the conclusions set out in Annex I hereto.

(*) O. J. no C 100 of 21.4.79
2. The Council took note of the Commission's intention to offer to provide the secretariat for these categories of activity and approved the conclusions set out in Annex II hereto.

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**Annex I**

**Conclusions on the categories of COST co-operation**

*The Council* has no observations on these categories except that, in relation to Category II concerted action projects (*), it considered, in agreement with the Commission:

a) that it should be clearly understood that Category II projects will relate to topics suggested in the framework of COST by non-Community States. Topics suggested by Member States must first be presented in the framework of the Community for discussion;

b) that it is understood that exchange of information relating to national programmes to be defined in the concertation agreement (see subparagraph c) below) will have the same coverage for all participants;

c) that it would be helpful to conclude arrangements for effecting the concertation between the Community concerted action and the relevant programmes of non-Community COST States. Such arrangements would be as follows:

   i) For each project, there would be a community-COST Concertation Committee.

(*) Details of cooperation for Category II projects other than those in the form of concerted action have still to be decided.
ii) The procedure would facilitate concertation of the Community project with the programmes of the non-Community COST States and the exchange of information about national programmes.

iii) The concertation would not in any way affect the rules in force for the co-ordination of the Community project and, in particular, the responsibilities of the Commission thereunder.

iv) The Commission, as co-ordinator of the Community project, the Member States, as regards national responsibilities, and the non-Community COST States would, in the Committee, effect the necessary concertation between the Community project and the relevant programmes of the non-Community COST States.

v) The Commission, as the co-ordinator of the Community project, the Member States with national programmes covered by the Community project, and the non-Community COST States would, in the context of the Committee, exchange all necessary information about the national programmes concerned.

vi) The Commission would provide the secretariat services of the Committee and appoint the Project Leader in agreement with the Member States in the context of the Community project and with the non-Community COST States in the context of the Committee.

d) that it would avoid procedural delays and facilitate the implementation of projects if, in the particular case of Category II concerted action projects, the Council could conclude the concertation arrangement with non-Community COST States at the same time as it adopts the proposal for the Community concerted action project.
Annex II

Conclusions on the Commission's offer to provide the secretariat

The Council noted that, for projects within Categories I and II, the Commission will, in any event, supply the secretariat for the Community project and the non-Community COST States will contribute the extra costs for their participation in (Category I) or concertation with (Category II) the Community project.

The Council shares the opinion of the Commission that it would facilitate the implementation of Category III and IV projects of a concerted action character which do not require a substantial common fund if the Commission were able to assume the secretariat function in the case of any such project where the participants were unanimously to agree to invite it to do so. This would avoid ratification procedure for very small sums by Member States and non-Member States alike.

The Council, without taking position on this aspect, noted that the Commission has reserved itself the possibility of raising the consequences of its opinion within the budgetary procedure.
Annex IV

Procedures for co-operation within the COST framework (*)

I. Categories of co-operation

1. COST co-operation may take one of the following forms:

*Category I*:
Community programmes, with which interested COST States which are not Member States of the Community may be associated;

*Category II*:
COST projects which also form the subject of a Community programme;

*Category III*:
COST projects where there is parallel participation by Community Member States and the Community itself as well as by COST States which are not members of the Community;

*Category IV*:
COST projects where there is no participation by the Community.

2. Examples of possible international arrangements which might be used for the implementation of these various projects are as follows:

*a) Convention or international agreement*
(with, if appropriate, an interim resolution to allow of implementation during the period between signature and ratification) including co-operation agreements

(*) Decision of the Committee of Senior Officials of COST, 14.12.70
and Community-COST concertation agreements.
[Examples : COST project 70 (European Centre for Medium Range Weather Forecasts) COST project 43].

b) Resolution of a conference of ministers
[Examples : COST projects 25/4 and 33].

c) Memorandum of understanding
[Examples : COST projects 30, 211 and 208].

d) Private law contract or other arrangements between institutes or agencies
[Example : Halden project].

II. Procedures for Category I projects

1. Any Community project which the Communities may decide to offer for participation by COST States which are not Member States of the Community will be presented to the Committee of Senior Officials for Scientific and Technical Research (COST Committee) by the services of the Commission, representing the Communities.

2. Thereafter detailed negotiations for the conclusion of an international arrangement for associating interested COST States which are not Member States of the Community with the Community project will be conducted between those States and the Commission with the latter acting on a mandate from the Council of the Communities.

3. Such a co-operation arrangement will define, according to the circumstances of each case, the technical, legal, financial and administrative arrangements for associating interested COST States which are not Member States of the Community with the Community project.

III. Preparation of the technical content of Category II, III and IV projects

1. The COST Committee will entrust one of its sectoral technical committees or an ad hoc Working Party, as the case may be, with the responsibility for the technical prepara-
tion of a proposed COST project.

2. The services of the Commission will normally provide the secretariat and give scientific and technical assistance for the preparatory work.

3. The COST Committee may appoint a part-time or full-time project co-ordinator to assist with the preparatory work.

4. The technical Committee or ad hoc Working Party will report periodically to the COST Committee and when the technical preparation is complete will submit a final report to the committee.

5. At the earliest possible stage of the preparatory work and at the latest when the final report is available, the services of the Commission will indicate whether or not they consider that it would be appropriate for their institution to propose a Community concerted action project.

IV. Preparation of arrangements for Category II projects (*)

1. In the case of a COST project where the Commission decides that it would be appropriate to propose a Community concerted action programme and this proposal is adopted by the Council of the Communities, the project will be implemented by a Community-COST concertation arrangement to be negotiated by the Commission, acting on a mandate from the Council of the Communities and concluded between the participating COST States which are not Member States of the Community and the Community. Such an arrangement will contain the following provisions:

i) For each project, there shall be a Community-COST Concertation Committee (Concertation Committee).

(*) This section at present deals with concerted actions only. Modalities of cooperation for Category II projects other than those in the form of concerted actions will be decided case by case.
ii) There shall be concertation of the Community project with the programmes of the participating COST States which are not Member States of the Community and an exchange of information about national programmes.

iii) The concertation shall not in any way affect either the rules in force for the co-ordination of the Community project and, in particular, the responsibilities of the Commission thereunder, or the responsibilities of the participating States in relation to their national programmes.

iv) The Commission, as co-ordinator of the Community project, the Member States, as regards national responsibilities, and the participating COST States which are not Member States of the Community shall, in the Concertation Committee, effect the necessary concertation between the Community project and the relevant programmes of the participating COST States which are not Member States of the Community.

v) The Commission, as the co-ordinator of the Community project, the Member States with national programmes covered by the Community project, and the participating COST States which are not Member States of the Community shall, within the Concertation Committee, exchange all necessary information about the national programmes concerned.

vi) The Commission shall provide the secretariat services of the Concertation Committee, and appoint the Project Leader in agreement with the Member States in the context of the Community project and with the participating COST States which are not Member States of the Community within the Concertation Committee.

2. To avoid procedural delays and to facilitate the implementation of Category II projects, the Council of the Communities may conclude the concertation arrangement with the participating COST States which are not Member States of the Community at the same time as it
adopts the proposal for the Community concerted action project.

V. Preparation of international arrangements for Category III and IV projects

1. In the case of a COST project where a Community concerted action project is not envisaged or where such a project has not been adopted after a reasonable period of time has elapsed for its examination, the COST Committee may entrust to a Working Party the preparation of a suitable COST international arrangement under which the project is to be implemented.

2. The secretariat of the Working Party will be provided by the COST Secretariat.

3. The implementing arrangement will normally provide for the establishment of a Project Management Committee representative of all interested parties and will define its functions.

4. To facilitate the implementation of Category III and IV projects of a concerted action character which do not require a substantial common fund, the Commission may assume the secretariat where the participants unanimously agree to invite it to do so.

5. If the implementation of a Category III and IV project involves financial contributions from the participants, the arrangements for such contributions will be defined by the COST implementing arrangement in each case.

6. As soon as a minimum number of participants is ready to sign, as defined in the text of the arrangement, signature will take place, it being understood that other participants may join later in accordance with the relevant provisions of the arrangement.

VI. Finance

1. With the exception of the travelling and subsistence expenses of experts attending meetings, the preparation
of projects within Categories II, III and IV will normally be financed by the COST Fund.

2. With the approval of the COST Committee, the COST Fund may contribute to the costs of Seminars and allied activities, organized in principle in connection with the preparation of COST projects, for normally not more than 50% of the total agreed costs.

3. The COST Committee will be informed periodically of the general expenditure incurred by the COST Fund and of the specific expenditure relating to the preparation of each project.
COST Model Memorandum of Understanding

The Signatories to this Memorandum of Understanding, declaring their common intention to take part in a European research project on [ ] have reached the following understandings:

Section 1

(1) The Signatories intend to co-operate in a project to promote research into [ ] (hereinafter referred to as the «Project»).

(2) The main objective of the Project is to [ ].

(3) The Signatories hereby declare their intention of carrying out the project jointly, in accordance with the general description given in Annex II, adhering as far as possible to a timetable to be decided by the Management Committee(s) referred to in Annex I;

(4) The project will be carried out through concerted action, in accordance with the provisions of Annex I.

(5) The overall value of the activities of the Signatories under the Project is estimated at approximately [ ] European units of account at 19 [ ] prices (1).

(6) The Signatories will make every effort to ensure that the necessary funds are made available under their internal financing procedures.

Section 2

Signatories intend to take part in the Project in one or several of the following ways:

a) by carrying out studies and research in their technical services or public research establishments (hereinafter referred to as «public research establishments»);

b) by concluding contracts for studies and research with organizations (hereinafter referred to as «research contractors»);

c) by contributing to the provision of a Secretariat and/or other co-ordinatory services or activities necessary for the aims of the project to be achieved.

d) by making information on existing relevant research, including all necessary basic data, available to other Signatories;

e) by arranging for inter-laboratory visits and by co-operating in a small-scale exchange of staff in the later stages (2).

NB: The following footnote (2) concern exclusively the preparatory stage and is therefore to be omitted from the final version of the Memorandum of Understanding:

(1) This figure is meant to comprise national expenditure for both research and administrative work under the project.

(2) The Committee of Senior Officials has agreed that the inclusion in the basic text of subparagraph (d) and (e) of section 2 in the column «optional variants for inclusion on a case by case basis» should be examined in depth with every Memorandum of Understanding.
Section 3

(1) This Memorandum of Understanding will take effect for [   ] years on its signing by at least [   ] Signatories (1). It may be extended by arrangement between the Signatories.

(2) This Memorandum of Understanding may be amended in writing at any time by arrangement between the Signatories.

(3) A Signatory which intends, for any reason whatsoever, to terminate its participation in the Project will notify the Secretary-General of the Council of the European Communities of its intention as soon as possible, preferably not later than three months beforehand.

(4) If at any time the number of Signatories falls below [   ], the Management Committee(s) referred to in Annex I will examine the situation which has arisen and will consider whether or not this Memorandum of Understanding should be terminated by decision of the Signatories.

Section 4

(1) This Memorandum of Understanding will, for a period of six months from the date of the first signing, remain open for signing, by the Governments which took part in the Ministerial Conference held in Brussels on 22 and 23 November 1971 and also by the European Communities (2).

The Governments referred to in the first subparagraph and the European Communities may take part in the Project on a provisional basis during the above-mentioned period, even though they may not have signed this Memorandum of Understanding.

(2) After this period of six months has elapsed, applications to sign this Memorandum of Understanding from the Governments referred to in paragraph 1 or from the European Communities will be decided upon by the Management Committee(s) referred to in Annex I, which may attach special conditions thereto.

(3) Any Signatory may designate one or more competent public authorities or bodies to act on its behalf in respect of the implementation of the Project.

Section 5

This Memorandum of Understanding is of an exclusively recommendatory nature. It will not create any binding legal effect in public international law.

Section 6

(1) The Secretary-General of the Council of the European Communities will inform all Signatories of the signing dates and date of entry into effect of this Memorandum of Understanding and will forward to them all notices which he has received under this Memorandum of Understanding.

(2) This Memorandum of Understanding will be deposited with the General Secretariat of the Council of the European Communities. The Secretary-General will transmit a certified copy to each of the Signatories.

NB: The following footnote (1) concern exclusively the preparatory stage and is therefore to be omitted from the final version of the Memorandum of Understanding:

(1) Before this Memorandum of Understanding is made available for signing, arrangements will be made to ensure that there will be sufficient Signatories and/or provisional participants under the second subparagraph of Section 4 (1) to enable at least one of the [   ] projects to be implemented.

(3) The term «European Communities» covers participation, as appropriate in the particular case, by any one of the three Communities, without prejudging, during the preparatory phase of the COST project, the decision on which of the three Communities should participate.
Annex I
Co-ordination of the project

CHAPTER I

(1) A Management Committee (hereinafter referred to as «the Committee») will be set up, composed of not more than two representatives for each Signatory. Each representative may be accompanied by such experts or advisers as he or she may need.

The Governments which took part in the Ministerial Conference held in Brussels on 22 and 23 November 1971 and the European Communities may, in accordance with the second subparagraph of Section 4, 1) of the Memorandum of Understanding, participate in the work of the Committee(s) before becoming Signatories to the Memorandum without, however, having the right to vote.

When the European Communities are not a Signatory to the Memorandum of Understanding, a representative of the Commission of the European Communities may attend Committee meetings as an observer.

(2) The Committee(s) will be responsible for co-ordinating the Project(s) and in particular, for making the necessary arrangements for:

a) the choice of research topics on the basis of those provided for in Annex II, including any modifications submitted to Signatories by the competent public authorities or bodies; any proposed changes to the Project framework will be referred for an opinion to the Committee of Senior Officials on Scientific and Technical Research (COST) (1);

b) advising on the direction which work should take;

c) drawing up detailed plans and defining methods for the different phases of execution of the Project;

d) co-ordinating the contributions referred to in subparagraph c) of Section 2 of the Memorandum of Understanding;

e) keeping abreast of the research being done in the territory of the Signatories and in other countries;

f) liaising with appropriate international bodies;

g) exchanging research results among the Signatories to the extent compatible with adequate safeguards for the interests of Signatories, their competent public authorities or bodies and research contractors in respect of industrial property rights and commercially confidential material;

h) drawing up the annual interim reports and the final report to be submitted to the Signatories and circulated as appropriate;

i) dealing with any problem which may arise out of the execution of the Project, including those relating to possible special conditions to be attached to accession to the Memorandum of Understanding in the case of applications submitted more than six months after the date of the first signing.

(3) The Committee(s) will establish its(their) rules of procedure.

(4) The Secretariat of the Committee(s) will be provided at the invitation of the Signatories by either the Commission of the European Communities or one of the Signatory States.

(1) Where appropriate, a COST Technical Committee will be mentioned in place of the Committee of Senior Officials.
CHAPTER II

(1) Signatories will invite public research establishments or research contractors in their territories to submit proposals for research work to their respective competent public authorities or bodies. Proposals accepted under this procedure will be submitted to the Committee(s).

(2) Signatories will request public research establishments or research contractors, before the Committee(s) take(s) any decision on a proposal, to submit to the public authorities or bodies referred to in paragraph 1 notification of previous commitments and industrial property rights which they consider might preclude or hinder the execution of the Projects of the Signatories.

Chapters II and III may be omitted.

CHAPTER III

(1) Signatories will request their public research establishments or research contractors to submit periodical progress reports and a final report.

(2) The progress reports will be distributed to the Signatories only, through their representatives on the Committee(s). The Signatories will treat these progress reports as confidential and will not use them for purposes other than research work. The final reports on the results obtained will have much wider circulation, covering at least the Signatories' public research establishments or research contractors concerned.

CHAPTER IV

(1) In order to facilitate the exchange of results referred to in Chapter I, paragraph 2, g), and subject to national law, Signatories intend to ensure, through the inclusion of appropriate terms in research contracts, that the owners of industrial property rights and technical information resulting from work carried out in implementation of that part of the Project assigned to them under Annex II (hereinafter referred to as «the research results») will be under an obligation, if so requested by another Signatory (hereinafter referred to as «the applicant Signatory»), to supply the research results and to grant to the applicant Signatory or to a third party nominated by the applicant Signatory a licence to use the research results and such technical know-how incorporated therein as is necessary for such use if the applicant Signatory requires the granting of a licence for the execution of work in respect of the Project.

... execution of:

- work in respect of the Project;
- research and development work within the framework of the applicant Signatory’s projects in the same field;
- research and development work within the framework of any associated European project undertaken subsequently and in which all or several of the Signatories may be prepared to take part.

Such licences will be granted on fair and reasonable terms, having regard to commercial usage.

(2) Signatories will, by including appropriate clauses in contracts placed with research contractors, provide for the licence referred to in paragraph 1 to be extended on fair and reasonable terms, having regard to commercial usage, to previous industrial property rights and to prior technical know-how acquired by the research contractor in so far as the research results could not otherwise be used for the purpose referred to in paragraph 1.

Where a research contractor is unable or unwilling to agree to such extension, the Signatory will submit the case to the Committee(s), before the contract is concluded; hereafter, the Committee(s) will state its(their) position on the case, if possible after having consulted the interested parties.
(3) Signatories will take any steps necessary to ensure that the fulfilment of the conditions laid down in the present Chapter will not be affected by any subsequent transfer of rights to ownership of the research results. Any such transfer will be notified to the Committee(s).

(4) If a Signatory terminates its participation in the Project, any rights of use which it has granted, or is obliged to grant, to, or has obtained from, other Signatories in application of the Memorandum of Understanding and concerning work carried out up to the date on which the said Signatory terminates its participation will continue thereafter.

(5) The provisions of paragraphs 1 to 4 will continue to apply after the period of operation of the Memorandum of Understanding has expired and will apply to industrial property rights as long as these remain valid, and to unprotected inventions and technical know-how until such time as they pass into the public domain other than through disclosure by the licensee.
A WEATHER RADAR

*Insert*: A photograph of the television display (usually in colour) showing the rainfall distribution using data of four radars. (COST-Project 72)
DIAGRAM OF COST PROJECTS

DATE OF SIGNATURES

Legend:

RECYCL. : Recycling of urban and industrial waste
E. S. A. : European Space Agency
M. O. U. : Memorandum of Understanding
P. : in Preparation
E. C. : European Communities

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**Notes:**
- M.O.U. stands for Memorandum of Understanding.
- The entries indicate the date of entry into force for each agreement.
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