

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(94) 1191 final

Brussels, 19.07.1994

94/0012(SYN)
94/0013(SYN)

4412.1

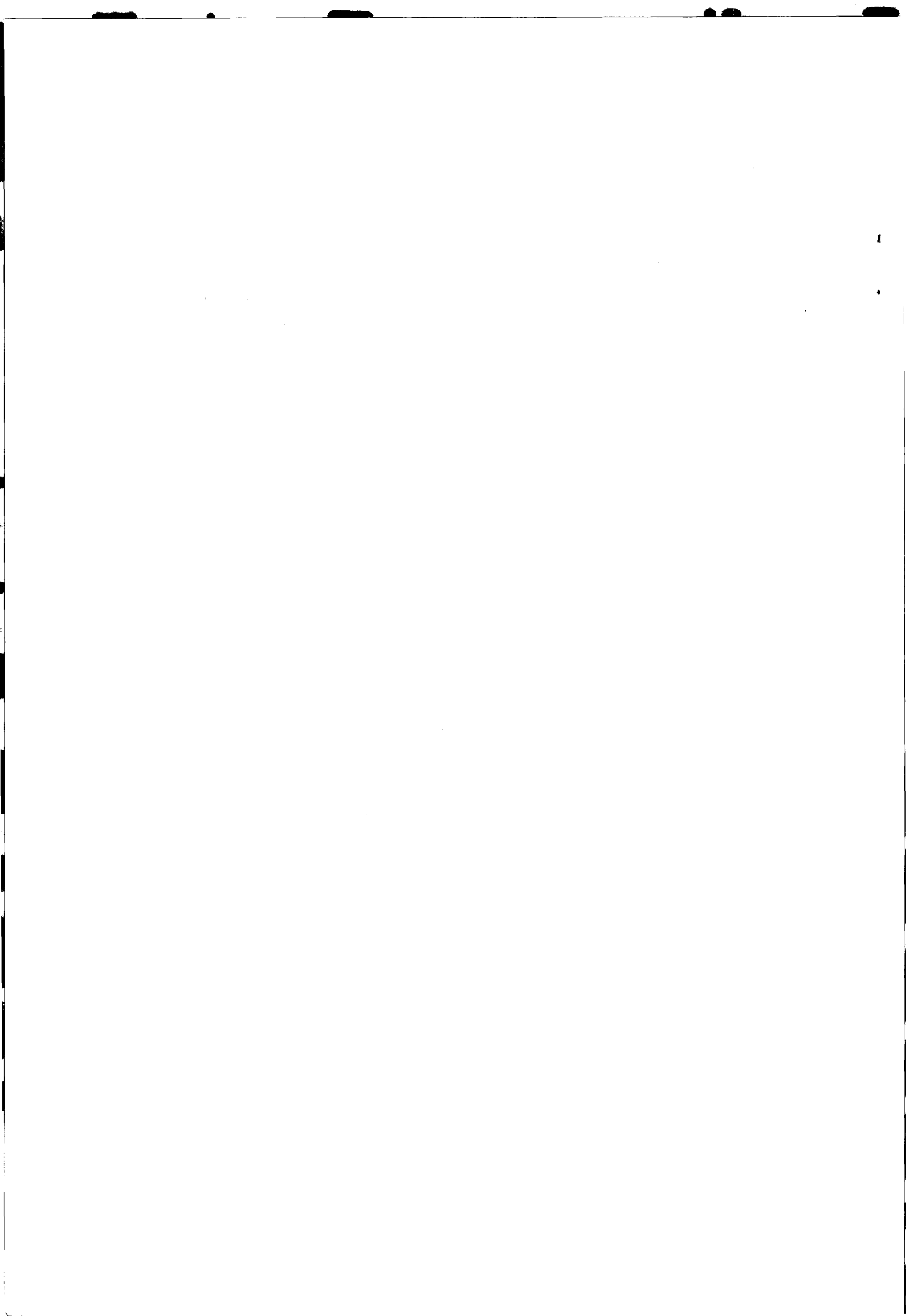
COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to the first subparagraph of Article 189 C (b) of the EC Treaty

concerning COMMON POSITIONS of the COUNCIL
on proposals for Decisions in respect of:

- the rules for the participation of undertakings, research centres and universities in the specific programmes of research, technological development and demonstration of the European Community; 94/0012(SYN)

- the rules for the dissemination of the research results from the specific programmes of research, technological development and demonstration of the European Community. 94/0013(SYN)



A. INTRODUCTION

1. In accordance with Article 189C of the EC Treaty, this document presents the Commission's position on Common Positions of the Council on 18/19 July 1994 concerning proposals for Decisions in respect of the rules for the participation of undertakings, research centres and universities in the specific programmes of research, technological development and demonstration of the European Community and the rules for the dissemination of the research results from those programmes.
2. The Commission's proposals (COM(94)12 - 94/0012 SYN and 94/0013 SYN) were submitted to the Council on 18 February 1994 and modified on 7 June (COM(94)242) to take account of amendments adopted by the European Parliament on 5 May 1994 at the first reading.
3. The European Parliament introduced three amendments to the proposal concerning the participation rules (94/0012 SYN) and one amendment to the proposal concerning the dissemination rules (94/0013 SYN). The Council has taken account of the amendments in Article 4.2 (amendment no. 1), 7.3 (amendment no. 2) and 10 (amendment no. 3) of the participation rules and in Article 4 (amendment no. 7) of the dissemination rules.
4. The Common Position concerning the participation rules reformulates the presentation of the Commission proposal. However, this reformulation, together with the clarification or provision of more details on certain points, are a constructive attempt to provide greater transparency and a better understanding of the proposal for potential participants in the specific RTD programmes which will implement the Fourth Framework Programme. In particular, the specific measures addressed to SMEs have been consolidated into a single Article, as opposed to several Articles as in the Commission proposal.

This reformulation has not, however, resulted in any significant modifications to the substance of the Commission proposal.

This need for more clarity in the proposal was also an underlying theme in the opinion of the Economic and Social Committee on 1 June 1994.

5. The Commission is paying particular attention to all documentation to be used in conjunction with the management of the Fourth Framework Programme in order to engender greater awareness and understanding by potential participants, particularly SMEs, of the opportunities for involvement in the specific programmes.
6. Similarly, the Common Position concerning the dissemination rules is aimed at contributing to a better understanding of the rules and does not affect their substance.
7. The main issues emerging during the Council deliberations, and reflected in the Common Positions, are dealt with in the succeeding paragraphs.

B. THE PARTICIPATION RULES

International Cooperation

8. Undertakings, research centres and universities carrying out RTD in countries which are associated with, and contribute financially to, a specific programme as a result of an agreement concluded with the EC (for example, the EEA Agreement), are able to participate in the programme on the same basis as organisations from the EC.

The promotion of RTD cooperation and greater synergy with other third countries and international organisations foreseen in the Fourth Framework Programme have been reflected in the provisions concerning the possible participation of undertakings, research centres and universities from third countries on a project by project basis, in principle, without a financial contribution from the EC, with the exception of European-international research organisations in duly specified cases.

9. In addition to the participation by third country organisations, including developing countries, in the second activity of the Fourth Framework Programme, opportunities are given to certain other third country organisations to participate in projects. Subject to the participation with the Community partners being in the interest of Community policies, this opportunity to collaborate is extended for all programmes to organisations from European third countries and third countries with scientific and technical cooperation agreements with the EC covering activities of the relevant programme (for example, Australia).

The reference to general cooperation agreements as a condition of participation on a project by project basis has been deleted and replaced by an opening, having the same effect, to be set out in the decisions on the specific programmes, provided the participation will contribute effectively to the implementation of the programme and takes account of the principle of mutual benefit.

New Financial Management Mechanisms

10. The Commission proposal included a range of new financial management measures, in particular, the use of fixed composite rates and payments against results, linked to the cost efficient management of RTD activities and the streamlining and simplification of procedures.
11. In its Common Position, the Council accepts the principle of introducing these new financial measures. Their application is subject to the explicit approval of the contractors; unless this approval is given, the usual method for the timely payment of the Community financial participation will continue to be against the justification by the participant of the actual costs of the activity.
12. The Commission services will now, therefore, have the opportunity to test these measures in the coming years.

SMEs

13. As indicated in paragraph 4, all the measures specifically addressed to SMEs have been incorporated into a single Article (Article 8). These are intended to enable the pilot initiatives to be applied generally as part of an overall strategy aimed at facilitating the participation of a larger number of SMEs from all regions and equipping them with the necessary support to benefit effectively from Community RTD.

Duration

14. The Common Position has incorporated the amendment of the European Parliament concerning the inclusion of information on the implementation of the rules in the annual report submitted by the Commission to the Parliament and the Council, as well as the presentation of a report reviewing the rules before the end of the Fourth Framework Programme.

C. THE DISSEMINATION RULES

15. The Commission proposal for the dissemination rules (94/0013 SYN) was based on a recent Council Decision of 29 April 1992 concerning the VALUE programme (Decision 92/272/EEC: OJ no. L141 of 23.05.1992, p. 1) and the subsequent dialogue with MS on the detailed measures to be adopted by the Commission to implement the Decision.

Consequently, no substantive modifications are made in the Common Position to the principles concerning the ownership, dissemination and exploitation of the results from the specific programmes.

16. However, the Council has included a type IIIA comitology arrangement in the Common Position by extrapolating the current arrangement for the implementation of the VALUE programme which foresees the development of detailed rules for the dissemination of results. In order to avoid duplication, there is an understanding with the Council that the Committee foreseen by the decision on the dissemination rules and the Committee to be established for the implementation of the programme for the dissemination and exploitation of results (activity 3 of the Fourth Framework Programme) shall be the same. Nevertheless, the Commission considers a type I consultative procedure to be preferable for dissemination arrangements.

17. The Common Position includes the same provisions as the participation rules concerning the submission of the annual report by the Commission and the review of the rules.
18. Amendment number 7 of the European Parliament adopted on the first reading on 5 May has only partially been taken into account in the Common Position. Part of the amendment proposed that the dissemination rules should also apply to the specific programmes under the EAEC Treaty, as well as the EC Treaty. As the legal basis for the dissemination rules is Article 130J of the EC Treaty, and the EAEC Treaty contains specific provisions dealing with the dissemination of results, neither the Commission nor the Council can accept this part of the amendment.

D. CONCLUSION

19. The Commission considers that the Common Positions on the participation rules and the dissemination rules provide a sound and transparent basis for implementing the Fourth Framework Programme and the specific programmes.

The Commission also considers that it is essential to ensure that the participation and dissemination rules are adopted in time to avoid any delay in the execution of the specific programmes.

