

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (80) 342 final

Brussels, 23 June 1980

Proposal for a COUNCIL DECISION approving the conclusion by the Community of a Memorandum of Understanding for the implementation of a European research project on benthic coastal ecology.

(Submitted to the Council by the Commission)

COM (80) 342 final

Explanatory Memorandum

Proposal prepared by the Commission services
for a decision of the Council concluding
a draft Memorandum of Understanding for the
implementation of an European Research Project
on Benthic Coastal Ecology

1. Eleven European States including seven Member States of the Community and the Community itself, have agreed upon a programme for a joint research project on "Benthic Coastal Ecology" (COST project 47). A draft Memorandum of Understanding declaring their common intention to implement this programme has been submitted for signature to the 19 Cost States and to the Community (Annex A), and has been signed on 5 April 1979 by the following countries; Federal Republic of Germany, Denmark, France, Ireland, Norway, Sweden and the United Kingdom.
2. The main objective of the programme is to coordinate and advance European research on benthic coastal ecology via the elaboration of baseline studies of selected ecosystems with a view to achieving better understanding and prediction of natural fluctuations in species population as opposed to short term and local anthropogenic changes.
3. The programme will be divided into three distinct but related research projects. These will study three biological communities characteristic of three benthic coastal habitats. The biological communities are widely distributed on European coasts and are generally regarded as of major importance.

- 4. The programme will last at least five years and may be extended by joint agreement between the participating countries.
- 5. On the 9th October 1979 the Council has adopted a revised second multiannual research and development programme in the environmental field (1). Article 7 of this decision makes provision for the conclusion of an international agreement between the Community and the non-member States participating in COST. The same article authorises the Commission to open negotiations for such an agreement. The negotiations are now completed in accordance with section 4 paragraph 2 of the Joint Memorandum of Understanding.
- 6. The Community's contribution to this programme will involve:
 - results of several Indirect Action contracts under the 2nd Environmental research programme in particular under topic 18. Marine Pollution and research area 4 Ecosystems ecology
 - representation at meetings of the Management Committee and scientific and administrative secretarial support of its work.
- 7. Funding The project will be implemented as a concerted action with research being financed nationally. No supplementary Community funds will be involved.

(1) OJ N° L 258 13 October 1979

Proposal for a
COUNCIL DECISION

approving the conclusion by the Community of a Memorandum of Understanding for the implementation of a European research project on benthic coastal ecology

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 76/311/EEC of 15 March 1976 adopting a research programme (1976 to 1980) for the European Economic Community in the environmental field (indirect action)¹, as amended by Decision 79/841/EEC², and in particular Article 7 thereof,

Having regard to the draft proposal from the Commission,

Whereas the aim of COST project 47 is to coordinate and advance European research on benthic coastal ecology, and whereas research in this field is carried out within the framework of the Community's second multiannual environmental research programme, and in particular under the heading of marine pollution and ecosystems ecology.

¹ OJ No L 74, 20.3.1976, p.36

² OJ No L 258, 13.10.1979, p.29

Whereas it is therefore appropriate that the Community should participate in the execution of COST project 47,

Whereas the Commission has, pursuant to Article 7(2) of Decision 76/311/EEC, negotiated with non-member States participating in COST project 47,

HAS DECIDED AS FOLLOWS:

Article 1

The Memorandum of Understanding for the implementation of a European research project on benthic coastal ecology (COST project 47) is hereby approved on behalf of the European Economic Community.

The Memorandum of Understanding is annexed to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Memorandum of Understanding.

Article 3

The Commission shall represent the Community on the Management Committee for the project.

Done at Brussels,

For the Council

The President

FÆLLES HENSIGTSEKTLÆRING
OM GENNEMFØRELSE AF EN EUROPÆISK FORSKNINGSAKTION
VEDRØRENDE BENTISK KYSTØKOLOGI
(COST-AKTION Nr. 47)

GEMEINSAME ABSICHTSERKLAERUNG
ZUR DURCHFUEHRUNG EINER EUROPÆISCHEN FORSCHUNGS-AKTION
BETREFFEND KUESTENNAHE BENTHONISCHE OEKOSYSTEME
(COST-AKTION 47)

MEMORANDUM OF UNDERSTANDING
FOR THE IMPLEMENTATION OF A EUROPEAN
RESEARCH PROJECT ON BENTHIC COASTAL ECOLOGY
(COST PROJECT 47)

DECLARATION COMMUNE D'INTENTION
POUR LA MISE EN OEUVRE D'UNE ACTION EUROPEENNE
DE RECHERCHE CONCERNANT LES ECOSYSTEMES BENTHIQUES COTIERS
(ACTION COST 47)

DICHIARAZIONE COMUNE D'INTENZIONE
PER L'ATTUAZIONE DI UN'AZIONE EUROPEA
DI RICERCA NEL SETTORE DEGLI ECOSISTEMI BENTONICI COSTIERI
(AZIONE COST 47)

GEMEENSCHAPPELIJKE VERKLARING VAN INTENTIE
VOOR HET VOEREN VAN EEN EUROPESE ONDERZOEKACTIE
OP HET GEBIED VAN BENTHONISCHE ECOSYSTEMEN LANGS DE KUST
(ACTIE COST 47)

MEMORANDUM OF UNDERSTANDING
FOR THE IMPLEMENTATION OF A EUROPEAN
RESEARCH PROJECT ON BENTHIC COASTAL ECOLOGY
(COST PROJECT 47)

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

Section 1

1. The Signatories intend to co-operate in a project to promote research in the field of benthic coastal ecology (hereinafter referred to as "the project").
2. The main objective of the project is to co-ordinate and advance European research on benthic coastal ecology via the elaboration of baseline studies of selected ecosystems, with a view to achieving better understanding and prediction of natural fluctuations in species population as opposed to short term and local anthropogenic changes.
3. The Signatories hereby declare their intention to carry out the project jointly, in accordance with the general description and indicative pattern of potential participation given in Annex II.

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

The overall value of the activities of the Signatories under the project is estimated at approximately 3 million European units of account at 1978 prices.

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

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Section 2

Signatories intend to take part in the project:

- (a) by carrying out directly studies and research in public research establishments (hereinafter referred to as "public research establishments"); or
- (b) by concluding contracts for studies and research with organisations (hereinafter referred to as "research contractors");
- (c) by supplying services;
- (d) in several of the above ways.

Section 3

1. This Memorandum of Understanding will take effect, as between the Signatories, for 5 years upon signature by at least four Signatories. 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, in particular with a view to enlarging research into the field of Mediterranean coastal benthic ecosystems.

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3. A Signatory which intends for any reason whatsoever to terminate its participation in the project may do so after having given written notification of such intention to the Secretary-General of the Council of the European Communities at least three months beforehand.
 4. If at any time the number of Signatories falls below four, the Committee referred to in Annex I will examine the situation which has arisen and consider whether or not this Memorandum of Understanding should be terminated by decision of the Signatories.

Section 4

1. This Memorandum of Understanding will be open for signature for a period of six months from the date of the first signature, by the Governments which took part in the Ministerial Conference held in Brussels on 22 and 23 November 1971 and also by the European Economic Community.

Any of the above Governments or the European Economic Community may take part on a provisional basis in the project during the abovementioned period even though it may not have signed this Memorandum of Understanding.

2. After this period of six months has elapsed, applications from the Governments referred to in paragraph 1 or from the European Economic Community to sign the present Memorandum will be considered by the Committee referred to in Annex I, which may attach special conditions thereto.

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3. Any Signatory may designate one or more competent public authorities or corporations to act on its behalf in respect of the implementation of the project and in respect of any ensuing rights and obligations. The term "competent public authorities or corporations" does not include industrial undertakings.

Section 5

1. The Secretary-General of the Council of the European Communities will inform all Signatories of the date of the signatures to this Memorandum of Understanding, and the date of its entry into effect, and will forward all other notices which he has received under the 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.
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Udfærdiget i Bruxelles, den femte april nitten hundrede og nioghalvfjerds

Geschehen zu Brüssel am fünften April neunzehnhundert-neunundsiebzig

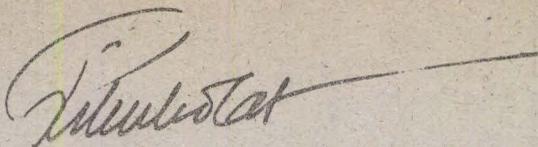
Done at Brussels on the fifth day of April in the year one thousand nine hundred and seventy-nine

Fait à Bruxelles, le cinq avril mil neuf cent soixante-dix-neuf

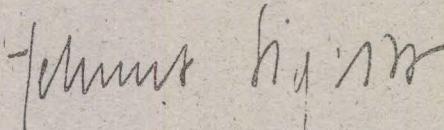
Fatto a Bruxelles, addi' cinque aprile millenovecento-settantanove

Gedaan te Brussel, de vijfde april negentienhonderd negenenzeventig

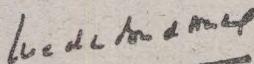
For Danmarks Regering



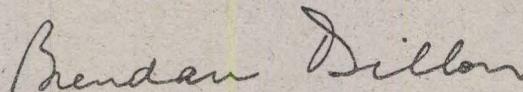
Gunnar RIBERHOLDT,
Overordentlig og befuldmægtiget ambassadør,
Fast repræsentant ved De europæiske Fællesskaber
Für die Regierung der Bundesrepublik Deutschland



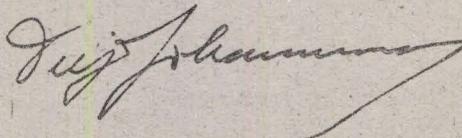
Helmut SIGRIST,
Ausserordentlicher und bevollmächtigter Botschafter,
Ständiger Vertreter bei den Europäischen Gemeinschaften
Pour le Gouvernement de la République française



Luc de La BARRE de NANTEUIL,
Ambassadeur de France,
Représentant Permanent auprès des Communautés européennes
For the Government of Ireland



Brendan DILLON,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities
For the Government of the Kingdom of Norway



Terje JOHANNESSEN,
Counsellor of Embassy,
Norwegian Mission to the European Communities

For the Government of the United Kingdom of Great Britain
and Northern Ireland

Donald Maitland

Sir Donald MAITLAND, C.M.G., O.B.E.,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities

For the Government of Sweden

Bengt Rabaeus

Bengt RABAEUS,
Ambassador Extraordinary and Plenipotentiary,
Head of Mission of the Kingdom of Sweden to the
European Communities

CO-ORDINATION OF THE PROJECT

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 may need.

The Participants in the Ministerial Conference held in Brussels on 22 and 23 November 1971 and also the European Economic Community may participate in the work of the Committee before becoming Signatories to this Memorandum of Understanding in accordance with the second subparagraph of Section 4(1) without, however, having the right to vote.

2. The Committee will be responsible for co-ordinating the project 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 by the competent public authorities or agencies of the Signatories;

- (b) advising on the direction that work should take;

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

- (d) keeping abreast of the research being done in the territory of the Signatories and in other countries;
- (e) liaising with appropriate international bodies;
- (f) exchanging research results amongst the Signatories to the extent compatible with adequate safeguards for the interests of Signatories, their competent public authorities or agencies, and research contractors in respect of industrial property rights and commercially confidential material;
- (g) drawing up the annual interim reports and the final report to be submitted to the Signatories and circulated as appropriate; to this end, Signatories will require their public research establishments or research contractors to submit periodic reports and a final report, as may be deemed necessary;
- (h) dealing with any problems that may arise out of the execution of the project, including, if necessary, special conditions to be attached to applications to sign this Memorandum of Understanding submitted more than six months after the date of the first signature.

3. The secretariat of the Committee will be provided by the Commission of the European Communities at the invitation of the Signatories.

1. Subject to national law, Signatories will ensure 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 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 carrying out of:

- work in respect of this project; or
- the applicant Signatory's projects relating to benthic coastal ecology;
- any associated European project undertaken subsequently and in which all the Signatories, or several of them may be prepared to take part.

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

2. Signatories will accordingly insert clauses requiring the granting of the licences referred to in paragraph 1 in any contract which they place with research contractors for study, research and development work to be carried out in the execution of this project.

3. Signatories will make every effort, in particular by including clauses in contracts placed with research contractors to provide for the licence referred to above 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 insofar as use of the research results for the purpose referred to in paragraph 1 would not otherwise be possible. Where the research contractor is unable or unwilling to agree to such extension the Signatory will, before the contract is concluded, give the Committee the opportunity to state its position.

4. Signatories will take any steps necessary to ensure that the fulfilment of the conditions of 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.

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

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6. The conditions of paragraphs 1 to 5 will continue to apply after the period of operation of this 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.

GENERAL DESCRIPTION OF THE PROJECT AND
INDICATIVE PATTERN OF POTENTIAL PARTICIPATION

I. General description of the project

(1) Aims

To establish a realistic and manageable "base-line" study of benthic communities of Atlantic/North Sea coasts. The concept of "base-line" study will be broadened in scope to include:

- (a) Data on the scales of natural variability over as long a period as possible to give reasonable assurance that a wide range of irregular climatic/hydrographic events have been observed;
- (b) A sufficient understanding of the specific causes of biological change to permit prediction about the consequences of natural physical events with some degree of confidence.
- (c) A sufficient understanding of community dynamics for prediction about the consequences to the whole biological community of dramatic changes in individual species as a result of natural factors or selective pollutants.

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(2) PROGRAMME

2.1. The programme will be divided into three distinct but related research projects. These will study three biological communities characteristic of three benthic coastal habitats. The biological communities are widely distributed on European coasts and are general regarded as of major importance. They are identified by their "key" or characteristic animal species.

Project	Coastal Habitat	Biological Community
I	Sedimentary substrates Intertidal and Subtidal	<u>Macoma</u> <u>Amphiura</u> /Abra
II	Rocky substrates Intertidal	Balanoid/ <u>Patella</u>
III	Rocky substrates Sub-tidal	Ascidian/Porifera

2.2 The selection of these communities recognises that each is being studied intensively on a local scale in one or more countries. Thus a sound data base exists in each case upon which to develop an expanded programme.

2.3. Co-operative research is needed at international level to determine the effects of broadscale, geographically operating climatic and hydrographic factors. Accordingly, simultaneous studies will be made for each community, using the same or intercalibrated methods, at a chain of recording stations throughout the geographical range of that community. The following aspects, among others that may be regarded as locally desirable, will be included:

- 1) Community dynamics, leading to an appreciation of the most important biological interactions and to the identification of the "key" or dominant species. This will involve systematic observation of natural events and the experimental manipulation of community structure;

- 2) Standing crop and population dynamics of these "key" species, with special emphasis upon their reproductive cycles and the intensity of recruitment from year to year. Since these latter aspects are especially responsive to slight changes of natural conditions and are very sensitive to pollutants, special efforts may be needed to develop the most accurate methods of assessing fecundity, recruitment success and juvenile establishment;

3) The appropriate range of climatic/oceanographic data, together with the broad spectrum analyses of substrate type and variation which are especially important for the sediment-living communities. Although the collection of some of these data will require specific action, in some situations the present routine collections of meteorological/oceanographic data for other biological and non-biological purposes can be consulted.

(3) IMPLEMENTATION AND TIMING

The intercalibration of methods of study and the handling of results will be dealt with by appointing lead countries with the appropriate expertise as follows:

Project	Coastal Habitat	Lead Country
I	Sedimentary - intertidal and subtidal	France - Dr L. CABIOCH
II	Rocky - intertidal	United Kingdom - Dr J.R. LEWIS
III	Rocky - subtidal	Sweden - Dr T. LUNDALV

The project will include meetings, workshops, visits and short exchanges of research workers for the intercalibration of methods of study and the handling of results.

The project will last at least five years to give reasonable assurance that a wide range of irregular climatic/hydrographic events have been observed. Initially, work will concentrate on ensuring the comparability of results and the handling of data at an international level.

II. INDICATIVE PATTERN OF POTENTIAL PARTICIPATION

PROJECT	B	D	DK	E	F	IRL	N	NL	P	S	UK	EEC
1. Sedimentary substrates: Intertidal and Subtidal	X	X	X		<u>X</u>	X	X	X	X	X	X	X
2. Rocky substrates: Intertidal				(X)	X	X	X		X		<u>X</u>	X
3. Rocky substrates: Subtidal				(X)	X	X	X		X	<u>X</u>	X	X

Key: B - Belgium
 D - Federal Republic of Germany
 DK - Denmark
 E - Spain
 F - France
 IRL - Ireland
 N - Norway
 NL - Netherlands
 P - Portugal
 S - Sweden
 UK - United Kingdom
 EEC - European Economic Community

(lead countries are underlined;
 parenthesis indicates that participation
 has still to be confirmed)