

Euratom Framework Programme 2012-2013: participation of undertakings, research centres and universities in indirect actions, dissemination of research results

2011/0045(NLE) - 07/03/2011 - Legislative proposal

PURPOSE: to lay down the rules for the participation of undertakings, research centres and universities in indirect actions under the Framework Programme of the European Atomic Energy Community and for the dissemination of research results (2012-2013).

PROPOSED ACT: Council Regulation.

BACKGROUND: in accordance with the Council Decision concerning the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012-2013), the [Framework Programme](#) (2012-2013) is to be implemented through **specific programmes** that define detailed rules for their implementation, fix their duration and provide for the means deemed necessary. The Framework Programme (2012 - 2013) comprises two types of activities: **indirect actions** in fusion energy research and research on nuclear fission and radiation protection, and **direct actions** for activities of the Joint Research Centre in the field of nuclear energy. This proposal lays down rules on participation in indirect actions.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Articles 7 and 10 of the Treaty establishing the European Atomic Energy Community (Euratom).

CONTENT: this proposal lays down the rules for the participation of undertakings, research centres and universities and other legal entities in actions undertaken by one or more participants under funding schemes identified in the Annex II to Decision No.../.../Euratom establishing the Framework Programme 2012-2013, (indirect actions). It also lays down:

- rules, in accordance with those in the the Financial Regulation (Regulation No 1605/2002) and Regulation No 2342/2002, concerning the Community financial contribution to participants in indirect actions under the Framework Programme 2012-2013;
- rules for the disclosure of foreground as regards the results of research carried out under the Framework Programme 2012-2013, by any appropriate means other than those resulting from the formalities for protecting it, including the publication of foreground in any medium (dissemination);
- rules for the direct or indirect use of foreground in further research activities other than those covered by the indirect action concerned, including developing, creating and marketing a product or process, creating and providing a service (use);
- in respect of both foreground and background, rules concerning licences and user rights thereto (access rights).

The proposal provides the vehicle for implementing the Framework programme 2012-2013, building on the same principles established in the Seventh Euratom Framework Programme (2007-2011). It contains **four chapters:** introductory provisions; participation; rules for dissemination and use and access rights; specific rules for participation in activities under the thematic area “fusion energy research”.

The main points are as follows:

Minimum number of participants: this and the conditions for the place of establishment of the participants continue to depend on the type of action. Legal entities established in Associated countries may also participate on the same basis as those established in Member States.

Call for proposals: the Rules identify the procedures for issuing calls for proposals and the exceptions to calls for proposals, and for the submission, evaluation and selection of proposals and the award of grants. In addition, they establish the procedures for the appointment of external experts. The detailed internal rules governing the submission, evaluation, selection and award procedures established by the Commission under the Seventh Framework Programme will continue to apply, including the provisions for the appointment of independent experts. The rules keep the special provisions for two-stage submission to be used to a greater extent where applicable, for example where high over-subscription is expected, for very large projects and in order to limit costs of preparing proposals that may never be funded, etc. and for two-step evaluation (with single submission). The evaluation process developed over the previous Framework Programme and reflected in these internal rules will continue without substantial changes. Greater use is to be made of remote evaluation whenever possible.

In order to ensure consistent assessment of the financial viability of participants and related matters, the Commission will continue to use the internal rules established under the Seventh Framework Programme for the new Euratom Framework Programme (2012-2013).

Model grant agreement: the model grant agreement adopted under the Euratom Seventh Framework Programme, as modified by Commission Decision C(2011)0174, will continue to be used in this Framework Programme. This grant agreement establishes the rights and obligations of participants vis-à-vis the Community and each other. The autonomy and flexibility of the consortia, in particular with respect to changes in their composition as established in the grant agreement will continue to apply. The grant agreement will come into force upon signature by the coordinator and Commission authorising officer. All participants must accede to the grant agreement in order to benefit from the rights and obligations under the project.

Participants will be required, as under the Seventh Framework Programme, to conclude consortium agreements, except where exempted under the call for proposals.

The Commission will monitor all indirect actions financed by the Community as well as the Framework Programme and its Specific Programmes for 2012-2013, as and when necessary with the assistance of external experts.

Participants eligible for Community funding are identified in the subsection on Community financial contribution which also covers the forms of grants, reimbursement rates, payment, distribution, recovery and guarantees.

Three forms of grants continue to be proposed for the Community financial contribution: reimbursement of eligible costs, lump sums, and flat-rate financing. These may be used to cover the entire Community financial contribution for a funding scheme or in combination. For most funding schemes, the reimbursement of eligible costs is the preferred method. Participants can charge all their direct and indirect costs and have the option of a flat rate for indirect costs. Costs will be determined, as in the previous Euratom Framework Programme, according to the usual accounting and management principles of the participants to achieve the project objectives based on principles of economy, efficiency and effectiveness.

The Community financial contribution will cover a maximum of 50% of eligible costs minus receipts both for research and for demonstration activities. For SMEs, non profit public bodies, secondary and

higher education establishments and research organisations, there will be a top up of up to 25% for research activities. All other activities, including coordination and support actions, and actions for the training and career development of researchers will be reimbursed at up to 100% for all entities.

The maximum amounts above apply to all the eligible costs of entities, even where part of the reimbursement of costs is based on lump sums or flat rates. The maximum amounts also apply to entities participating in projects where flat-rate financing and, where appropriate, lump sum financing is used for the whole project.

For **Networks of Excellence**, a **special lump sum** is paid. The amount of the lump sum is established as a fixed amount per researcher per year. Periodic payments of portions of the lump sum will be paid according to the attainment of indicators showing progressive implementation of the Joint Programme of Activities (JPA). Public bodies, research organisations, and higher and secondary education establishments may provide an audit certificate established by a competent public officer.

Participants in a consortium are fully responsible for carrying out the tasks entrusted to them even if one of the participants fails to complete assigned tasks. The financial risk mechanism for reimbursing any amount due to the Community because of a participant's failure is retained in the proposal. This mechanism is financed by a small contribution from undertakings and any other participants that are not public bodies or secondary and higher education establishments, or whose participation is not guaranteed by their Member State or Associated country.

Provisions governing dissemination and use and access rights (ownership, protection, publication, dissemination and use, and access rights to background and foreground) are the same as in the past Framework Programme. The Rules specify the definitions and rules for background, foreground and access rights, taking into account the specific provisions laid down in the Treaty. In particular, Article 45 of the Rules confers on the Commission the right to disseminate foreground where participants fail to do so. The provisions on intellectual property for the area "Fusion Energy Research" are set out in the specific instruments.

The Rules keep the same specific rules for participation in activities under the thematic area "fusion energy research" as in the previous Euratom Seventh Framework Programme.

BUDGETARY IMPLICATION: the proposal has no implications for the EU budget.