Research RTD, 6th framework programme 2002-2006: results dissemination, participation of undertakings and universities

2001/0202(COD) - 11/07/2002 - Modified legislative proposal

All the changes made by the European Parliament are in line with the Commission's proposal and make useful clarifications for the implementation of the sixth framework programme. The Commission therefore accepts them all. The amendments accepted by the Commission concern: - legal designation of the proposal : Parliament advocates adopting the proposal in the form of a regulation since it will potentially apply to all stakeholders in the scientific community and is therefore general in scope. - minimum number of participants : Parliament proposes an identical minimum of at least three different legal entities established in three Member States or associated States of which at least two are Member States or associated candidate countries, for all the instruments with the exception of specific support actions and actions to promote human resources and mobility. The Commission considers that this will strengthen the transnational character of indirect actions and help ensure a critical mass of skills. - participation by legal entities from third countries : with regard to participation by legal entities from industrialised third countries, it is also proposed to make their participation conditional on the conclusion of reciprocal arrangements which could take the form of a scientific and technological agreement. The Commission considers the amendments made represent a compromise which accurately reflects the importance which Parliament assigns to these aspects. - calls for proposals : Parliament advocates the possibility of a two-stage procedure for project evaluation and also proposes that the calls for expressions of interest which the Commission might issue in order to identify and evaluate precise objectives and requirements in a given field shall not affect any decisions the Commission may subsequently take. The Commission agrees with the value of a two-stage evaluation and clarification concerning the calls for expressions of interest. - criteria for the evaluation and selection of research actions: Parliament wishes to introduce certain optional criteria in the proposal, such as a reference to the role of women in research, synergy with training and societal implications. In addition, Parliament proposes removing the requirement for anonymity during the evaluation, unless otherwise stipulated in the call for proposals. On the other hand, emphasis is placed on the confidentiality of the evaluation process. The Commission considers that the amendment made is an acceptable compromise in the light of the principles underlying the evaluation procedure. - signature of the contract and consortium agreement : in addition to specifying that the contract shall enter into force on signature by the Commission and the coordinator, Parliament wants to introduce an obligation on the participants to conclude a consortium agreement unless stipulated in the calls for proposals. Parliament also proposes specifying the main elements that have to appear in the consortium agreement. The Commission considers that the amendment reflects its desire for a flexible and simplified approach. - joint and several liability : Parliament takes over the principles regarding the joint and several liability of the participants as described in the note verbale distributed by theCommission to the Council on the subject, providing for the financial liability of the participants in proportion to their participation within the limits of the contribution allocated to them. However, Parliament has removed any explicit reference to financial solidarity between participants. The Commission considers that the amendment makes a useful clarification with regard to joint and several liability. - grant : for the networks of excellence, Parliament clarifies how the Community financial contribution will be calculated, specifying that it will depend on the degree of integration and the number of researchers whom the participants propose to integrate, taking into account the specific features of the research area and joint activity programmes concerned. Parliament also wishes to limit the cost of management activities concerning indirect actions to 7% of the Community financial contribution. The Commission considers that these amendments clarify the procedures for financing indirect actions. - intellectual property rules : Parliament wishes to mention the principle of the non-transfer of the rights and obligations of the Commission and of the participants in connection with the provision by the Commission of useful

information about knowledge arising from indirect actions to Member States or associated States which so request, for public policy purposes, provided that the participants concerned do not raise justified objections. In addition, Parliament wishes to introduce in the provisions a reference to the consortium agreement and the time limit within which the Commission and the participants can object to the transfer of knowledge. Parliament also proposes that a participant should be able to publish results of which it is not the owner in the case of collective and cooperative research actions (SMEs), provided that the Commission and the participants do not object. The Commission considers that the proposed amendments are consistent with the concern for flexibility and simplification regarding the intellectual property rules.