

Research RTD, 7th Euratom Framework Programme 2007-2011: participation of undertakings, research centres and universities, dissemination of research results

2006/0014(CNS) - 19/12/2006 - Final act

PURPOSE: to lay down the rules for the participation of undertakings under the Seventh Framework Programme of the European Atomic Energy Community.

LEGISLATIVE ACT: Council Regulation (Euratom) No 1908/2006 laying down the rules for the participation of undertakings, research centres and universities in action under the Seventh Framework Programme of the European Atomic Energy Community and for the dissemination of research results (2007 to 2011).

CONTENT: this Regulation 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 by means of funding schemes identified in part (a) of Annex II to Decision No 2006/970/Euratom establishing the Seventh Framework Programme ("indirect actions").

It also lays down rules concerning the Community financial contribution to participants in indirect actions under the Seventh Framework Programme. As regards the results of research carried out under the Seventh Framework Programme, the Regulation lays down rules for the disclosure of foreground by any appropriate means other than that resulting from the formalities for protecting it, and including the publication of foreground in any medium, ("dissemination"). In addition, it lays down rules for the direct or indirect utilisation of foreground in further research activities other than those covered by the indirect action concerned, or for developing, creating and marketing a product or process, or for creating and providing a service ("use").

In respect of both foreground and background, the Regulation lays down rules concerning licences and user rights thereto ("access rights").

The Regulation contains four chapters:

- **introductory provisions** (subject matter, definitions and confidentiality);
- **participation** (minimum conditions to participate, procedural aspects, including minimum numbers of participants, their place of establishment, proposal submission and evaluation, implementation and grant agreements, monitoring of projects and programmes, Community financial contribution: eligibility for funding and forms of grants, reimbursement rates, payment, distribution, recovery and guarantees);
- the **rules for dissemination and use and access rights** (ownership, protection, publication, dissemination and use, and access rights to background and foreground) and
- the specific **rules for participation in activities under the thematic area** "fusion energy research".

The **minimum number of participants** and conditions of place of establishment of the participants is established according to the type of action. Legal entities established in associated countries may

participate on the same basis as those established in Member States. The rules identify the procedures for issuing calls for proposals and the exceptions to calls for proposals, for submission, evaluation, selection and award of procedures. In addition, they establish the procedures for the appointment of external experts. Further detailed internal rules governing the procedures for submission, evaluation, selection and award of proposals are to be established by the Commission and include provisions relating to the appointment of independent experts. The evaluation process developed over previous framework programmes and reflected in these internal rules will continue without substantial changes.

In order to ensure consistent assessment of the financial viability of the participants and related financial procedures, the Commission will adopt and publish internal rules for their application.

A **model grant agreement** will be established by the Commission that will establish the rights and obligations of participants vis-à-vis the Community and each other. The autonomy of the consortium, in particular with respect to changes in its composition that were established in FP6 will be continued. All participants must accede to the grant agreement.

Participants will be required to conclude consortium agreements, except where exempted by the call for proposals, as they were in FP6. However, many of the new provisions relating to intellectual property should make these easier to establish and to adapt as necessary.

The Commission will monitor all indirect actions financed by the Community as well as the Seventh Framework Programme and its Specific Programmes. The participants that are eligible for Community funding are identified in the subsection on Community financial contribution that also covers forms of grants, reimbursement rates, payment, distribution, recovery and guarantees.

Three forms of grants are proposed for the **Community financial contribution**: reimbursement of eligible costs, lump sums, and flat-rate financing (the latter can be based on scale of unit costs but also includes flat rates for indirect costs). These may be used to cover the entire Community financial contribution for a funding scheme or in combination. For most funding schemes, reimbursement of eligible costs will be the preferred method, particularly at the beginning of FP7. The use of lump sum and flat rate financing will be introduced gradually. Participants can charge all their direct and indirect costs and have the option of a flat rate for indirect costs.

With regard to **funding limits**, the Regulation states that for research and technological development activities, the Community financial contribution may reach a maximum of 50 % of the total eligible costs. However, in the case of non-profit public bodies, secondary and higher education establishments, research organisations and SMEs, it may reach a maximum of 75 % of the total eligible costs. For demonstration activities, the Community financial contribution may reach a maximum of 50 % of the total eligible costs. For activities supported by coordination and support actions, and actions for the training and career development of researchers, the Community financial contribution may reach a maximum of 100 % of the total eligible costs.

For **Networks of Excellence**, there is a special lump sum. The Regulation states that where the Community financial contribution to Networks of Excellence takes the form of a lump sum, it shall be calculated according to the number of researchers to be integrated in the Network of Excellence and the duration of the action. The unit value for lump sums paid shall be EUR 23 500 per year and per researcher.

ENTRY INTO FORCE: 02/01/2007.