Basic information

1997/0309(SYN) SYN - Cooperation procedure (historic)	Procedure completed
Research 5th EC framework programme 1998-2002: results dissemination, participation of undertakings, universities **Subject** 3.50.02.01 EC, EU framework programme	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENER Research, Technological Development and Energy	MARSET CAMPOS Pedro (GUE/NGL)	22/01/1998

Former committee responsible	Former rapporteur	Appointed
ENER Research, Technological Development and Energy	MARSET CAMPOS Pedro (GUE/NGL)	22/01/1998

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2113	1998-07-13
Research	2154	1998-12-22
Research	2109	1998-06-22

Key events

Date	Event	Reference	Summary
16/12/1997	Legislative proposal published	COM(1997)0587	Summary
16/01/1998	Committee referral announced in Parliament		
19/05/1998	Vote in committee		
19/05/1998	Committee report tabled for plenary, 1st reading/single reading	A4-0188/1998	
27/05/1998	Debate in Parliament		Summary
10/07/1998	Council position published	09864/1/1998	Summary
16/07/1998	Committee referral announced in Parliament, 2nd reading		
22/09/1998	Vote in committee, 2nd reading		Summary

22/09/1998	Committee recommendation tabled for plenary, 2nd reading	A4-0324/1998	
10/11/1998	Modified legislative proposal published	COM(1998)0654	Summary
22/12/1998	Act adopted by Council after consultation of Parliament		
22/12/1998	End of procedure in Parliament		
01/02/1999	Final act published in Official Journal		

Technical information

Procedure reference	1997/0309(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Legal basis	Rules of Procedure EP 170 EC Treaty (before Amsterdam) E 130O-p2
Stage reached in procedure	Procedure completed
Committee dossier	ENER/4/10333

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0188/1998 OJ C 195 22.06.1998, p. 0003	19/05/1998	
Text adopted by Parliament, 1st reading/single reading		T4-0314/1998 OJ C 195 22.06.1998, p. 0011-0026	28/05/1998	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0324/1998 OJ C 328 26.10.1998, p. 0005	22/09/1998	
Text adopted by Parliament, 2nd reading		T4-0569/1998 OJ C 328 26.10.1998, p. 0136-0157	08/10/1998	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	09864/1/1998 OJ C 262 29.08.1998, p. 0050	10/07/1998	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1997)0587	16/12/1997	Summary
Commission communication on Council's position	SEC(1998)1205	14/07/1998	

Modified legislative proposal	COM(1998)0654	10/11/1998	Summary
Follow-up document	COM(2000)0842	19/12/2000	Summary
Follow-up document	COM(2003)0124	20/03/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0632/1998 OJ C 214 10.07.1998, p. 0051	29/04/1998	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 1999/0065
OJ L 026 01.02.1999, p. 0046 Summary

Research 5th EC framework programme 1998-2002: results dissemination, participation of undertakings, universities

1997/0309(SYN) - 28/05/1998 - Text adopted by Parliament, 1st reading/single reading

Adopting the report by Mr Pedro MARSET CAMPOS (GUE, E), the European Parliament amended the Commission proposal as follows: - indirect RDT actions may be performed by a cluster of SMEs and one large enterprise, one or more of which may be established in different EU Member States or in an associated state; - particularly in the case of highly innovative and rapidly changing projects relating to the information society, an exception may be made to the rule that an enterprise must have been operational for any least one year in order to be eligible for EU financing. Advance financing of this type of project by a consortium must never continue for longer than six months; - during the preparatory stage, after submission of the project on the basis of the call by the Commission, the consortium partners are authorised to negotiate with one another about legal and contractual obligations. If, once the contract establishing the consortium has been drawn up, the partners are unable to sign the definitive contract within four months, the Commission will withdraw its approval; - the time limit between the deadline for presenting projects and the decision on their eligibility must not exceed four months; - the contract must lay down what contribution the consortium must make to the plan for disseminating and using the research results secured and the output criteria with which the project must satisfy. In the case of highly innovative projects in a rapidly changing market, the planned technological implementation may be adapted to changes in the situation. Other amendments by Parliament concern: - the protection of the Community's financial interests and measures to combat fraud: before conclusion of a contract, the Commission must check whether the contracting partner is reliable and may reject contractors deemed to be unreliable. If serious failings or accounting or contractual irregularities are found during financial inspections, the Commission may suspend payment of instalments and refuse to finance any further participation by the undertaking concerned until the inspection procedure has been completed. The contracting party concerned will be debarred from further participation in Community research programmes; - information: infodesks will provide contractors from the Member States with all necessary information on programmes in the Community languages. Parliament called for the Commission to make full information on expressions of interest and invitations to tender available on websites and to take measures to facilitate access by SMEs and research centres to the programmes (specific brochures, creation of an administrative assistance unit); - reasons for decisions: Parliament called on the Commission to provide in writing substantive, detailed reasons for acceptance or rejection.

Research 5th EC framework programme 1998-2002: results dissemination, participation of undertakings, universities

1997/0309(SYN) - 19/12/2000 - Follow-up document

The annual report on the research and technological development activities of the European Union (2000) outlines many new developments in this area. First of all, in the aftermath of the European Parliament elections and a new Commission, the European Union's (EU) research policy acquired an increased political and ambitious dimension. On the 18 January 2000, the Commission adopted the Communication "Towards a European Research Area" which noted that the research efforts of the European Union are catching-up with its main competitors and second, it called for a concerted mobilisation of relevant policies and instruments at all levels. The research activities of the EU are represented by the Fifth Framework Programme for Research and Development. The first call for research proposals was in March 1999 and more than 16 000 proposals were received during the year, a large amount coming from the pre-accession countries. The key actions concentrated 85% of resources on thematic programmes, resulting in large-scale partnerships (an EU contribution of EUR 1,7 million on average) as well as important synergies between the projects and the participation of SMEs (22% of participants). Henceforth, important measures shall be taken in order to achieve the European Research Area. From a long-term perspective, this autumn the Commission will adopt a strategic Communication presenting the first research orientations for the post-2002 period.

Research 5th EC framework programme 1998-2002: results dissemination, participation of undertakings, universities

1997/0309(SYN) - 10/07/1998 - Council position

The Council common position generally follows the Commission's initial proposal and differs on only a few points. (a) The main change concerns the definition of small and medium enterprises (SMEs). The Council has decided to restrict the scope of the definition to independent legal entities with fewer than 250 employees (full-time equivalents) and an annual turnover not exceeding ECU 40 million and/or an annual balance sheet total not exceeding ECU 27 million. This decision is in line with Commission Recommendation 96/280/EC concerning the definition of SMEs, which the Commission has decided to apply to all programmes it manages from 31/12/1997. (b) The common position also includes changes to the rules for participation by legal entities from associated states and other third countries to bring them into line with the Council common position on the Fifth Framework Programme for RTD. (c) Provisions have been included to facilitate Member States' access to relevant information with regard to policy formulation. The common position has incorporated the substance of 3 of the 15 amendments proposed by Parliament. Among the amendments not incorporated are those concerning the following aspects: - cluster of SMEs and one large enterprise; - special provisions for innovative projects in changing markets ; - possibility for contracting parties to negotiate during the preparatory phase; - withdrawal of Commission approval if the contract is not concluded within four months; - contents of contracts; - ownership of knowledge resulting from indirect RTD activities up to 50% funded by the Community; - protection of financial interests and anti-fraud measures.

Research 5th EC framework programme 1998-2002: results dissemination, participation of undertakings, universities

1997/0309(SYN) - 22/12/1998 - Final act

PURPOSE : to lay down the rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the fifth framework programme for R&D (1998-2002). COMMUNITY MEASURE : Council Decision 1999/65/EC. CONTENT : The Decision lays down the rules for the participation of undertakings, research centres and universities in indirect RTD actions, as follow: - the number of participants in indirect RTD actions; - conditions for legal entities from the Member States and Associated States, for legal entities from third countries and for international organisations, and for the JRC; - conditions relating to resources; - selection criteria and conditions applicable in accordance with the type of procedure (scientific excellence, Community added value, potential contribution to furthering the economic and social objectives of the Community, innovative nature of projects, prospects for disseminating/exploiting the results, effective transnational co-operation, efficient management); - Community financial participation and eligible costs; - content of contracts. The Decision also lays down rules for the dissemination and exploitation of results of research (adaptation of the rules on dissemination and exploitation of results, protection of rights linked to ownership and use of knowledge, dissemination of knowledge, technological implementation plan).

Research 5th EC framework programme 1998-2002: results dissemination, participation of undertakings, universities

1997/0309(SYN) - 08/10/1998 - Text adopted by Parliament, 2nd reading

In adopting the recommendation for second reading by Mr Pedro MARSET CAMPOS (GUE/NGL, E) on rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the fifth framework programme, the European Parliament took the view that the Council had not done justice to Parliament's demands. This was particularly the case as regards the use of new information technologies to communicate with participants in projects and as regards the communication in the Community's official languages not only of decisions published in the Official Journal but also of any other information required for participation in Community programmes. Consequently,

Parliament proposed to reinstate the amendments adopted at first reading, and drew attention to the following points: Firstly, the Council had not given due consideration to the intrinsic problems of 'highly innovative projects', and secondly, the Council had not seen fit to recognise the importance of adequate transparency in the fight against fraud and the need to adopt clear rules which would help enterprises participating in projects and Commission and UCLAF auditors to work effectively. Parliament also called on the Commission to undertake to provide in writing substantive, detailed reasons for acceptance or rejection.

Research 5th EC framework programme 1998-2002: results dissemination, participation of undertakings, universities

1997/0309(SYN) - 16/12/1997 - Legislative proposal

OBJECTIVE: to lay down the rules for the participation of undertakings, research centres and universities for the dissemination of research results for the implementation of the 5th Framework Programme of Research (1998-2002). SUBSTANCE: alongside the framework programmes and specific programmes, the rules on participation and the dissemination of results contained in this proposal for a decision are designed to complete the legislative architecture of Community policy on research and technological development. The proposal follows the lines of the existing rules and experience gained in managing the 4th Framework Programme. It also reflects the conclusions of the Davignon panel assessment and the structure and priorities of the 5th Framework Programme. The Commission regards it as an operation of the 'innovation within continuity' kind, and says that it has been carried out with a concern to make the proposed rules transparent and comprehensible. With regard to continuity, mention may be made of: - the calls for proposals published in the OJEC, which are an excellent tool for selecting RTD actions; - the transnational nature of the research consortia carrying out RTD projects; - the requirement that international organizations or legal entities established in third countries participate by being added to a minimum number of entities established in a Member State and that such participation be permitted only if it is in the interest of Community policies; - the conclusion of contracts on the basis of actual costs; - the obligation either to use or to disseminate the research results. The following constitute innovations: - the inclusion of common definitions for all programmes; - rules governing the participation of legal entities established in third countries, drawn up in accordance with the guidelines for the 5th Framework Programme and applicable to all specific programmes; - the participation of legal entities established in third countries which have signed an international agreement in particular on the basis of Article 130m of the EC Treaty; - the definition of eligible costs; - the option of paying general costs on a flat-rate basis so as to facilitate participation on the basis of the total cost; - varying the rules on dissemination and use according to the project's proximity to the market; - encouraging the use of results by making it possible, under certain conditions, to sign exclusive rights agreements, especially where projects are close to the market; - the obligation to disseminate results if they are not being used; - improved protection for participants' pre-existing know-how; - a more important role for the technological implementation plan, which now constitutes a detailed and structured instrument for monitoring the use made of the research results. The Council Decision will be supplemented by implementation provisions after the ad hoc committee has been consulted.

Research 5th EC framework programme 1998-2002: results dissemination, participation of undertakings, universities

1997/0309(SYN) - 20/03/2003 - Follow-up document

The European Commission has presented the 2002 annual report on the research and technological development activities of the European Union. This annual report covers the period from January 2001 to March 2002, which was marked by unprecedented development of the Community's research policy: - the proposals for the Sixth framework programme and the means for implementing it were adopted by the Commission between February and September 2001. The Council and the Parliament reached broad agreement on the overall amount, the structure, the priorities and the instruments; - at the same time, the Commission drew up the procedures for implementing the various instruments, including integrated projects, networks of excellence, and participation in research programmes implemented by several Member States; - major milestones in the construction of the European Research Area were reached with the publication of the first results of the benchmarking of national RTD policies and the mapping of scientific excellence in Europe and the adoption of a mobility strategy for researchers, the European innovation scoreboard, the action plan for science and society, and communications on the international and regional dimensions of the European Research Area; - a framework agreement on cooperation in the field of research was signed between the Commission and the European Investment Bank, and the GEANT European Scientific Communications Network became operational; - implementation of the Fifth Framework Programme continued successfully in 2001 with the signing of nearly 5 000 contracts involving more than 23 000 participants and Community financial support of more than EUR 3.7 million. - international cooperation was stepped up: agreements were signed with Malta, Ukraine, Russia and India and "bi-regional" relations were developed with Asia, Latin America, the Caribbean and the Balkans; - lastly the various advisory groups which assist the Commission in the implementation of its research activities played their role to the full, with reports and opinions from the Scientific and Technical Research Committee (CREST), external advisory groups and the high-level groups set up in 2001. The EU Research Advisory Board (EURAB) was set up and started work in the second half of 2001.

Research 5th EC framework programme 1998-2002: results dissemination, participation of undertakings, universities

1997/0309(SYN) - 10/11/1998 - Modified legislative proposal

The European Commission decided in its revised proposal not to incorporate any of the amendments adopted by the European Parliament at second reading. The main reasons given by the Commission for not re-incorporating the amendments were problems of legal coherence or redundancy.