Basic information

2001/0202(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Research RTD, 6th framework programme 2002-2006: results dissemination, participation of undertakings and universities **Subject** 3.50.02.01 EC, EU framework programme	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, External Trade, Research, Energy	QUISTHOUDT-ROWOHL Godelieve (PPE-DE)	10/10/2001

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	
RETT Regional Policy, Transport and Tourism	The committee decided not to give an opinion.	
CULT Culture, Youth, Education, Media and Sport	ZORBA Myrsini (PSE)	16/10/2001

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2460	2002-11-05
Research	2380	2001-10-30

European Commission

Commission DG	Commissioner
Research and Innovation	

Key events

Date	Event	Reference	Summary
10/09/2001	Legislative proposal published	COM(2001)0500	Summary
19/09/2001	Committee referral announced in Parliament, 1st reading		
30/10/2001	Debate in Council		
10/01/2002	Modified legislative proposal published	COM(2001)0822	Summary
28/05/2002	Vote in committee, 1st reading		Summary
28/05/2002	Committee report tabled for plenary, 1st reading	A5-0203/2002	
02/07/2002	Debate in Parliament		
03/07/2002	Decision by Parliament, 1st reading	T5-0356/2002	Summary
11/07/2002	Modified legislative proposal published	COM(2002)0413	Summary
05/11/2002	Act adopted by Council after Parliament's 1st reading		
16/12/2002	Final act signed		
26/12/2002	End of procedure in Parliament		
30/12/2002	Final act published in Official Journal		

Technical information

Procedure reference	2001/0202(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 161
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0203/2002	28/05/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0356/2002 OJ C 271 12.11.2003, p. 0196-0330 E	03/07/2002	Summary

European Commission

Document type	Reference	Date	Summary
	COM(2001)0500		

Legislative proposal	OJ C 332 27.11.2001, p. 0275 E	10/09/2001	Summary
Modified legislative proposal	COM(2001)0822 OJ C 103 30.04.2002, p. 0266 E	10/01/2002	Summary
Modified legislative proposal	COM(2002)0413 OJ C 292 29.10.2002, p. 0489 E	11/07/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0185/2002 OJ C 094 18.04.2002, p. 0001	20/02/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2002/2321
OJ L 355 30.12.2002, p. 0023-0034 Summary

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

2001/0202(COD) - 10/09/2001 - Legislative proposal

PURPOSE: to propose a Decision specifying the rules for participation on the EC RT&D framework programme (2002-2006) and for rules on the dissemination of research results. CONTENT: in line with the recently revised Community RT&D framework programme the European Commission is proposing a new Decision with the specific remit of revamping, simplifying and outlining new rules for participation on the programme. Also proposed are new rules for the dissemination of results. This Decision has been prepared with two objectives in mind, namely: - to adapt the rules on participating in research programmes and disseminating project results in line with the philosophy and characteristics of the new framework programme; and - to simplify and streamline existing provisions to make them clearer and easier to understand. The following new features have accordingly been introduced: - participation from Member States and from Associated candidate countries entitles them to equivalent rights and obligations; - European scientific cooperation organisations such as CERN, ESA ESO and EMBL are entitled to participate in the framework programme on exactly the same footing as any entity established in a Member State; - organisations from third countries are fully entitled to participate in actions carried out under the bulk of the framework programme. Organisations in third countries eligible to take part in specific international cooperation actions under the framework programme will in addition be fully entitled to receive funding; - general criteria have been drawn up for the selection of proposals taking account of the specific objectives of the new instruments; - the Community will make its financial contribution in the new forms of 'grants for integration' for the networks of excellence or 'grants to the budget' for integrated projects, providing important flexibility and involving less cumbersome and more effective controls, essentially ex post controls; - consortia responsible for networks and integrated projects are given the opportunity to change the partnership including through competitive calls, subject to clearly defined conditions and on the basis of simplified Commission consent. Similarly, the Commission proposes a clean sweep of the provisions in so far as intellectual property rights are concerned. In this context the provisions have been simplified. Furthermore, the rules are now identical for all participants. With SME's in mind, the Commission proposal now offers participants the option of agreeing their most appropriate joint arrangements within a clear and stable framework. In consultation with users, the scientific community and industry the Commission Decision offers some genuinely new options for those seeking EU support. For example, one new element is moderating the requirement for participation to take out property rights to protect all the knowledge related to the project since, in some instances, it may be in their interest to place the knowledge in the public domain. Other new initiatives include the option for projectparticipants to

exclude some of their pre-existing know-how from the requirement to grant access to other participants and limiting a participant's access rights to knowledge arising from the work of other participants to only such information as is needed to make effective use of its own knowledge. Lastly, the current financial provisions in the model contract and grant application forms will be simplified.

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

2001/0202(COD) - 03/07/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Godelieve QUISTHOUDT-ROWOHL (EPP-ED, Germany) on the rules for participation in the Sixth Framework Programme (research 2002-2006). The compromise amendments were reached with the Spanish Presidency. (Please refer to the document dated 28/05/02.) Instead of a decision, Parliament wants the legislation to be passed as a Regulation. It also stated that all proposals submitted for indirect actions must be treated confidentially by the Commission. The principle of confidentiality must be upheld in all the procedures and this binds independent experts. Unless otherwise specified in the call for proposals, there shall be no anonymous evaluation. Participants in an indirect action must conclude a consortium agreement, unless otherwise specified in the call for proposals. The Commission will publish non-binding guidelines on points that may be addressed by the consortium agreement, such as the internal organisation of the consortium, the intellectual property rights arrangements and the settlement of internal disputes. There are provisions inserted by Parliament, relating to technical implementation of the indirect action and cases where the contract is breached.

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.

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

2001/0202(COD) - 16/12/2002 - Final act

PURPOSE : to establish rules for the participation of undertakings, research centres and universities, in and for the dissemination of research results for, the implementation of the European Community Sixth Framework Programme 2002-2006. COMMUNITY MEASURE : Regulation 2321/2002/EC of the European Parliament and of the Council. CONTENT : the Council adopted the Regulation of the European Parliament and of the Council establishing rules for the participation of undertakings, research centres and universities in the European Community sixth research framework programme (2002-06) and for the dissemination of research results, approving all the amendments voted by the European Parliament in first reading. The decision was taken by qualified majority, with the Portuguese delegation abstaining. This Regulation establishes rules for the participation of enterprises, research centres and universities in, and rules for the dissemination of results from research carried out under the Sixth Framework Programme of the European Community for, research, technological development and demonstration activities contributing to the creation of the European Research Area and to innovation (2002-2006). The provisions shall fit into a coherent and transparent framework which takes full account of the objectives and characteristics of the instruments defined in Annex III to the Sixth Framework Programme in order to guarantee the most efficient implementation possible, taking into account the need for easy access of participants through simplified procedures. This will especially be the case for small or medium-sized enterprises (SMEs), owing to the participation of enterprise groupings. Adoption of this Regulation and of the rules for participation in the Euratom research programme will ensure the timely implementation of the two new framework programmes, as requested by the European Council, so as to promote the creation of a European Research Area and to strengthen innovation in the European Union. The overall budget provided for under the EC and Euratom framework programmes amounts to EUR 17 500 million, of which EUR 16 270 million are earmarked for the EC programme. ENTRY INTO FORCE : 02/01/2003.

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

2001/0202(COD) - 10/01/2002 - Modified legislative proposal

In December 2001 the Council reached a political agreement to amend the Commission's initial proposal for a Decision on the rules for participation in the framework programme for 2002-2006. It was decided that Chapter II "Instruments" was to be deleted from the original proposal as was the Annex dealing with "RTD activities and Community financial contributions according to type of instrument". These two heading have now been transferred to Annex III of the Framework Programme. In line with these changes, the Commission has had to alter the sequential order of the Articles of the initial proposal. It has done so in this modification.