

Basic information	
<p>2011/0045(NLE)</p> <p>NLE - Non-legislative enactments Regulation</p>	Procedure completed
<p>Euratom Framework Programme 2012-2013: participation of undertakings, research centres and universities in indirect actions, dissemination of research results</p> <p>Repealed by 2011/0400(NLE)</p> <p>Subject</p> <p>3.50.02.02 Euratom framework programme, research and training programmes 3.60.04 Nuclear energy, industry and safety</p>	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	ITRE	Industry, Research and Energy	BŘEZINA Jan (PPE)	11/05/2011
			Shadow rapporteur HERCZOG Edit (S&D) VÁLEAN Adina (ALDE) RIVASI Michèle (Verts /ALE) TOŠENOVSKÝ Evžen (ECR) REMEK Vladimír (GUE /NGL) TZAVELA Niki (EFD)	
Council of the European Union	Council configuration		Meetings	Date
	Environment		3139	2011-12-19
European Commission	Commission DG		Commissioner	
	Research and Innovation		GEOGHEGAN-QUINN Máire	

Key events			
Date	Event	Reference	Summary

07/03/2011	Legislative proposal published	COM(2011)0071 	Summary
24/03/2011	Committee referral announced in Parliament		
06/10/2011	Vote in committee		Summary
13/10/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0345/2011	
15/11/2011	Decision by Parliament	T7-0489/2011	Summary
15/11/2011	Results of vote in Parliament		
19/12/2011	Act adopted by Council after consultation of Parliament		
19/12/2011	End of procedure in Parliament		
18/02/2012	Final act published in Official Journal		

Technical information	
Procedure reference	2011/0045(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2011/0400(NLE)
Legal basis	Euratom Treaty A 007
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/05606

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE469.874	09/08/2011	
Amendments tabled in committee		PE472.072	13/09/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0345/2011	13/10/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0489/2011	15/11/2011	Summary
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2011)0071 	07/03/2011	Summary	
Document attached to the procedure	SEC(2011)0204 	07/03/2011	Summary	

Commission response to text adopted in plenary		SP(2012)29	11/01/2012	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1164/2011	14/07/2011	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Regulation 2012/0139 OJ L 047 18.02.2012, p. 0001	Summary

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

2011/0045(NLE) - 15/11/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution amending the proposal for a Council regulation (Euratom) laying 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).

The main amendments are as follows:

Framework Programme: the text clarifies that the Framework Programme (2012-2013) is intended to complement the other actions of the Union in the area of research policy that are necessary for the implementation of the Europe 2020 strategy, in particular those relating to education and training, competitiveness and innovation, industry, employment and the environment. It should contribute to achieving the [Innovation Union](#) that is one of the flagship initiatives of the Europe 2020 strategy, by reinforcing competition with a view to scientific excellence and accelerating the implementation of key innovations in the field of nuclear energy, especially as regards nuclear fusion and safety, while also playing a part in meeting the challenges of the energy sector and climate change.

The implementation of the Framework Programme (2012-2013) this should be based on the principles of simplicity, stability, transparency, legal certainty, consistency, excellence and trust following the recommendations of the European Parliament in its [resolution](#) on simplifying the implementation of the Research Framework Programmes.

The text adds that the Framework Programme's activities research activities should be based on **respect for fundamental ethical principles**, especially those laid down in the Charter of Fundamental Rights of the European Union.

Financing: the resolution states that increased attention and budget spending are needed for initiatives ancillary to core nuclear research, in particular as regards investment in human capital and actions aimed at addressing the risk of skills shortages in the coming years (e.g. grants to researchers in the nuclear field) and the consequent loss of leadership for the Union. Special attention should be paid to the development of contractual arrangements that reduce the risk of failure to perform as well as the reallocation of risks and costs over time.

ITER: the implementation of ITER in Europe, pursuant to the agreement of 21 November 2006 on the establishment of the ITER International Fusion Energy Organisation in the context of the joint implementation of the ITER project, should constitute the central element of research activity in the area of fusion under the Framework Programme (2012-2013).

Evaluation, selection and award: Members state that all stages of the process should be optimised in order to avoid delay and encourage cost-effectiveness. That involves access to draft work programmes, publication of calls for proposals, drafting of proposals, the selection procedures and the time taken to approve and to pay grants.

Appointment of independent experts: appropriate measures shall be taken when appointing groups of independent experts to ensure a reasonable gender balance and a balance between Member States undertaking research and training in the nuclear field, and also to ensure an adequate balance between industry (including SMEs) and academia when appointing groups of independent experts.

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

This ex-ante evaluation accompanies the legislative package of Commission's proposals for the Euratom nuclear research and training activities (2012-13).

The legislative package consists of:

- the draft Council Decisions for the [Framework Programme](#);
- specific Programmes for [direct](#) and [indirect](#) actions;
- rules for the participation of undertakings, research centres and universities in actions under the framework programme and for the dissemination of research results.

The legislative package aims to continue supporting R&D actions in the nuclear field carried out under the 7th Euratom Framework Programme (2007-2011). The proposals will only cover two years (2012-13), in accordance with the current financial perspectives (2007-2013) and in line with the timeframe of the EU 7th Framework Programme (2007-2013).

Research co-funded by Euratom plays an important role in enhancing the safety, resource efficiency and cost-effectiveness of nuclear fission and other uses of radiation in industry and medicine, and some of the research project are playing a key initiating role in the recently launched European Sustainable Nuclear Industrial Initiative (ESNII), one of the six European industrial initiatives launched under the European [Strategic Energy Technology Plan](#) (SET-plan) in 2010.

The proposals for the Euratom Framework Programme are clearly linked to the objectives of the [Europe 2020](#) and [Energy 2020](#) strategies. The programme will contribute to the Innovation Union flagship by supporting pre-commercial research and facilitating technology transfer process between academia and industry and to the Resource efficient Europe flagship by greatly increasing the overall sustainability of nuclear energy. By putting emphasis on training in all its activities, boosting competitiveness in the current nuclear industry and creating a new sector of high-tech industry for **fusion energy** in particular, the Euratom programme will lead to growth and new jobs in a wide range of disciplines. Proposals for the Euratom Framework Programme follow up the conclusions of the European Council (4 February 2011) which agreed that the EU and its Member States will promote investment in renewables, safe and sustainable low carbon technologies and focus on implementing the technology priorities established in the SET-plan. Both nuclear fission and fusion are identified in the SET-Plan as energy technologies which Europe must maintain, develop and deploy in order to meet its short and longer term energy objectives.

Lastly, proposals for the Euratom Framework Programme (2012-2013) take account of the **simplification** process, launched by the Commission in 2010, which makes current and future research programme more attractive and more accessible to the best researchers and most innovative companies. Simplification measures for the Euratom Framework Programme (2012-2013) will be implemented through the Commission decision C (2011)174 of 24 January 2011.

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.

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

2011/0045(NLE) - 19/12/2011 - Final act

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).

NON-LEGISLATIVE ACT: Council Regulation (Euratom) No 139/2012 laying 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).

CONTENT: the Council extended, for a **two-year period**, the European Atomic Energy Community (Euratom) framework programme for the dissemination of research results. The Euratom programme, which expires at the end of 2011, has been extended in order to align it with the end of the EU's current financial cycle in 2013.

This Regulation is linked to a package containing Decisions concerning the Framework Programme, in particular two specific programmes (for direct and indirect actions).

The 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 under funding schemes identified in the Annex II to Decision 2012/93/Euratom;
- the rules concerning the Community **financial contribution** to participants in indirect actions under the Framework Programme;
- the rules for the **disclosure of foreground** by any appropriate means other than those resulting from the formalities for protecting it, including the publication of foreground in any medium ('dissemination');
- the 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');
- the rules concerning **licences and user rights** thereto ('access rights').

The Regulation stipulates that subject to the conditions established in the model grant agreement, the model appointment letter or contract, the Commission and the participants shall keep confidential any data, knowledge and documents communicated to them as confidential.

ENTRY INTO FORCE: 09/03/2012.

APPLICATION: from 01/01/2012.