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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE
EUROPEAN PARLIAMENT**

**The Framework Programme and the European Research Area: application of
Article 169 and the networking of national programmes**

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1. INTRODUCTION

Over 80% of public-sector research in Europe is conducted at national level, mainly under national or regional research programmes.

The Union's Framework Programme for research activities together with other arrangements to support collaboration between national teams, such as Eureka, COST or the European Science Foundation, help to add a European dimension to a large proportion of the research conducted in Europe, when it comes to project implementation.

However, little has been done to develop links between the national research programmes themselves and between the national and Community programmes.

Combination and more closely coordinated implementation of these programmes would have a considerably positive effect on both the impact and results of the research conducted in Europe, particularly because of:

- the scale of the financial and human resources mobilised;
- the diverse and complementary aspects covered by the national programmes;
- the rapid results which could be expected from combining the existing initiatives.

Beyond that, closer coordination of these instruments would allow better overall allocation of the resources made available for research in Europe and pave the way for a European research policy to emerge in areas of common interest, particularly on themes considered priorities on economic and social grounds.

The objective of the European Research Area, as approved by the European Council in Lisbon in March 2000 and firmly supported by the European Council at its meetings since then, is to decompartmentalise research in Europe. This implies, in particular, greater consistency and coordination of national research activities.

To this end, the Community Framework Programme for research activities proposed by the Commission for 2002-2006¹ with the express aim of contributing towards the creation of the European Research Area introduces new instruments designed to have a structuring effect on research activities conducted in Europe: networks of excellence, integrated projects and participation by the Community in national programmes carried out jointly under Article 169 of the Treaty.

¹ COM (2001) 94.

It also includes measures to support the coordination of national research activities and programmes, notably the networking of national research programmes.

The objective of this communication, which follows up this point in the proposals on the Framework Programme and the specific programmes, is to submit for discussion suggestions on the conditions under which Article 169 of the Treaty could be used to implement the Framework Programme, in the general context of networking the national research programmes.

2. NETWORKING OF THE NATIONAL PROGRAMMES

To put into action the open method of coordination, the Lisbon European Council asked the Council, the Commission and the Member States to *"develop appropriate mechanisms for networking national and joint research programmes on a voluntary basis around freely chosen objectives"*.

A high-level group of national experts from the Member States working on this subject has produced an initial situation report and identified the needs.

Three main lessons have emerged:

- the situations and needs vary widely, reflecting the diverse forms of action taken at national and regional level and the big differences between individual fields;
- for this reason, there is a need to establish mechanisms which are as flexible as possible;
- Community support would have a strong stimulating effect in this field.

To this end, the specific programme on "Integrating and strengthening the European Research Area"² proposed under the Framework Programme for 2002-2006 includes a two-pronged mechanism under the heading "Coordination of research activities" consisting of:

- encouragement of measures aiming at networking national or regional activities, in the form of support for coordination of activities conducted independently or for preparation or management of joint action. These measures will be submitted in response to a call for proposals, which will be open continuously to all bodies implementing public research programmes, with regular evaluations;
- development of an integrated information system on national and regional research activities and programmes for policy-makers, research programme managers and researchers.

The underlying idea is to provide open, flexible support for proposals making an effective contribution to closer coordination of the research activities conducted within different frameworks in Europe.

² COM (2001) ...

A wide range of means can be used for this purpose: exchanges of information, mutual opening of programmes, various forms of joint activities, for example joint calls for proposals and evaluations, training schemes and campaigns to disseminate results.

Community support would be based on an evaluation of the scale of the resources mobilised and the improvement expected. It would be restricted exclusively to the aspects directly linked to coordination in every case.

Such action to support coordination could be implemented in any field of science and technology, including the priority thematic areas and under the heading "Anticipating the EU's scientific and technological needs".

To the same end, the proposal for a specific programme on "Structuring the European Research Area"³ provides for specific coordination and support (including co-funding) for measures to promote or strengthen cooperation and synergies between and with the national and regional programmes on human resources and mobility.

These measures will aim, in particular, at opening up to researchers from other Member States and associated countries the national or regional programmes with objectives fitting in with those of the action on "Human resources and mobility" and at providing such researchers with the practical (mainly legal and administrative) support which they need.

3. APPLICATION OF ARTICLE 169 OF THE TREATY

3.1. Principles

The most powerful means of networking research programmes is joint implementation of whole programmes or large parts of programmes.

The proposal for a Framework Programme for 2002-2006 provides for support for joint implementation going beyond support for the coordination side, with the aid of application of Article 169 of the Treaty.

Article 169 of the Treaty opens up the possibility for the Community to make provision, in implementing the Framework Programme, for "*participation in research and development programmes undertaken by several Member States*".

Both the proposal on the Framework Programme and the proposal on a specific programme on "Integrating and strengthening the European Research Area" provide for participation of this type by the Community as one of the three new instruments for implementing them, in the form of participation in jointly implemented national programmes.

By definition, this instrument is of a different nature to the other two. The decision to apply it presupposes prior action by the Member States, the regional authorities or the national research organisations. It can therefore only be used under certain conditions.

The proposals on the Framework Programme and on the specific programmes allow the possibility of using Article 169 in the priority thematic areas for research under the programme on "Integrating and strengthening the European Research Area".

³ COM (2001) ...

The idea is that in these specific areas, particularly for certain aspects of them, broad coordinated mobilisation of Community and national efforts is specially necessary and should therefore be encouraged by Community funding.

It is also felt that application of Article 169 will make it possible to achieve results unattainable with the other two instruments because of the scale and diversity of the resources mobilised and the structural effects of combining the national efforts.

3.2. Programmes

The Member States could envisage joint implementation of programmes varying in many ways: public programmes run by national or regional authorities or by national research organisations; programmes implemented directly by research bodies or by specific methods, following calls for proposals; programmes already underway or programmes for which preparations are well advanced.

Participation by the Community can come into consideration in all these cases. In practical terms, such participation requires clearly defined activities or measures (whether or not formally called "programmes") on a specific theme or in a specific area, with an earmarked budget and implemented over a set period following clear procedures.

3.3. Participation by the Community: conditions

The following conditions could apply for participation, and consequent funding, by the Community:

– ***Joint implementation***

Joint implementation of research programmes would be ensured with the aid of a joint work programme. This should include, in particular:

- allocation of financial resources, based on a joint financial plan agreed between the participants;
- redirection of certain activities in existing programmes to make them more complementary;
- publication of joint calls for proposals in the case of programmes implemented by means of calls for proposals.

– ***Structuring effect***

Joint implementation of programmes should have a clear structuring effect on the research activities concerned, since these conditions make it possible to achieve results which would be unattainable if the programmes were implemented separately.

– ***Field covered***

The themes must necessarily be important enough to generate large-scale activities in several Member States. They must cover a significant proportion of the area in question or a particularly important aspect thereof.

– ***Number of countries participating***

At least three different countries (Member States or associated countries), including at least two Member States.

– ***Joint structure***

The Treaty provides for setting up structures for jointly implemented programmes and for the Community to participate in them.

In view of the scale of the activities envisaged and of the financial implications for the Community, participation by the Community in these structures should be a precondition for Community funding.

The Community would be involved in defining and monitoring the implementing strategy, but not in day-to-day management of the activities.

Depending on the individual case, the joint structures could take two forms (or a combination of both):

- structures for monitoring implementation, along the lines of a "scientific committee" made up of representatives of all the Member States participating;
- operational structures performing a number of coordination tasks linked directly to implementation of the research.

– ***Intellectual property***

The intellectual property rules to apply to implementation of the programmes will have to be specified and compatible with the participation and dissemination rules for the Framework Programme, tailored specifically to the case in point.

3.4. Participation by the Community: financial aspects

Financial participation by the Community would take the form of a contribution of part of the budget for jointly implemented programmes. The conditions under which this would be granted remain to be decided.

This contribution would cover:

- support for research activities conducted in the course of jointly implemented programmes, including operation of the joint structure(s) for the activities;
- support for participation by researchers or institutions from other Member States or associated countries, where the Member States involved decide to open up the jointly implemented programmes to such participants.

For the purposes of setting the amount for the contribution to the first of these aspects, several options are possible:

- the same set percentage of the total budget for the jointly implemented programmes in every case;

- a contribution set in absolute figures, taking account of the amount allocated to the area concerned in the Framework Programme and of the proportion of that area covered by the activities planned;
- an amount to cover the costs directly linked to joint implementation of the programmes and calculated on the basis of those costs.

In the course of the discussions on the Framework Programme and the specific programmes, before they are adopted an indicative percentage of the amount allocated to each of the areas concerned will be set for possible action under Article 169, based on an exploratory study to identify the Member States' interests and potential themes.

3.5. Themes

A large number of themes within each priority thematic area are potential candidates for joint implementation of the national programmes and application of Article 169.

A start has been made on informal soundings of the prospects in selected areas.

These could include, in particular, themes which:

- are linked to needs which, by nature, call for a coordinated response, such as clinical trials on vaccines and medicinal products;
- have long been covered by structured programmes, such as global change and the individual components thereof;
- reflect emerging research topics on which programmes are being put into place in a number of Member States, such as nanotechnologies or certain aspects of genome research;
- are linked to fields of industrial technology in which major efforts are being made to achieve European integration, such as aeronautics;
- are linked to the needs of Community policies, for example rail transport in the case of transport policy or management of water resources in the case of environment policy.

3.6. The decision-making process

Under the terms of the Treaty (Article 172), participation by the Community in programmes undertaken by several Member States is subject to a decision adopted by the Council and the European Parliament by the co-decision procedure.

To create the best conditions for applying this procedure to activities which will be started up throughout the duration of the Framework Programme, the Commission envisages a two-stage scenario:

As a first step, based on the abovementioned exploratory study, the Commission would propose, in time for adoption together with the Framework Programme, a framework decision for adoption by the co-decision procedure laying down the:

- general principles and conditions for participation by the Community;

- rules and procedures for financial support;
- conditions for adoption of decisions on individual activities;
- indicative amounts for the financial contribution from the Community for the individual areas.

On this basis, as the planned activities are put into action and agreements are reached between the Member States concerned, the Commission could adopt the technical decisions for implementing the individual activities within the normal annual budget procedure, under conditions, particularly committee procedures, yet to be decided.

4. CONCLUSIONS

Article 169 of the Treaty has never been used before to implement the Framework Programme and no experience has been acquired of how it could contribute to the Programme.

However, application of this as yet unused Article, combined with other instruments, seems, *a priori*, a particularly appropriate means of implementing the new Framework Programme aiming specifically at contributing towards the creation of the European Research Area.

Support for joint implementation of research programmes seems, in particular, an effective means of stimulating cooperation between regions from different Member States or between several countries from the same part of Europe.

The same applies to more streamlined forms of support for coordination and networking, which is particularly effective in cost-benefit terms.

It is up to the research community in the Member States to decide how much use should be made of these two possibilities and for which themes in the Framework Programme. The Commission is willing to help them, if they wish, with the task of identifying potential subjects and of preparing possible activities.

The Commission is submitting this communication to help the other institutions form an opinion on application of Article 169 of the Treaty for implementation of the Framework Programme by giving details and making specific suggestions on the conditions under which this formula could be applied.