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COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT

pursuant to the first subparagraph of Article 189 c (b) of the EC-Treaty

concerning the Council common position with a view to the adoption of a Council Decision concerning 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 of the European Community (1998-2002)



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Subject: concerning the Council common position with a view to the adoption of a Council Decision concerning 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 of the European Community (1998-2002)

Introduction

In accordance with Article 189c, point b, first paragraph of the EC Treaty, the purpose of this communication is to set out the Commission's position on the Council common position concerning the participation and dissemination rules for the Fifth Framework Programme for RTD (EC Treaty).

Political agreement on the participation rules for the EURATOM Framework Programme has been reached in parallel with the adoption of the common position concerning the participation and dissemination rules for the EC Framework Programme.

The Commission's position on the common position

The common position represents an essential milestone in order to keep up the sustained pace imposed on the procedure for the adoption of the Fifth Framework Programme for RTD and the continuity of research activities in the European Community.

The participation and dissemination rules are intended to supplement, alongside the RTD Framework Programme which they implement, the legal structure of Community research and technological development policy. They lay down the rules with which research players must comply in order to be able to participate in the specific programmes, and the obligations incumbent on these players with regard to the use and dissemination of research results.

The Council has endorsed the Commission's proposal and, with the exception of the question of small and medium-sized enterprises, it has in general only made stylistic changes aimed at clarifying the text, mainly in order to highlight guiding principles.

The Council has also taken into account, in a modified form, some of the amendments submitted by the European Parliament on first reading on 28 May 1998.

The Commission is in agreement with the Council's common position. In order to make rapid substantive progress in the decision-making process, amendments to the Commission's original proposal were incorporated during negotiations with the Council.

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The Council common position is a sound text taking account not only of the experience already acquired with earlier framework programmes but also of the challenges facing the Fifth Framework Programme. It should, in particular, make it possible to make the rules more visible and comprehensible to research players and thus enhance participation in the Community research programme. The scientific and technological excellence potential of the Fifth Framework Programme should accordingly be strengthened.

Detailed analysis

- Definition of small and medium-sized enterprises

The Council wants a single definition of small and medium-sized enterprises based on the one adopted by the Commission in its recommendation of 3 April 1996, particularly as regards the upper limit of 249 employees. This limit would also apply to exploratory awards and cooperative research (CRAFT).

So as not to delay the adoption of the common position, the Commission agreed to this but indicated in the Council minutes that it would shortly be carrying out a study into the research requirements of entities with between 250 and 499 employees in order to determine the employment potential that they represent. Depending on the results of this study, the Commission reserves the right to submit appropriate proposals.

- Participation conditions for legal entities from third countries and for international organisations

The Council put forward the principle of participation on a project-by-project basis in conformity with the interests of the Community. In the case of third countries other than European or Mediterranean partner countries, such participation will also be conditional on ensuring substantial added value for implementing all or part of a specific programme. The provision of financing will remain exceptional.

This position is in accordance with the Commission's amended proposal for the Fifth Framework Programme.

- Dissemination of knowledge

In this area the Council wishes to make it clear that Member States and the Associated States can have access to useful results suitable for dissemination for the requirements of their policy-making. However, such access will only be allowed subject to compliance with the general conditions governing the dissemination of knowledge, whatever the final user. In this connection, particular account must be taken of the need to safeguard intellectual and industrial property rights, confidentiality and the legitimate interests of contractors.

- Procedure for drawing up the rules of application

The Council wants the procedure for drawing up the rules of application to be a type IIIa Committee procedure. This choice corresponds to what was decided upon when adopting the procedures for applying the dissemination rules for the Fourth Framework Programme.

Conclusions

The overall approach proposed by the Commission have been broadly endorsed by the Council.

The Council's common position is therefore an appropriate text to ensure the effective implementation of the Fifth Framework Programme and thus continue the Community research effort. The question of small and medium-sized enterprises will be carefully examined by the Commission.

The Commission therefore calls upon the European Parliament to support this common position.

