EUROPEAN PARLIAMENT 2009 - 2014

Committee on Development

2011/0399(COD)

27.6.2012

DRAFT OPINION

of the Committee on Development

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council laying down the rules for the participation and dissemination in 'Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)' (COM(2011)0810 – C7-0465/2011 – 2011/0399(COD))

Rapporteur: Bill Newton Dunn

PA_Legam

SHORT JUSTIFICATION

The Regulation of the European Parliament and of the Council laying down the rules for the participation and dissemination in Horizon 2020 is one element of the package of proposals establishing the EU research and innovation programme for 2014-2020. It sets out the rules according to which different types of funding may be granted to certain entities for research and related support activities, and according to which the results of that research may be disseminated and exploited.

Your rapporteur believes the interest for the Development Committee in relation to this proposal lies in ensuring that Horizon 2020 is open to actors in developing countries, and that the emphasis on European research excellence and the Europe 2020 strategy does not tend towards a 'fortress Europe' position.

For the EU to lead in research and innovation globally it must work with actors from around the world, draw on their specific expertise, and tackle global challenges. In this way the Horizon 2020 programme will contribute to addressing challenges such as health and climate change, whilst also building up research capacity and knowledge within third countries. All this is of mutual benefit to the EU and its third country partners and also adheres to the principle of Policy Coherence for Development. Furthermore, collaboration in the field of research could be a useful form of cooperation for those countries - particularly MIC's - that may no longer benefit from EU bilateral aid under the new DCI 2014-2020.

Your rapporteur welcomes the proposals to simplify the rules and strengthen SME participation: Many SMEs can help provide innovative solutions to global societal challenges and their expertise should be harnessed. He welcomes the flexible funding methods introduced including inducement, and also welcomes the continued principle of support for open access to research publications.

However, he feels that the Rules could be further strengthened and clarified to better promote the interests of developing countries.

To this end, this draft opinion aims to ensure that researchers, research institutes and businesses from less developed countries are able to participate in projects funded through the research programme, as well as Public-Private and Public-Public Partnerships.

It also aims to ensure that the results of any research including data and innovations are accessible to these and all other elements of civil society.

AMENDMENTS

The Committee on Development calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation conditions in the European strategic interest.	(19) Rules governing the exploitation and dissemination of results should be laid down to ensure that the participants protect, exploit and disseminate those results as appropriate, in particular the possibility of additional exploitation***, dissemination or licensing*** conditions in the European strategic interest ***or in order to tackle societal challenges, which are global in nature***.

Or. en

Amendment 2

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission	*Amendment*
	(19a) All research and innovation builds on the capacity of scientists, research institutions, businesses and citizens around the world to openly access, share and use scientific information. This is particularly important for actors in developing countries, where local research capacity must be improved and whose collaboration with the Union´s partners will help to tackle common global challenges and contribute to the Union research excellence. To increase the circulation and exploitation of knowledge, free open access to scientific publications, already embraced in the Seventh Framework Programme, should be the general principle for scientific publications which receive public funding from Horizon 2020. Furthermore,

Horizon 2020 should promote open access to other scientific data produced or collected by publicly funded research, aiming at open access to such data becoming the general rule by 2020.

Or. en

Amendment 3

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
Without prejudice to Article 3, the Commission shall, upon request, make available to the Union institutions and bodies, any Member State ***or*** associated country, any useful information in its possession on results ***of*** a participant that has received Union funding, provided that both the following conditions are met:	Without prejudice to Article 3, the Commission shall, upon request, make available to the Union institutions and bodies, any Member State, associated ***or third*** country, any useful information in its possession on results ***generated by*** a participant ***within an action*** that has received Union funding, provided that both the following conditions are met:

Or. en

Amendment 4

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The relevant work programme may restrict the participation in Horizon 2020 or parts thereof of legal entities established in third countries where conditions for the participation of legal entities from Member States in the third country's research and innovation programmes are considered prejudicial to the Union's interests.	2. The relevant work programme may restrict the participation in Horizon 2020 or parts thereof of legal entities established in third countries where conditions for the participation of legal entities from Member States in the third country's research and innovation programmes are considered prejudicial to the Union's interests. ***Where the third country is a developing or least developed country, the consideration of***

what is prejudicial to the Union's interests shall take account of the development imperatives of that country, in accordance with the principle of policy coherence for development enshrined in Article 208 TFEU.

Or. en

Amendment 5

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission	*Amendment*
3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.	3. By way of derogation from paragraph 1, in the case of European Research Council (ERC) frontier research actions, the SME instrument, programme co-fund actions and in ***other*** justified cases provided for in the work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country***, given that the legal entity can compete across borders and is addressing societal challenges which are global in nature and include a European dimension***.

Or. en

Amendment 6

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission	*Amendment*
4. By way of derogation from paragraph 1, in the case of coordination and support actions and training and mobility actions, the minimum condition shall be the participation of one legal entity.	4. By way of derogation from paragraph 1, in the case of coordination and support actions and training and mobility actions, the minimum condition shall be the participation of one legal entity***, given that the legal entity can compete across***

borders and is addressing societal challenges which are global in nature and include a European dimension.

Or. en

Amendment 7

Proposal for a regulation
Article 12 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Any proposal for research with the potential for further development into a novel medical technology, particularly related to rare, poverty-related and neglected diseases, including treatments, vaccines or medical diagnostics shall include a consideration of strategies to ensure the immediate and widest possible dissemination and exploitation of and access to this technology, where lack of access to the technology would pose a threat to public health.

Or. en

Amendment 8

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The grant agreement may establish rights and obligations of the participants with regard to access rights, exploitation and dissemination, additional to those laid down in this Regulation.	3. The grant agreement may establish rights and obligations of the participants with regard to access rights, exploitation and dissemination, additional to those laid down in this Regulation. ***These additional rights and obligations shall, where appropriate and taking into account both the need for international cooperation to***

tackle the societal challenges and the Union´s external and development objectives, aim to ensure the widest possible dissemination, exploitation and licensing of the results to EU and non-EU residents through socially responsible licensing strategies.

Or. en

Amendment 9

Proposal for a regulation
Chapter VII a – title (new)

Text proposed by the Commission	*Amendment*
	Chapter VIIa
	SPECIFIC CASES

Or. en

Amendment 10

Proposal for a regulation
Article 37 a - title (new)

Text proposed by the Commission	*Amendment*
	Article 37a
	Public-private partnerships

Or. en

Amendment 11

Proposal for a regulation
Article 37 a – paragraph 1 (new)

Text proposed by the Commission	*Amendment*
	1. In accordance with Article 19 of Regulation (EU) No XX/XX [Horizon 2020] Horizon 2020 may be implemented through public-private partnerships, provided all partners concerned commit to support the development and implementation of Horizon 2020.

Or. en

Amendment 12

Proposal for a regulation
Article 37 a – paragraph 2 (new)

Text proposed by the Commission	*Amendment*
	2. Public-private partnerships shall be identified in an open and transparent way, based on the evaluation of independent experts in accordance with Article 37 of this Regulation. This evaluation shall be based on all of the following criteria:

Or. en

Amendment 13

Proposal for a regulation
Article 37 a – paragraph 2 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) the added value of action at Union level;

Or. en

Amendment 14

Proposal for a regulation
Article 37 a – paragraph 2 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) the scale of impact on industrial competitiveness, sustainable growth and socio-economic issues.

Or. en

Amendment 15

Proposal for a regulation
Article 37 a – paragraph 3 (new)

Text proposed by the Commission	*Amendment*
	3. The Commission may entrust budget implementation tasks to a public-private partnerships, provided the following criteria are fulfilled and laid down in a contractual agreement:

Or. en

Amendment 16

Proposal for a regulation
Article 37 a – paragraph 3 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) the long-term commitment from all partners based on a shared vision and clearly defined objectives;

Or. en

Amendment 17

Proposal for a regulation
Article 37 a – paragraph 3 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) the scale of the resources involved and the ability to leverage additional investments in research and innovation;

Or. en

Amendment 18

Proposal for a regulation
Article 37 a – paragraph 3 – point c (new)

Text proposed by the Commission	*Amendment*
	(c) a clear definition of roles for each of the partners and agreed key performance indicators over the period chosen.

Or. en

Amendment 19

Proposal for a regulation
Article 37 a – paragraph 4 (new)

Text proposed by the Commission	*Amendment*
	4. The rules for participation and dissemination of public-private partnerships created or funded under Horizon 2020 shall fully comply with the Regulation (EU) No XX/XX [the Financial Regulation], as well as the rules laid down in this Regulation, except where their specific needs so require. Any deviation from the rules laid down in this Regulation will be laid down in a contractual agreement.

Or. en

Amendment 20

Proposal for a regulation
Article 37 a – paragraph 5 (new)

Text proposed by the Commission	*Amendment*
	5. The rules of public-private partnerships may deviate from the Union Staff Regulations insofar as the acts establishing these bodies according to Article 1a(2) of the Staff Regulations do not provide for an application of the Staff Regulations.

Or. en

Amendment 21

Proposal for a regulation
Article 37 a – paragraph 6 (new)

Text proposed by the Commission	*Amendment*
	6. Involvement of the Union in those partnerships may take one of the following forms:

Or. en

Amendment 22

Proposal for a regulation
Article 37 a – paragraph 6 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) financial contributions from the Union to joint undertakings established on the basis of Article 187 TFEU under the Seventh Framework Programme,

subject to the amendment of their basic acts; to new public-private partnerships set up on the basis of Article 187 TFEU; and to other funding bodies referred to in Article [55(1)(b)(v) or (vii)] of Regulation (EU) No XX/XX [the Financial Regulation]. This form of partnerships shall only be implemented where the scope of the objectives pursued and the scale of the resources required justify it;

Or. en

Amendment 23

Proposal for a regulation
Article 37 a – paragraph 6 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) entering a contractual agreement between the partners referred to in paragraph 1, which specifies the objectives of the partnership, respective commitments of the partners, key performance indicators, and outputs to be delivered including the identification of research and innovation activities that require support from Horizon 2020.

Or. en

Amendment 24

Proposal for a regulation
Article 37 b - title – (new)

Text proposed by the Commission	*Amendment*
	Article 37b
	Public-public partnerships

Or. en

Amendment 25

Proposal for a regulation
Article 37 b – paragraph 1 (new)

Text proposed by the Commission	*Amendment*
	1. The rules laid down in this Regulation shall also apply to public-public partnerships as referred to in article [20] of Regulation (EU) No XX/XX [Horizon 2020].

Or. en

Amendment 26

Proposal for a regulation
Article 37 b – paragraph 2 (new)

Text proposed by the Commission	*Amendment*
	2. Public-public partnerships funded through the ERA-NET instrument may be eligible for co-funding under Horizon 2020, provided the following conditions are fulfilled:

Or. en

Amendment 27

Proposal for a regulation
Article 37 b – paragraph 2 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) a significant level of prior financial commitments of the participating entities to the joint calls and actions;

Or. en

Amendment 28

Proposal for a regulation
Article 37 b – paragraph 2 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) harmonised rules and implementation modalities of the joint calls and actions;

Or. en

Amendment 29

Proposal for a regulation
Article 37 b – paragraph 3 (new)

Text proposed by the Commission	*Amendment*
	3. Public-public partnerships may be supported either within, or across, the priorities set out in Article 5(2) of Regulation (EU) No XX/XX [Horizon 2020].

Or. en

Amendment 30

Proposal for a regulation
Article 37 b – paragraph 4 (new)

Text proposed by the Commission	*Amendment*
	4. Joint Programming Initiatives in accordance with Article 185 TFEU may be eligible for co-funding under Horizon 2020, provided the following conditions are fulfilled:

Or. en

Amendment 31

Proposal for a regulation
Article 37 b – paragraph 4 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) an existing need for a dedicated implementation structure based on Article 185 TFEU;

Or. en

Amendment 32

Proposal for a regulation
Article 37 b – paragraph 4 – point b (new)

Text proposed by the Commission	*Amendment*
	(b) a high level of commitment of the participating countries to integration at scientific, management and financial levels;

Or. en

Amendment 33

Proposal for a regulation
Article 37 b – paragraph 4 – point c (new)

Text proposed by the Commission	*Amendment*
	(c) the added value of action at Union level;

Or. en

Amendment 34

Proposal for a regulation
Article 37 b – paragraph 4 – point d (new)

Text proposed by the Commission	*Amendment*
	(d) the critical mass, with regard to the size and the number of programmes involved, the similarity of activities and the share of relevant research they cover.

Or. en

Amendment 35

Proposal for a regulation
Article 37 b – paragraph 5 (new)

Text proposed by the Commission	*Amendment*
	5. The Commission may entrust budget implementation tasks to a Joint Programming Initiative, provided the following criteria are fulfilled and laid down in an agreement:

Or. en

Amendment 36

Proposal for a regulation
Article 37 b – paragraph 5 – point a (new)

Text proposed by the Commission	*Amendment*
	(a) a clear definition of the objective to be pursued and its relevance to the objectives of Horizon 2020 and broader Union policy objectives;

Or. en

Amendment 37

Proposal for a regulation
Article 37 b – paragraph 5 –point b (new)

Text proposed by the Commission	*Amendment*
	(b) clear financial commitments of the participating countries, including prior commitments to pool national and/or regional investments for transnational research and innovation.

Or. en

Amendment 38

Proposal for a regulation
Article 39 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
2. Where a participant that has received Union funding intends not to protect results generated by it for reasons other than impossibility under Union or national law or the lack of potential for commercial exploitation, and unless the participant intends to transfer them to another legal entity established in a Member State ***or*** associated country in view of their protection, it shall inform the Commission or funding body before any dissemination relating to these results takes place. The Commission on behalf of the Union or the funding body may assume ownership of these results and take the necessary steps for their adequate protection.	2. Where a participant that has received Union funding intends not to protect results generated by it for reasons other than impossibility under Union or national law or the lack of potential for commercial exploitation, and unless the participant intends to transfer them to another legal entity established in a Member State***,*** associated ***or third*** country in view of their protection, it shall inform the Commission or funding body before any dissemination relating to these results takes place. The Commission on behalf of the Union or the funding body may***, with the consent of the owning participant,*** assume ownership of these results and take the necessary steps for their adequate protection ***and comprehensive dissemination and exploitation***.

Or. en

Amendment 39

Proposal for a regulation
Article 40 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
Additional exploitation obligations may be laid down in the grant agreement. Any such additional obligations shall be indicated in the work programme or work plan.	Additional exploitation obligations may be laid down in the grant agreement. Any such additional obligations shall be indicated in the work programme or work plan. ***When research is conducted in a field relevant to tackling societal challenges such as health or climate change, these additional obligations shall aim to ensure the widest possible uptake of innovative solutions in the best public interest both within and outside the Union, and licensing of results to third parties shall by default take place on non-exclusive terms.***

Or. en

Amendment 40

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 2

Text proposed by the Commission	*Amendment*
Additional dissemination obligations may be laid down in the grant agreement.	Additional dissemination obligations may be laid down in the grant agreement. ***When research is conducted in a field relevant to tackling societal challenges such as health or climate change, these additional obligations shall aim to ensure accessibility of research results to those most affected by the specific societal challenge.***

Or. en

Amendment 41

Proposal for a regulation
Article 40 – paragraph 2 – subparagraph 3

Text proposed by the Commission	*Amendment*
With regard to dissemination through research publications, open access shall apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas.	With regard to dissemination through research publications, open access shall apply under the terms and conditions laid down in the grant agreement. With regard to dissemination of other results, including research data, the grant agreement may lay down the terms and conditions under which open access to such results shall be provided, in particular in ERC frontier research or in other appropriate areas ***including those of significance for the sustainable development of developing and least-developed countries.***

Or. en

Amendment 42

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with**,** the participant who owns results may grant licences or otherwise give the right to exploit them to any legal entity**,** including on an exclusive basis.	2. Provided that any access rights to the results can be exercised and that any additional exploitation obligations are complied with**,** the participant who owns results may grant licences or otherwise give the right to exploit them to any legal entity including on an exclusive basis**,** ***except where conferring the right on an exclusive basis is likely to obstruct efforts to tackle societal challenges such as health and climate change.***

Or. en

Amendment 43

Proposal for a regulation
Article 41 – paragraph 3 – subparagraph 1

Text proposed by the Commission	*Amendment*
3. With regard to results which are generated by participants that have received Union funding, the Commission or funding body may object to transfers of ownership or to grants of an exclusive licence, to third parties established in a third country not associated to Horizon 2020, if it considers that the grant or transfer is not in accordance with the interests of developing the competitiveness of the Union economy or is inconsistent with ethical principles or security considerations.	3. With regard to results which are generated by participants that have received Union funding, the Commission or funding body may object to transfers of ownership or to grants of an exclusive licence, to third parties established in a third country not associated to Horizon 2020, if it considers that the grant or transfer is not in accordance with the interests of developing the competitiveness of the Union economy, ***of cooperating with third countries to address societal challenges,*** or is inconsistent with ethical principles or security considerations.

Or. en