



EUROPEAN PARLIAMENT

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*Committee on Development*

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**2011/0399(COD)**

5.9.2012

# **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

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## 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 9**

*Text proposed by the Commission*

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises, through simplified procedures. The financial assistance from the Union could be provided through different forms.

*Amendment*

(9) These rules for the participation and dissemination should provide a coherent, comprehensive and transparent framework to ensure the most efficient implementation possible, taking into account the need for easy access by all participants, notably small and medium-sized enterprises **and civil society organisations, including those which deal with development cooperation**, through simplified procedures. The financial assistance from the Union could be provided through different forms.

**Amendment 2**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) The participant Guarantee Fund set up under Regulation No 1906/2006/EC of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres **and** universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) and managed by the Commission has proved to be an important safeguard mechanism which mitigates the risks associated to the amounts due and not reimbursed by defaulting participants. Therefore, a new participant Guarantee Fund (the Fund) should be established. In order to ensure a more efficient management and a better coverage of participants' risk, the Fund should cover actions under the programme set up under Decision No 1982/2006/EC, under the programme set up by Council Decision of 18 December 2006 concerning the Seventh

*Amendment*

(16) The participant Guarantee Fund set up under Regulation No 1906/2006/EC of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres, **universities and civil society organisations** in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) and managed by the Commission has proved to be an important safeguard mechanism which mitigates the risks associated to the amounts due and not reimbursed by defaulting participants. Therefore, a new participant Guarantee Fund (the Fund) should be established. In order to ensure a more efficient management and a better coverage of participants' risk, the Fund should cover actions under the programme set up under Decision No 1982/2006/EC, under the programme set up by Council Decision of

Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007 to 2011), under the programme set up by Council Decision [...] of X 2011 establishing the Framework Programme of the European Atomic Energy Community (2012-2013) as well as actions under Regulation (EU) No XX/XX [Horizon 2020] and Regulation (Euratom) No XX/XX of the Council on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020- the Framework Programme for Research and Innovation [Euratom H2020] . Programmes managed by entities other than Union bodies should not be covered by the Fund.

18 December 2006 concerning the Seventh Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007 to 2011), under the programme set up by Council Decision [...] of X 2011 establishing the Framework Programme of the European Atomic Energy Community (2012-2013) as well as actions under Regulation (EU) No XX/XX [Horizon 2020] and Regulation (Euratom) No XX/XX of the Council on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020- the Framework Programme for Research and Innovation [Euratom H2020] . Programmes managed by entities other than Union bodies should not be covered by the Fund.

### Amendment 3

#### Proposal for a regulation

##### Recital 19

###### *Text proposed by the Commission*

(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.

###### *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 ***rules for open access to results and data, or dissemination or licensing*** conditions in the European strategic interest, ***or in order to tackle societal challenges where predominant global public interests are at stake.***

###### *Justification*

*In the case of major societal challenges such as the fight against viruses and epidemics, climate change mitigation, the fight against desertification, etc., there is a predominant public interest in the swift and broad dissemination of results and in universal accessibility to the products of frontier research through proper licensing.*

#### Amendment 4

##### 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, in accordance with intellectual property rights, with the aim that open access to such data becomes the general rule by 2020.***

#### Amendment 5

##### Proposal for a regulation Recital 19 b (new)

*Text proposed by the Commission*

*Amendment*

***(19b) Specific licensing models based on social obligations that are linked to taxpayer-funded research should be promoted for results concerning technologies with potential for tackling major societal challenges, for example the***

*development into a novel medical technology (e.g. drug, diagnostic or vaccine) or technologies for fighting climate change.*

*Justification*

*The licensing models such as "Equitable Access Licensing", "Socially Responsible Licensing" or "Global Access Licensing" developed by universities, public institutions or NGOs correspond to an implementation of licensing contracts that aims at maximizing the societal benefit of research results.*

**Amendment 6**

**Proposal for a regulation  
Recital 19 c (new)**

*Text proposed by the Commission*

*Amendment*

*(19c) The rules should ensure open access to scientific publications by researchers, research institutes, companies and citizens from third countries and, with regard to developing countries, open access to research that might be useful in order to meet challenges relating to health and the fight against hunger and malnutrition.*

**Amendment 7**

**Proposal for a regulation  
Recital 19 d (new)**

*Text proposed by the Commission*

*Amendment*

*(19d) In the selection process of proposals, the impact criterion should include the potential extent of dissemination and public availability of research results and data, assigning priority to projects potentially entailing a wider dissemination and exploitation of results.*

## Amendment 8

### Proposal for a regulation Recital 19 e (new)

*Text proposed by the Commission*

*Amendment*

***(19e) The setting-up of patent pools should be encouraged in order to allow the sharing of patented scientific data and increase collaborative efforts and R&D cooperation on specific technological needs, particularly in the context of European or global societal challenges.***

## Amendment 9

### Proposal for a regulation Article 2 – paragraph 1 – point 7

*Text proposed by the Commission*

*Amendment*

(7) 'dissemination' means the public disclosure of the results by any appropriate means (other than resulting from protecting or exploiting the results), including by publishing in any medium;

(7) 'dissemination' means the public disclosure of the results by any appropriate means (other than resulting from protecting or exploiting the results), including by publishing, in any medium, ***articles presenting the result of research such as scientific publications in peer-reviewed journals;***

#### *Justification*

*The publication of the results of research is an essential part of the scientific method. If they are describing experiments or calculations, they must supply enough details that an independent researcher could repeat the experiment or calculation to verify the results.*

## Amendment 10

### Proposal for a regulation Article 2 – paragraph 1 – point 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(7a) 'exploit/exploitation' means the direct use of results for developing, creating and***



*marketing a product or process, or for creating and providing a service;*

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7 b (new)**

*Text proposed by the Commission*

*Amendment*

*(7b) 'fair and reasonable conditions' means terms, including royalty-free conditions, which take into account the specific circumstances of the request for access and/or the scope, duration or other characteristics of the use envisaged;*

## **Amendment 12**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

*Amendment*

(10) 'legal entity' means undertakings, research centres and universities, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations;

(10) 'legal entity' means undertakings, research centres and universities, encompassing any natural person, or any legal person created under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations, *including non-profit and civil society organisations;*

## **Amendment 13**

### **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

Without prejudice to Article 3, the Commission shall, upon request, make available to the Union institutions and bodies, any Member State, associated *or*

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:

*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:

#### Amendment 14

##### Proposal for a regulation Article 6 – paragraph 2

*Text proposed by the Commission*

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.*

*Amendment*

2. The relevant work programme *shall* restrict *and exclude* the participation in Horizon 2020 or parts thereof of.

#### Amendment 15

##### Proposal for a regulation Article 6 – paragraph 2 – point a (new)

*Text proposed by the Commission*

*Amendment*

*(a) legal entities (including any affiliated entities) whose participation, by the objectives they pursue, their place of establishment, the nature or the location of their activities, would cause the Union to recognize as lawful, or would render aid or assistance in maintaining, a situation created by a serious breach of international law (including international humanitarian law), where such breach has been established by a resolution of the United Nations Security Council or by a judgment or advisory opinion of the International Court of Justice;*

## Amendment 16

### Proposal for a regulation

#### Article 6 – paragraph 2 – point b (new)

*Text proposed by the Commission*

*Amendment*

***(b) undertakings established in a third country where that third country promotes itself as an off-shore financial centre or in which there are no or only nominal taxes, where there is a lack of effective exchange of information with foreign tax authorities, where there is a lack of transparency in regard to legislative, judicial or administrative provisions, or where there is no requirement for a substantive local presence;***

## Amendment 17

### Proposal for a regulation

#### Article 6 – paragraph 2 – point c (new)

*Text proposed by the Commission*

*Amendment*

***(c) legal entities established in third countries where conditions for the participation of legal entities from Member States in that third country's research and innovation programmes are considered prejudicial to the Union's interests.***

## Amendment 18

### 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

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

work programme or work plan, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

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.***

## Amendment 19

### Proposal for a regulation Article 8 – paragraph 4

*Text proposed by the Commission*

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.

*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, ***given that the legal entity can compete across borders and is addressing societal challenges which are global in nature and include a European dimension.***

## Amendment 20

### Proposal for a regulation Article 12 – paragraph 1

*Text proposed by the Commission*

1. Where appropriate, proposals shall include a draft plan for the exploitation ***and*** dissemination of the results.

*Amendment*

1. Where appropriate, proposals shall include a draft plan for the exploitation ***of the results, whenever exploitation is expected or required as part of the call, as well as a plan for the*** dissemination of the results, ***including a data management and sharing plan.***

## Amendment 21

### 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.***

## Amendment 22

### Proposal for a regulation

#### Article 14 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The impact criterion shall include the potential extent of dissemination and public availability of research results and data, assigning priority to projects potentially entailing a wider dissemination and exploitation of results.***

## Amendment 23

### 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

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.

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.*

## Amendment 24

### Proposal for a regulation

#### Article 37 – paragraph 2 – subparagraph 4

##### *Text proposed by the Commission*

Appropriate measures shall be taken to seek gender balance and geographical diversity when appointing independent experts.

##### *Amendment*

Appropriate measures shall be taken to seek *a balance between all interests involved and to seek* gender balance and geographical diversity when appointing independent experts.

## Amendment 25

### Proposal for a regulation

#### Article 37 – paragraph 3

##### *Text proposed by the Commission*

3. The Commission or the relevant funding body shall take all necessary steps to ensure that the expert is not faced with a conflict of interests in relation to the matter on which the expert is required to provide an opinion.

##### *Amendment*

3. The Commission or the relevant funding body shall take all necessary steps to ensure that the expert is not faced with a conflict of interests in relation to the matter on which the expert is required to provide an opinion, *including through the publication of their full declaration of professional activities and financial interests, such as patents and shareholdings. Stakeholders or persons with conflicts of interests shall be prohibited from sitting 'in a personal capacity'.*

## **Amendment 26**

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

*Text proposed by the Commission*

*Amendment*

#### **Chapter VIIa SPECIFIC CASES**

## **Amendment 27**

### **Proposal for a regulation Article 37 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 37a**

##### ***Public-private partnerships***

***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.***

***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:***

***(a) the added value of action at Union level;***

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

***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:*

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

*(b) the scale of the resources involved and the ability to leverage additional investments in research and innovation*

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

*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.*

*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.*

*6. Involvement of the Union in those partnerships may take one of the following forms:*

*(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;*  
*(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.*

## **Amendment 28**

### **Proposal for a regulation Article 37 b - (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 37b*

##### *Public-public partnerships*

- 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].*
- 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:*
  - (a) a significant level of prior financial commitments of the participating entities to the joint calls and actions;*
  - (b) harmonised rules and implementation modalities of the joint calls and actions;*
- 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].*
- 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:*

*(a) an existing need for a dedicated implementation structure based on Article 185 TFEU;*

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

*(c) the added value of action at Union level;*

*(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.*

*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:*

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

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

## **Amendment 29**

### **Proposal for a regulation**

#### **Article 38 – paragraph 2 – subparagraph 2 – point b**

*Text proposed by the Commission*

*(b) fair and reasonable compensation shall be provided to the other joint owners.*

*Amendment*

*(b) compensation shall be fair and reasonable, if compensation is requested from the joint owners for granting non-exclusive licences to third parties to exploit the jointly owned results.*

## Amendment 30

### Proposal for a regulation

#### Article 38 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Notwithstanding the provisions of this Article, the participants may agree on a different allocation of ownership of the results.***

## Amendment 31

### Proposal for a regulation

#### Article 39 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

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.

Where a participant that has received Union funding intends not to protect results generated by it, 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, ***having regard to the public interest and with a view of maximising dissemination of results.***

## Amendment 32

### 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

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.

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 at ensuring the widest possible uptake of innovative solutions in accordance with intellectual property rights, 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.***

### Amendment 33

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

##### *Text proposed by the Commission*

Additional dissemination obligations may be laid down in the grant agreement.

##### *Amendment*

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 at ensuring accessibility of research results to those most affected by the specific societal challenge, respecting at the same time intellectual property rights.***

### Amendment 34

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

##### *Text proposed by the Commission*

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

##### *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.

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.***

### **Amendment 35**

#### **Proposal for a regulation**

#### **Article 40 – paragraph 2 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***Proposals shall contain a management plan and a plan on sharing of data and other results to ensure that they are made available as widely and freely as possible, while acknowledging the possible need for exclusive use of the research results.***

### **Amendment 36**

#### **Proposal for a regulation**

#### **Article 40 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Each participant shall report to the Commission or funding body on its exploitation and dissemination related activities. For the purposes of monitoring and dissemination by the Commission or funding body, participants shall provide any information and documents useful in accordance with the conditions laid down in the grant agreement.

3. Each participant shall report to the Commission or funding body on its exploitation and dissemination related activities. For the purposes of monitoring and dissemination by the Commission or funding body, participants shall provide any information and documents useful in accordance with the conditions laid down in the grant agreement. ***To ensure transparency, these reports shall be made publicly available.***

### **Amendment 37**

#### **Proposal for a regulation**

#### **Article 41 – paragraph 2**

*Text proposed by the Commission*

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.

*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. ***The possibility to grant licenses on an exclusive basis shall be exceptional and shall not conflict with the objective of maximum dissemination and exploitation of results. The conditions for such licenses shall be laid down in the grant agreement.***

**Amendment 38**

**Proposal for a regulation**

**Article 41 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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.

*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, ***of cooperating with third countries to address societal challenges,*** or is inconsistent with ethical principles or security considerations.

**Amendment 39**

**Proposal for a regulation**

**Article 42 – paragraph 1**

*Text proposed by the Commission*

Participants shall identify the background for their action in any manner in a written agreement.

*Amendment*

Participants shall identify the background ***necessary*** for their action in any manner in a written agreement.

**Amendment 40**

**Proposal for a regulation  
Article 43 – paragraph 1**

*Text proposed by the Commission*

1. Any request to exercise access rights or any waiving of access rights shall be made in writing.

*Amendment*

1. Any request to exercise access rights or any waiving of access rights shall be made in writing ***unless otherwise agreed by the participants.***

**Amendment 41**

**Proposal for a regulation  
Article 45 – paragraph 3**

*Text proposed by the Commission*

3. An affiliated entity established in a Member State or associated country shall, unless otherwise provided for in the consortium agreement, also have access rights to results or background under the same conditions if such access is needed to exploit the results generated by the participant to which it is affiliated.

*Amendment*

3. An affiliated entity established in a Member State, ***associated or third*** associated country shall, unless otherwise provided for in the consortium agreement, also have access rights to results or background under the same conditions if such access is needed to exploit the results generated by the participant to which it is affiliated.

**Amendment 42**

**Proposal for a regulation  
Article 45 – paragraph 4**

*Text proposed by the Commission*

4. A request for access under paragraphs 1, 2 and 3 may be made ***up to one year after***

*Amendment*

4. A request for access under paragraphs 1, 2 and 3 may be made ***at any time.***

*the end of the action*. However, the participants may agree *on* a *different* time-limit.

However, the participants may agree *to introduce* a time-limit *in exceptional cases in the context of a particular action*. Any *such time-limit shall take into consideration the nature of the results and the purpose of such access rights*.

## Amendment 43

### Proposal for a regulation Article 45 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 45a*

##### *Access Rights for Third Parties*

*1. After the completion of the action, third parties shall have the right to request and receive, under licence, access rights to the results of the participants in the action.*

*Such access rights shall be granted on a non-exclusive basis under fair and reasonable terms, as determined in the consortium agreement.*

*2. After the completion of the action, third parties shall have the right to request and receive, under licence, access rights to the background of the participants, but only to the extent reasonably required for and only for the purpose of the dissemination and exploitation of the results.*

*Such access rights shall be granted on a non-exclusive basis under fair and reasonable terms, as determined in the consortium agreement.*

*3. The terms for providing access rights under paragraphs 1 and 2 shall be included in the consortium agreement and referenced in the grant agreement. The proposed terms for third party research use of the results and of the background necessary for the research use of the results shall be reviewed as part of the evaluation of the proposal.*



## **Amendment 44**

### **Proposal for a regulation**

#### **Article 47 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. In case of innovation that is highly relevant to developing countries' needs, including in the field of global health, the Commission shall include, in the grant agreement, licensing conditions to improve access and affordability of biomedical products in developing countries.***

## **Amendment 45**

### **Proposal for a regulation**

#### **Article 48 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Specific provisions regarding ownership, access rights, exploitation and dissemination including licensing provisions, shall be laid down in the conditions governing a prize award, to ensure maximum uptake of the results and affordable and widespread access to the results.***

## PROCEDURE

|   |  |
|---|--|
| <b>Title</b>  | Rules for the participation and dissemination in 'Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020)'  |
| <b>References</b>   | COM(2011)0810 – C7-0465/2011 – 2011/0399(COD)  |
| <b>Committee responsible</b><br>Date announced in plenary         | ITRE<br>13.12.2011   |
| <b>Opinion by</b><br>Date announced in plenary                    | DEVE<br>10.5.2012  |
| <b>Rapporteur</b><br>Date appointed                               | Bill Newton Dunn<br>27.3.2012  |
| <b>Discussed in committee</b>                                     | 10.7.2012  |
| <b>Date adopted</b>   | 3.9.2012   |
| <b>Result of final vote</b>                                       | +: 24<br>–: 0<br>0: 0  |
| <b>Members present for the final vote</b>                         | Thijs Berman, Ricardo Cortés Lastra, Nirj Deva, Leonidas Donskis, Catherine Grèze, Eva Joly, Filip Kaczmarek, Miguel Angel Martínez Martínez, Gay Mitchell, Norbert Neuser, Bill Newton Dunn, Birgit Schnieber-Jastram, Michèle Striffler, Alf Svensson, Keith Taylor, Patrice Tirolien, Anna Záborská, Iva Zanicchi |
| <b>Substitute(s) present for the final vote</b>                   | Santiago Fisas Ayxela, Enrique Guerrero Salom, Fiona Hall, Gesine Meissner, Horst Schnellhardt   |
| <b>Substitute(s) under Rule 187(2) present for the final vote</b> | Phil Prendergast   |