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STANDING COMMITTEE OF THE EFTA STATES

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SUBCOMMITTEE IV ON FLANKING AND HORIZONTAL POLICIES EFTA WORKING GROUP ON RESEARCH AND DEVELOPMENT

EEA EFTA Comment on the Horizon 2020

The EEA EFTA States have participated fully in the EU framework programmes for research since the entry into force of the EEA Agreement in 1994. We welcome the proposal for the next framework programme for research and innovation, Horizon 2020, and we are following the process of its establishment very closely. In this context, we would like to raise our concerns regarding Article 7 in the Commission's proposal for the Regulation establishing Horizon 2020.

The list of criteria for "selected third countries" in Article 7.1. is new compared to the relevant provisions in the 7th Framework Programme and makes no explicit reference to participation of the EEA EFTA States based on the EEA Agreement.

The EEA EFTA States, stress the importance of making a clear reference to the EEA Agreement in the text of the Regulation.

This would be similar to past practice¹ as well as to current draft proposals for other programmes². Experience has shown that consistency in use of terms and definitions is important for the good functioning of the EEA Agreement. Our concern is that discrepancies in references might lead to legal uncertainty or differences in interpretation.

Also, the terms and conditions regarding the participation of the EEA EFTA States, including the financial contribution, are regulated by the EEA Agreement³. Therefore, they are already clarified to a larger extent than the proposed legislative text on Horizon 2020 would indicate.

¹ E.g. **Youth in Action** (Decision No 1719/2006/EC of the European Parliament and of the Council), **Media Mundus** (Decision No 1041/2009/EC of the European Parliament and of the Council), and **Progress** (Decision No 1672/2006/EC of the European Parliament and of the Council).

² **Erasmus for all** (COM(2011) 788 final), **Europe for Citizens programme** (COM(2011) 884 final), and the **Rights and Citizenship Programme** (COM(2011) 758).

³ EEA Agreement: <http://www.efta.int/~media/Documents/legal-texts/eea/the-eeaagreement/Main%20Text%20of%20the%20Agreement/EEAagreement.pdf> and Protocol 32 on financial modalities for implementation of Article 82: <http://www.efta.int/~media/Documents/legal-texts/eea/the-eea-agreement/Protocols%20to%20the%20Agreement/protocol32.pdf>

Furthermore, according to the EEA Agreement, EEA EFTA citizens enjoy the right of free movement of persons within the EEA Area. A clear reference to the EEA Agreement in Article 7 would in our opinion reduce the risk of complications with respect to the mobility of researchers. Our concern here is again that any discrepancies might lead to legal uncertainty.

We would therefore propose the insertion of an indent into Article 7.1. (c) using the wording from Article 18.1. (c) of the proposed draft Regulation establishing Erasmus for All: “the EFTA States that are party to the EEA Agreement, in accordance with the provisions of that Agreement; ...”⁴

In our opinion such a clear reference to the EEA EFTA States and the EEA Agreement will not conflict with the aims of the Commission by the specific wording of Article 7; it would only clarify the position of EEA EFTA applicants.

⁴ Article 7.1. would read as follows:

“1. Horizon 2020 shall be open to the association of:

(a) acceding countries, candidate countries and potential candidates, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and decisions of association councils or similar agreements;

(b) selected third countries that fulfil all of the following criteria:

(i) have a good capacity in science, technology and innovation;

(ii) have a good track record of participation in Union research and innovation programmes;

(iii) have close economic and geographical links to the Union;

(iv) are an EFTA State that is not party to the EEA Agreement or countries or territories listed in the Annex to Regulation (EU) No XX/2012 of the European Parliament and the Council establishing a European Neighbourhood Instrument.

(c) the EFTA States that are party to the EEA Agreement, in accordance with the provisions of that Agreement.”