



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 31 January 2014
(OR. en)**

5864/14

**Interinstitutional File:
2013/0242 (COD)**

**RECH 40
COMPET 57
CODEC 223**

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	5649/14 RECH 29 COMPET 45 CODEC 172
No. Cion doc.:	12372/13 RECH 358 COMPET 576 (COM(2013) 497 final)
Subject:	Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a European Metrology Programme for Innovation and Research jointly undertaken by several Member States

Delegations will find attached a Presidency compromise proposal on the proposal for a Decision of the European Parliament and of the Council on the participation of the Union in a European Metrology Programme for Innovation and Research jointly undertaken by several Member States to be examined at the meeting of the Research Working Party on Monday 3 February 2014.

In the column related to the position of the Council (doc.16548/13), the changes to the Commission proposal are indicated in **bold underlined** for additions and in ~~strikethrough~~ for deletions.

In the column related to the position of the ITRE Committee, the changes to the Commission proposal are indicated in ***bold italics*** for additions and in ~~strikethrough~~ for deletions.

In the 4th column, the changes to the Commission proposal are indicated in **bold** for additions and in ~~strikethrough~~ for deletions.

Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the participation of the Union in a European Metrology Programme for Innovation and Research
jointly undertaken by several Member States

RECITALS					
COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No	
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	[no change]	[no change]	[no change]	1	
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 185 and the second paragraph of Article 188 thereof,	[no change]	[no change]	[no change]	2	
Having regard to the proposal from the European Commission,	[no change]	[no change]	[no change]	3	
After transmission of the draft legislative act to the national Parliaments,	[no change]	[no change]	[no change]	4	
Having regard to the opinion of the European Economic and Social Committee ¹	[no change]	[no change]	[no change]	5	
⁽¹⁾ OJ C ... [ESC opinion] Acting in accordance with the ordinary legislative procedure,	[no change]	[no change]	[no change]	6	

Whereas:	[no change]	[no change]	[no change]	7
(1) In its Communication Europe 2020 A strategy for smart, sustainable and inclusive growth ⁽²⁾ the Commission underscores the need to develop favourable conditions for investment in knowledge and innovation so as to achieve smart, sustainable and inclusive growth in the Union. Both European Parliament and Council have endorsed that strategy	[no change]	[no change]	[no change]	8
⁽²⁾ COM(2010)2020 final of 3 March 2010.				

(2) Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) established by Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 2013⁽³⁾ (hereinafter "Horizon 2020 Framework Programme") aims at achieving a greater impact on research and innovation by contributing to the strengthening of public-public partnerships, including through Union participation in programmes undertaken by several Member States in accordance with Article 185 of the Treaty. ⁽³⁾ OJ ... [H2020 FP]	[no change]	AM 1 (2) Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) established by Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 2013⁵ (hereinafter 'Horizon 2020 Framework Programme') aims at achieving a greater impact on research and innovation by contributing to the strengthening of developing closer synergies, increasing coordination and avoiding unnecessary duplication with international, national and regional research programmes. Public-public partnerships, including through Union participation in programmes undertaken by several Member States in accordance with Article 185 of the Treaty should achieve these goals, meet the conditions specified in that Regulation in particular those in Article 20 and fully respect the General Principles in particular on open access and transparency.	(2) Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) established by Regulation (EU) No ...1291/2013 of the European Parliament and of the Council of ... 11 December 2013⁽³⁾ (hereinafter "Horizon 2020 Framework Programme") aims at achieving a greater impact on research and innovation by contributing to the strengthening of public-public partnerships, including through Union participation in programmes undertaken by several Member States in accordance with Article 185 of the Treaty. ⁽³⁾ OJ L 347, 20.12.2013, p. 347 [H2020 FP]	9
---	--------------------	--	--	----------

			<i>(2a) Public-public partnerships should aim at developing closer synergies, increasing coordination and avoiding unnecessary duplication with Union, international, national and regional research programmes and fully respect the Horizon 2020 General Principles, in particular on open access and transparency.</i>	9.1
--	--	--	--	-----

(3) By Decision No 912/2009/EC of the European Parliament and of the Council of 16 September 2009 on the participation by the Community in a European metrology research and development programme undertaken by several Member States⁽⁴⁾, the Community decided to make a financial contribution to the European Metrology Research Programme (hereinafter "EMRP") matching that of the participating states but not exceeding EUR 200 million, for the duration of the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) established) established by Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006⁽⁵⁾. ⁽⁴⁾ OJ L 257, 30.9.2009, p. 12. ⁽⁵⁾ OJ L 412, 30.12.2006, p. 1.	[no change]	[no change]	[no change]	10
--	-------------	-------------	-------------	----

(4) In April 2012, the Commission communicated to the European Parliament and the Council a report on Interim Evaluation of the European Metrology Research Programme – EMRP⁽⁶⁾. That evaluation was carried out by an expert panel three years after the beginning of the programme. The overall opinion of the expert panel was that EMRP is a well-managed joint European research programme that has already achieved a relatively high level of scientific, management and financial integration. The expert panel noted, however, limited industrial exploitation, limited opening to excellent science outside the metrology institutes and insufficient capacity building. The expert panel was also of the opinion that a more inclusive European metrology research area could be built by implementing EMRP. ⁽⁶⁾ COM(2012) 174 final of 16 April 2012.	[no change]	[no change]	[no change]	11
---	-------------	-------------	-------------	----

(5) According to Council Decision ... /2013/EU of ... 2013 establishing the Specific Programme implementing the Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020)⁽⁷⁾ further support may be provided to the European Metrology Research Programme. _____ ⁽⁷⁾ OJ ... [H2020 SP]	<i>[no change]</i>	AM 6 (5) According to Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 2013 establishing Horizon 2020^{6a} and Council Decision ... /2013/EU of ... 2013 establishing the Specific Programme implementing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020)⁽⁷⁾ further support may be provided to the European Metrology Research Programme. ^{6a} OJ ... [H2020] ⁽⁷⁾ OJ ... [H2020 SP]	(5) According to Council Decision ... /2013/743/EU of ... 3 December 2013 establishing the Specific Programme implementing Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020)⁽⁷⁾ further support may be provided to the European Metrology Research Programme. _____ ⁽⁷⁾ OJ ...L 347, 20.12.2013, p. 965 [H2020 SP]	12
--	---------------------------	---	--	-----------

(6) The European Metrology Programme for Innovation and Research (hereinafter "EMPIR"), aligned with the Europe 2020 strategy and the related flagship initiatives, in particular 'Innovation Union'⁽⁸⁾, 'A Digital Agenda for Europe'⁽⁹⁾, 'Resource-efficient Europe'⁽¹⁰⁾ and 'An industrial Policy for the Globalisation Era'⁽¹¹⁾, will be a more ambitious and inclusive programme implemented for ten years (2014-2024) by [28] participating states. As part of the improvements from the previous programme, EMPIR will include activities on innovation and industrial exploitation, on research for norms standardisation and standards regulatory purposes and on capacity building. ⁽⁸⁾ COM(2010) 546 final of 6 October 2010. ⁽⁹⁾ COM(2010) 245 final/2 of 26 August 2010 ⁽¹⁰⁾ COM(2011) 21 of 26 January 2011 ⁽¹¹⁾ COM(2012) 582 final of 10 October 2012	(6) The European Metrology Programme for Innovation and Research (hereinafter "EMPIR"), aligned with the Europe 2020 strategy and the related flagship initiatives, in particular 'Innovation Union'⁽⁸⁾, 'A Digital Agenda for Europe'⁽⁹⁾, 'Resource-efficient Europe'⁽¹⁰⁾ and 'An industrial Policy for the Globalisation Era'⁽¹¹⁾, will be a more ambitious and inclusive programme implemented for ten years (2014-2024) by [28] participating states. As part of the improvements from the previous programme, EMPIR will include activities on innovation and industrial exploitation, on research for norms standardisation and standards regulatory purposes and on capacity building. ⁽⁸⁾ COM(2010) 546 final of 6 October 2010. ⁽⁹⁾ COM(2010) 245 final/2 of 26 August 2010 ⁽¹⁰⁾ COM(2011) 21 of 26 January 2011 ⁽¹¹⁾ COM(2012) 582 final of 10 October 2012	[no change]	[for further discussion]	13
--	--	--------------------	---------------------------------	-----------

(7) The participating states intend to contribute to implement EMPIR during the period covered by EMPIR (2014-2024).	<i>[no change]</i>	CA.2 (7) The participating states intend to contribute to implement EMPIR during the period covered by EMPIR (2014-2024). <i>In order to take into account the duration of the Horizon 2020 Framework Programme for Research and Innovation, calls for proposals under this Programme should be launched by 31 December 2020.</i>	(7) The participating states intend to contribute to implement EMPIR during the period covered by EMPIR (2014-2024). In order to take into account the duration of the Horizon 2020 Framework Programme, calls for proposals under this Programme should [in principle] be launched by 31 December 2020. [In duly justified cases calls for proposals may be launched until 31 December 2021.]	14
(8) A ceiling should be established for the Union's participation in EMPIR for the duration of the Horizon 2020 Framework Programme. Within that ceiling, the Union contribution should be equal to the contribution of the participating states to EMPIR in order to achieve a high leverage effect and ensure a stronger integration of participating states programmes.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	15
(9) In line with the objectives of Regulation (EU) No .../2013, any Member State and any country associated to the Horizon 2020 Framework Programme should be entitled to participate in EMPIR.	<i>[no change]</i>	<i>[no change]</i>	(9) In line with the objectives of Regulation (EU) No --- 1291 /2013, any Member State and any country associated to the Horizon 2020 Framework Programme should be entitled to participate in EMPIR.	16

(10) The Union's financial contribution should be subject to formal commitments from the participating states to contribute to the implementation of EMPIR and the fulfilment of those commitments. Participating states' contributions to EMPIR should include a contribution to administrative costs within a ceiling of 5% of the budget of EMPIR. Participating states should commit to increase, if necessary, their contribution to EMPIR by a reserve funding capability of 50 % to ensure that they are able to fund their national entities (National Metrology Institutes and Designated Institutes) participating in the selected projects.	[no change]	[no change]	[no change]	17
---	--------------------	--------------------	--------------------	-----------

(11) The joint implementation of EMPIR requires an implementation structure. The participating states have agreed on the implementation structure for EMRP and set up in 2007 EURAMET e.V. (hereinafter "EURAMET"), the European Regional Metrology Organisation and a non-profit association under German law. EURAMET also has tasks and obligations related to the wider European and global harmonisation of metrology. Membership of EURAMET is open to all European National Metrology Institutes (NMI), as members, and to Designated Institutes (DI), as associates. Membership in EURAMET is not conditional upon existence of national metrology research programmes.	[no change]	[no change]	[no change]	18
--	-------------	-------------	-------------	----

Given that, according to the Report on Interim Evaluation of EMRP, the governance structure of EURAMET has proved to be efficient and of high quality for the implementation of the EMRP, EURAMET should also be used for the implementation of EMPIR. EURAMET should be the recipient of the Union's financial contribution.		AM 10 Given that, according to the Report on Interim Evaluation of EMRP, the governance structure of EURAMET has proved to be efficient and of high quality for the implementation of the EMRP, EURAMET should also be used for the implementation of EMPIR. EURAMET should be the recipient of the Union's financial contribution. <i>In staffing EURAMET attention must be paid to gender equality under Article 15 of the 'Horizon 2020' Framework Programme.</i>	[no change]	18.1
(12) In order to achieve the objectives of EMPIR, EURAMET should provide financial support mainly in the form of grants to participants in actions selected at the level of EURAMET. Those actions should be selected following calls for proposals under the responsibility of EURAMET. The ranking list should be binding as regards the selection of proposals and the allocation of funding from the Union's financial contribution and from the contributions from participating states for EMPIR projects.	[no change]		[no change]	19

(13) The Union's financial contribution should be managed in accordance with the principle of sound financial management and with the rules on indirect management set out in Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union⁽¹²⁾ and Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012⁽¹³⁾. ⁽¹²⁾ OJ L 298 of 26.10.2012. ⁽¹³⁾ OJ L 362 of 31.12.2012.	[no change]	[no change]	[no change]	20
---	-------------	-------------	-------------	----

(14) In order to protect the Union's financial interests, the Commission should have the right to reduce, suspend or terminate the Union's financial contribution if EMPIR is implemented inadequately, partially or late, or if the participating states do not contribute, or contribute partially or late, to the financing of EMPIR. Those rights should be provided for in the delegation agreement to be concluded between the Union and EURAMET.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	21
---	--------------------	--------------------	--------------------	----

(15) Participation in indirect actions funded by EMPIR is subject to Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 2013 laying down the rules for the participation and dissemination in 'Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)'⁽¹⁴⁾. However, due to specific operating needs of EMPIR it is necessary to provide for derogations from that Regulation in accordance with Article 1(3) of that Regulation [Rules for the participation and dissemination in Horizon 2020]. ⁽¹⁴⁾ OJ ... [H2020 RfP]		[no change]	(15) Participation in indirect actions funded by EMPIR is subject to Regulation (EU) No ...1290/2013 of the European Parliament and of the Council of ...3 December 2013 laying down the rules for the participation and dissemination in 'Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)'⁽¹⁴⁾. However, due to specific operating needs of EMPIR it is necessary to provide for derogations from that Regulation in accordance with Article 1(3) of that Regulation [Rules for the participation and dissemination in Horizon 2020]. ⁽¹⁴⁾ OJ ...L 347, 20.12.2013, p. 81 [H2020 RfP]	22
---	--	--------------------	---	----

(16) The contribution from participating states mainly represents institutional funding of the NMI and DI participating in the selected projects. The contribution from participating states should also include a cash contribution to the administrative costs of EMPiR. A proportion of the Union's contribution should be allocated to entities other than NMI and DI participating in the selected projects. The calculation of the Union's financial contribution for NMI and DI participating in EMPiR projects should ensure that the Union's contribution to EMPiR does not exceed the contribution of the participating states.	[no change]	[no change]	[no change]	23
--	--------------------	--------------------	--------------------	-----------

Considering that the institutional funding of the NMI and DI by participating states corresponds to the overheads allocated to the EMPIR projects and not reimbursed by the Union's contribution, the flat rate for the financing of the eligible indirect costs of the NMI and DI should be adapted compared to that set in the Regulation (EU) No .../2013 [laying down the rules for the participation and dissemination in 'Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)'].	<i>[no change]</i>	<i>[no change]</i>	Considering that the institutional funding of the NMI and DI by participating states corresponds to the overheads allocated to the EMPIR projects and not reimbursed by the Union's contribution, the flat rate for the financing of the eligible indirect costs of the NMI and DI should be adapted compared to that set in the Regulation (EU) No ... 1290 /2013 [laying down the rules for the participation and dissemination in 'Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)'] .	24
---	--------------------	--------------------	--	----

This flat rate should be determined on the basis of the full indirect costs declared as eligible by NMI and DI participating in EMRP projects, which are stable and constitute a reliable approximation of the indirect costs to be incurred by NMI and DI participating in EMPIR projects. Since those indirect costs amount to 140% of the total direct eligible costs of NMI and DI, except those for subcontracting and in kind contributions free of charge not used on their premises, the flat rate for the financing of indirect costs of NMI and DI should be lowered from [20%] in accordance with Regulation (EU) No ... /2013 to 5%.	This flat rate should be determined on the basis of the full indirect costs declared as eligible by NMI and DI participating in EMRP projects, which are stable and constitute a reliable approximation of the indirect costs to be incurred by NMI and DI participating in EMPIR projects. Since those indirect costs amount to 140% of the total direct eligible costs of NMI and DI, except those for subcontracting and in kind contributions free of charge not used on their premises, the flat rate for the financing of indirect costs of NMI and DI should be lowered from [2025%] in accordance with Regulation (EU) No ... /2013 to 5%.	This flat rate should be determined on the basis of the full indirect costs declared as eligible by NMI and DI participating in EMRP projects, which are stable and constitute a reliable approximation of the indirect costs to be incurred by NMI and DI participating in EMPIR projects. Since those indirect costs amount to 140% of the total direct eligible costs of NMI and DI, except those for subcontracting and in kind contributions free of charge not used on their premises, the flat rate for the financing of indirect costs of NMI and DI should be lowered from 2025% in accordance with Regulation (EU) No ---1290/2013 to 5%.	25
---	--	--	----

It is thus appropriate to provide for derogation from Article 24 of that Regulation for NMI and DI. Other entities participating in EMPIR projects should be funded in accordance with that Regulation.	<i>[no change]</i>	<i>[no change]</i>	It is thus appropriate to provide for derogation from Article 24 29 of that Regulation for NMI and DI. Other entities participating in EMPIR projects should be funded in accordance with that Regulation.	26
(17) The appropriateness of the funding model with regard to the matching principle between Union and non-Union funds should be re-assessed at the time of the interim evaluation of EMPIR.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	27
(18) Audits of recipients of Union funds provided in accordance with this Decision should ensure a reduction of administrative burden, in compliance with Regulation (EU) No .../2013 [the Horizon 2020 Framework Programme].	<i>[no change]</i>	<i>[no change]</i>	(18) Audits of recipients of Union funds provided in accordance with this Decision should ensure a reduction of administrative burden, in compliance with Regulation (EU) No ...1291/2013 [the Horizon 2020 Framework Programme].	28

(19) The Union's financial interests should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties in accordance with Regulation (EU, Euratom) No 966/2012.	[no change]	[no change]	[no change]	29
(20) The Commission should conduct an interim evaluation assessing in particular the quality and efficiency of EMPIR, progress towards the objectives set and a final evaluation and prepare a report on those evaluations.	[no change]	[no change]	[no change]	30
(21) Upon request from the Commission, EURAMET and the participating states should submit any information the Commission needs to include in the reports on the evaluation of EMPIR.	[no change]	[no change]	[no change]	31

(22) The objective of the decision is the Union participation in EMPIR, namely to support the provision of appropriate, integrated and fit-for-purpose metrology solutions and the creation of an integrated European Metrology Research system with critical mass and active engagement at regional, national, European and international level that cannot be sufficiently achieved by the Member States alone. The scale and complexity of metrology requirements calls for investments that go beyond the core research budgets of the National Metrology Institutes and their Designated Institutes.	[no change]	[no change]	[no change]	32
--	--------------------	--------------------	--------------------	-----------

The excellence required for research and development of cutting-edge metrology solutions is spread across national borders and hence cannot be brought together at national level only. Since the objective can therefore be better achieved at Union level by integrating national efforts into a consistent European approach, by bringing together compartmentalised national research programmes, by helping design common research and funding strategies across national borders, and by achieving the critical mass of actors and investments required, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this decision does not go beyond what is necessary in order to achieve those objectives,	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	33
---	---------------------------	---------------------------	---------------------------	-----------

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
	<u>(22a) It is appropriate to ensure a smooth transition without interruption between the EMRP and EMPIR, as well as to align the duration of EMPIR with the Council Regulation laying down the multiannual financial framework for the years 2014-2020⁽¹⁵⁾. Therefore, EMPIR should apply as from 1 January 2014.</u> ⁽¹⁵⁾ OJ ... [MFF]		(22a) It is appropriate to ensure a smooth transition without interruption between the EMRP and EMPIR, as well as to align the duration of EMPIR with the Council Regulation laying down the multiannual financial framework for the years 2014-2020⁽¹⁵⁾. Therefore, EMPIR should apply as from 1 January 2014. ⁽¹⁵⁾ OJ ... L 347, 20.12.2013, p. 884 [MFF]	34
HAVE ADOPTED THIS DECISION:	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	

<i>Article 1 Participation in the European Metrology Programme for Innovation and Research</i>	<i>Article 1 Participation in the European Metrology Programme for Innovation and Research</i>	<i>Article 1 Participation in the European Metrology Programme for Innovation and Research</i>	<i>Article 1 Participation in the European Metrology Programme for Innovation and Research</i>	35
1. The Union shall participate in the European Metrology Programme for Innovation and Research (hereinafter "EMPIR") jointly undertaken by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, the United Kingdom, as well as [Bosnia and Herzegovina, Norway, Serbia, Switzerland and Turkey] (hereinafter "participating states"), in accordance with the conditions set out in this Decision.	<i>Article 1 Participation in the European Metrology Programme for Innovation and Research</i> [no change]	<i>Article 1 Participation in the European Metrology Programme for Innovation and Research</i> [no change]	<i>Article 1 Participation in the European Metrology Programme for Innovation and Research</i> [no change]	36

2. Any other Member State and any other country associated to the Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) established by Regulation (EU) No .../2013 ... (hereinafter "Horizon 2020 Framework Programme") may participate in EMPIR provided it fulfils the condition set out in Article 3(1)(c) of this Decision. Those Member States and associated countries that fulfil the conditions set out in Article 3(1)(c) of this Decision shall be regarded as Participating States for the purposes of this Decision.	[no change]	[no change]	2. Any other Member State and any other country associated to the Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) established by Regulation (EU) No ...1291/2013 ...(hereinafter "Horizon 2020 Framework Programme") may participate in EMPIR provided it fulfils the condition set out in Article 3(1)(c) of this Decision. Those Member States and associated countries that fulfil the conditions set out in Article 3(1)(c) of this Decision shall be regarded as Participating States for the purposes of this Decision.	37
--	-------------	-------------	---	----

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
Article 2 <i>Union's financial contribution</i>	Article 2 <i>Union's financial contribution</i>	Article 2 <i>Union's financial contribution</i>	Article 2 <i>Union's financial contribution</i>	38
1. The maximum Union's financial contribution, including EFTA appropriations, to EMPIR shall be EUR 300 million.	[no change]	<u>AM 3</u> 1. The maximum Union's financial contribution, including EFTA appropriations, to EMPIR shall be EUR 300 285 million.	[for further discussion]	39

The contribution shall be paid from appropriations in the general budget of the Union allocated to the relevant parts of the Specific Programme, implementing Horizon 2020 Framework Programme, established by Decision ... /2013/EU, in accordance with Article 58(1)(c)(vi) and Articles 60 and 61 of Regulation (EU, Euratom) No 966/2012.		The contribution shall be paid from appropriations in the general budget of the Union allocated to the relevant parts of the Specific Programme, implementing Horizon 2020 Framework Programme, established by Decision ... /2013/EU, in accordance with Article 58(1)(c)(vi) and Articles 60 and 61 of Regulation (EU, Euratom) No 966/2012 and in particular appropriations allocated to the following challenges and themes: Leadership in nanotechnologies, advanced materials, biotechnology and advanced manufacturing and processing; Improving lifelong health and wellbeing; Improving food security; developing sustainable agriculture, marine and maritime research and the bio-economy; Making the transition to a reliable, sustainable and competitive energy system; Achieving an European transport system that is resource-efficient, environmentally friendly, safe and seamless; and Achieving a resource-efficient and climate-change resilient economy and a sustainable supply of raw materials.	The contribution shall be paid from appropriations in the general budget of the Union allocated to the relevant parts of the Specific Programme, implementing Horizon 2020 Framework Programme, established by Decision ... /2013/EU, in accordance with Article 58(1)(c)(vi) and Articles 60 and 61 of Regulation (EU, Euratom) No 966/2012 and in particular from Part II “Industrial leadership” and Part III “Societal challenges”.	39.1
--	--	---	---	------

2. Without exceeding the maximum amount set out in paragraph 1, the Union's contribution shall be equal to the contributions of the Participating States to EMPIR excluding the contributions of the Participating States to administrative costs exceeding 5% of EMPIR budget.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	40
3. The Union's contribution shall not be used to cover the administrative costs of EMPIR.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	41

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
<i>Article 3</i> <i>Conditions for the Union's financial contribution</i>	<i>Article 3</i> <i>Conditions for the Union's financial contribution</i>	<i>Article 3</i> <i>Conditions for the Union's financial contribution</i>	<i>Article 3</i> <i>Conditions for the Union's financial contribution</i>	42
1. The Union's financial contribution shall be conditional upon the following:	[no change]	[no change]	[no change]	43
a) the demonstration by the Participating States that EMPIR is set up in accordance with Annexes I and II;	[no change]	[no change]	[no change]	44
		<u>AM 12</u> (aa) the demonstration by the Participating States that EMPIR is set up in accordance with the objectives and research priorities laid down in the Horizon 2020 Framework;	[to be considered as a recital covering AMs 12,13 and 14: "EMPIR should be set up in accordance with the objectives, research priorities and general principles laid down in the Horizon 2020."]	44.1
		<u>AM 13</u> (ab) the demonstration by the Participating States that EMPIR is set up in accordance with the general principles governing the Horizon 2020 Framework;	[no change]	44.2

		AM 14 <i>(ac) the demonstration by the Participating States that EMPiR is set up in accordance with the conditions laid down in Article 20 of Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 2013 establishing Horizon 2020;</i>	[no change]	44.3
b) the designation by the Participating States, or National Metrology Institutes (NMI) designated by Participating States, of EURAMET e.V. (hereinafter "EURAMET"), as the structure responsible for implementing EMPiR and for receiving, allocating and monitoring the Union's financial contribution;	[no change]	[no change]	[no change]	45
c) the commitment by each participating state to contribute to the financing of EMPiR and to establish a reserve funding capability of 50% of the amount of the commitment;	[no change]	[no change]	[no change]	46

d) the demonstration by EURAMET of its capacity to implement EMPIR, including receiving, allocating and monitoring the Union's contribution in the framework of indirect management of the Union budget in accordance with Articles 58, 60 and 61 of Regulation (EU, Euratom) No 966/2012;	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	47
e) the establishment of a governance model for EMPIR in accordance with Annex III;	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	48
2. During the implementation of EMPIR, the Union contribution shall also be conditional upon the following:	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	49
a) the implementation by EURAMET of EMPIR objectives set out in Annex I and activities set out in Annex II in accordance with the rules for the participation and dissemination referred to in Article 5;	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	50
b) the maintenance of an appropriate and efficient governance model in accordance with Annex III;	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	51

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
c) the compliance by EURAMET with the reporting requirements set out in Article 60(5) of Regulation (EU, Euratom) No 966/2012;	[no change]	[no change]	[no change]	52
d) the fulfilment of the commitments referred to in point (c) of paragraph 1.	[no change]	[no change]	[no change]	53
Article 4 <i>Contributions from Participating States</i>	Article 4 <i>Contributions from Participating States</i>	Article 4 <i>Contributions from Participating States</i>	Article 4 <i>Contributions from Participating States</i>	54
Contributions from the Participating States shall consist of the following:	[no change]	[no change]	[no change]	55
a) contributions through institutional funding of the NMI and the Designated Institutes (DI) participating in EMPIR projects;	[no change]	[no change]	[no change]	56
b) financial contributions to the administrative costs of EMPIR.	[no change]	[no change]	[no change]	57

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
<i>Article 5</i> <i>Rules for participation and dissemination</i>	<i>Article 5</i> <i>Rules for participation and dissemination</i>	<i>Article 5</i> <i>Rules for participation and dissemination</i>	<i>Article 5</i> <i>Rules for participation and dissemination</i>	58
1. For the purposes of Regulation (EU) No ... [Rules for the participation and dissemination in Horizon 2020] EURAMET shall be considered a funding body and shall provide financial support to indirect actions in accordance with Annex II to this Decision.	<i>[no change]</i>	<i>[no change]</i>	1. For the purposes of Regulation (EU) No ... 1290/2013 [Rules for the participation and dissemination in Horizon 2020] EURAMET shall be considered a funding body and shall provide financial support to indirect actions in accordance with Annex II to this Decision.	59
2. By way of derogation from Article 24(1) of Regulation (EU) No ... [Rules for the participation and dissemination in Horizon 2020], indirect eligible costs of NMI and DI participating in projects funded by EMPIR shall be determined by applying a flat rate of 5% of their total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.	2. By way of derogation from Article [24(1)] of Regulation (EU) No ... [Rules for the participation and dissemination in Horizon 2020], indirect eligible costs of NMI and DI participating in projects funded by EMPIR shall be determined by applying a flat rate of 5% of their total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.	<i>[no change]</i>	2. By way of derogation from Article 24-29 (1) of Regulation (EU) No ... 1290/2013 [Rules for the participation and dissemination in Horizon 2020], indirect eligible costs of NMI and DI participating in projects funded by EMPIR shall be determined by applying a flat rate of 5% of their total direct eligible costs, excluding direct eligible costs for subcontracting and the costs of resources made available by third parties which are not used on the premises of the beneficiary, as well as financial support to third parties.	60

3. The interim evaluation of EMPIR referred to in Article 12 shall include an assessment of the full indirect costs of the NMI and the DI participating in EMPIR projects and of the corresponding institutional funding.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	61
4. On the basis of this assessment and for the purpose of Article 2(2), EURAMET may reduce the flat rate set out in paragraph 2.	4. On the basis of this assessment and for the purpose of Article 2(2), EURAMET may reduce adapt the flat rate set out in paragraph 2.	<i>[no change]</i>	GA text.	62
5. If not sufficient, EURAMET may, by way of derogation from Article 22(3) of Regulation (EU) No ... [Rules for the participation and dissemination in Horizon 2020], apply a lower reimbursement rate to the eligible costs of the NMI and the DI participating in projects funded by EMPIR.	5. If not sufficient, EURAMET may, by way of derogation from Article [22(3)] of Regulation (EU) No ... [Rules for the participation and dissemination in Horizon 2020], apply a lower reimbursement rate to the eligible costs of the NMI and the DI participating in projects funded by EMPIR.	<i>[no change]</i>	5. If not sufficient, EURAMET may, by way of derogation from Article 22 28 (3) of Regulation (EU) No ...1290/2013 [Rules for the participation and dissemination in Horizon 2020] , apply a lower reimbursement rate to the eligible costs of the NMI and the DI participating in projects funded by EMPIR.	63

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
		AM 16 5a. <i>In accordance with the principles of transparency and non-discrimination as laid out in Article 35, Article 60(1) and 128(1) of Regulation (EU, Euratom) No 966/2012, calls for proposals organised by EMPIR shall be published on the web-based Horizon 2020 Participant Portal.</i>	<i>[reflected in line 75.1 and in a new recital: “Calls for proposals by EMPIR should also be published on the Horizon 2020 Participant Portal.”]</i>	63.1
Article 6 <i>Implementation of EMPIR</i>	Article 6 <i>Implementation of EMPIR</i>	Article 6 <i>Implementation of EMPIR</i>	Article 6 <i>Implementation of EMPIR</i>	64
1. EMPIR shall be implemented on the basis of annual work plans.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	65
2. EURAMET shall provide financial support mainly in the form of grants to participants following calls for proposals.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	66
Before identifying the topics of each call for proposals, EURAMET shall invite interested individuals or organisations from the metrology research community and users to suggest potential research topics.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	67

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
<i>Article 7</i> <i>Agreements between the Union and EURAMET</i>	<i>Article 7</i> <i>Agreements between the Union and EURAMET</i>	<i>Article 7</i> <i>Agreements between the Union and EURAMET</i>	<i>Article 7</i> <i>Agreements between the Union and EURAMET</i>	68
1. Subject to a positive ex-ante assessment of EURAMET in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012, the Commission, on behalf of the Union, shall conclude a delegation agreement and annual transfer of funds agreements with EURAMET.	[no change]	[no change]	[no change]	69
2. The delegation agreement referred to in paragraph 1 shall be concluded in accordance with Articles 58(3), 60 and 61 of Regulation (EU, Euratom) No 966/2012 and in Article 40 of Delegated Regulation (EU) No 1268/2012. It shall also set out the following:	[no change]	[no change]	[no change]	70

(a) the requirements for EURAMET's contribution regarding the performance indicators set out in Annex II to Decision (EU) No ... [the Specific Programme implementing the Horizon 2020 Framework Programme];	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	(a) the requirements for EURAMET's contribution regarding the performance indicators set out in Annex II to Council Decision (EU) No 2013/743/EU ... [the Specific Programme implementing the Horizon 2020 Framework Programme];	71
(b) the requirements for EURAMET's contribution to the monitoring referred to in Annex III to Decision (EU) No ... [the Specific Programme implementing the Horizon 2020 Framework Programme];	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	(b) the requirements for EURAMET's contribution to the monitoring referred to in Annex III to Council Decision (EU) No 2013/743/EU ... [the Specific Programme implementing the Horizon 2020 Framework Programme];	72
(c) the specific performance indicators related to the functioning of EURAMET;	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	73
(d) the requirements for EURAMET regarding the provision of information on administrative costs and of detailed figures concerning the implementation of EMPIR;	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	74
(e) the arrangements regarding the provision of data necessary to ensure that the Commission is able to meet its dissemination and reporting obligations.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	75
				<i>(ea) provisions for the publication of calls for proposals by EMPIR in particular through Horizon 2020 dedicated electronic means of dissemination.</i>	75.1

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
Article 8 <i>Termination, reduction or suspension of the Union's financial contribution</i>	Article 8 <i>Termination, reduction or suspension of the Union's financial contribution</i>	Article 8 <i>Termination, reduction or suspension of the Union's financial contribution</i>	Article 8 <i>Termination, reduction or suspension of the Union's financial contribution</i>	76
If EMPIR is not implemented or is implemented inadequately, partially or late, the Commission may terminate, proportionally reduce or suspend the Union's financial contribution in line with actual implementation of EMPIR.	[no change]	[no change]	[no change]	77
If the Participating States do not contribute, contribute partially or late to the financing of the EMPIR the Commission may terminate, proportionally reduce or suspend the Union's financial contribution, taking into account the amount of funding allocated by the Participating States to implement EMPIR.	[no change]	[no change]	[no change]	78

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
<i>Article 9 Ex-post audits</i>	<i>Article 9 Ex-post audits</i>	<i>Article 9 Ex-post audits</i>		79
1. Ex-post audits of expenditure on indirect actions shall be carried out by EURAMET in accordance with Article 23 of Regulation (EU) No ... [the Horizon 2020 Framework Programme].	1. Ex-post audits of expenditure on indirect actions shall be carried out by EURAMET in accordance with Article [23] of Regulation (EU) No ... [the Horizon 2020 Framework Programme].	[no change]	1. Ex-post audits of expenditure on indirect actions shall be carried out by EURAMET in accordance with Article 23-29 of Regulation (EU) No 1291/2013 ...[the Horizon-2020 Framework Programme].	80
2. The Commission may decide to carry out the audits referred to in paragraph 1 itself.	2. The Commission may decide to carry out the audits referred to in paragraph 1 itself. <u>The Commission shall only do so in duly justified cases and in consultation with the relevant Participating States.</u>	[no change]	GA text.	81

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
Article 10 <i>Protection of the financial interests of the Union</i>	Article 10 <i>Protection of the financial interests of the Union</i>	Article 10 <i>Protection of the financial interests of the Union</i>	Article 10 <i>Protection of the financial interests of the Union</i>	82
1. The Commission shall take appropriate measures ensuring that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	[no change]	[no change]	[no change]	83

2. EURAMET shall grant Commission staff and other persons authorised by it, as well as the Court of Auditors, access to its sites and premises and to all the information, including information in electronic format, needed in order to conduct their audits.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	84
3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EC) No 1073/1999 of the European Parliament and of the Council¹⁵ and Council Regulation (Euratom, EC) No 2185/96¹⁶ with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded in accordance with this Decision. ¹⁵ OJ L 136, 31.5.1999, p. 1. ¹⁶ OJ L 292, 15.11.1996, p. 2.	3. The European Anti-fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EC) (EU, Euratom) No 1073/1999 883/2013 of the European Parliament and of the Council ⁽¹⁶⁾ and Council Regulation (Euratom, EC) No 2185/96⁽¹⁷⁾ with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded in accordance with this Decision. ¹⁶ OJ L 136, 31.5.1999, p. 1 OJ L 248, 18.9.2013, p.1. ¹⁷ OJ L 292, 15.11.1996, p. 2.	<i>[no change]</i>	GA text.	85

4. Contracts, grant agreements and grant decisions, resulting from the implementation of this Decision shall contain provisions expressly empowering the Commission, EURAMET, the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	86
5. In implementing EMPIR, the Participating States shall take the legislative, regulatory, administrative and other measures necessary for protecting the Union's financial interests, in particular, to ensure full recovery of any amounts due to the Union in accordance with Regulation (EU, Euratom) No 966/2012 and Delegated Regulation (EU) No 1268/2012.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	87

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
<i>Article 11</i> <i>Communication of information</i>	<i>Article 11</i> <i>Communication of information</i>	<i>Article 11</i> <i>Communication of information</i>	<i>Article 11</i> <i>Communication of information</i>	88
1. At the request of the Commission, EURAMET shall send any information necessary for the preparation of the reports referred to in Article 12.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	89
2. The Participating States shall submit to the Commission, through EURAMET, any information requested by the European Parliament, the Council or the Court of Auditors concerning the financial management of EMPIR.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	90
3. The Commission shall include the information referred to in paragraph 2 in the reports referred to in Article 12.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	91

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
Article 12 Evaluation	Article 12 Evaluation	Article 12 Evaluation	Article 12 Evaluation	92
1. By 31 December 2017 the Commission shall conduct an interim evaluation of EMPIR. The Commission shall prepare a report on that evaluation which includes conclusions and observations by the Commission. The Commission shall send that report to the European Parliament and to the Council by 30 June 2018.	[no change]	CA 1 1. By 31 December30 June 2017 the Commission shall conductorganise an independent interim evaluation of EMPIR. The Commission shall prepare a report on that evaluation which includes conclusions of the independent evaluation and observations by the Commission. The Commission shall send that report to the European Parliament and to the Council by 30 June31 December 2017. The result of the independent interim evaluation of EMPIR shall be taken into account in the interim evaluation of Horizon 2020. In order to respond to unforeseen situations or to new developments and needs the Commission may, following the interim evaluation of Horizon 2020 as referred to in Article 32(3) of the Regulation (EU) No 1291/2013 review, within the annual budgetary procedure, the budget of EMPIR.	1. By 31 December30 June 2017 the Commission shall conductorganise an independent interim evaluation of EMPIR. The Commission shall prepare a report on that evaluation which includes conclusions of the independent evaluation and observations by the Commission. The Commission shall send that report to the European Parliament and to the Council by 30 June2018 and to the Council by 30 June31 December 2017. The result of the independent interim evaluation of EMPIR shall be taken into account in the interim evaluation of Horizon 2020. [In order to respond to unforeseen situations or to new developments and needs the Commission may, following the interim evaluation of Horizon 2020 as referred to in Article 32(3) of the Regulation (EU) No 1291/2013 make proposals regarding the budget of EMPIR.]	93

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
2. At the end of the Union's participation in EMPIR, but no later than 31 December 2024, the Commission shall conduct a final evaluation of EMPIR. The Commission shall prepare a report on that evaluation which includes results of that evaluation. The Commission shall send that report to the European Parliament and the Council.	[no change]	[no change]	[no change]	94
Article 13 <i>Entry into force</i>	Article 13 <i>Entry into force</i>	Article 13 <i>Entry into force</i>	Article 13 <i>Entry into force</i>	95
This Decision shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Decision shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> . It shall apply from 1 January 2014.	[no change]	This Decision shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> . It shall apply from 1 January 2014.	96
Article 14 <i>Addressees</i>	Article 14 <i>Addressees</i>	Article 14 <i>Addressees</i>	Article 14 <i>Addressees</i>	97
This Decision is addressed to the Member States.	[no change]	[no change]	[no change]	98

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
ANNEX I	[no change]	[no change]	[no change]	99
Objectives of EMPiR	[no change]	[no change]	[no change]	100
EMPiR shall pursue the following general objectives:	[no change]	[no change]	[no change]	101
a) provide appropriate, integrated and fit-for-purpose metrology solutions supporting innovation and industrial competitiveness as well as measurement technologies addressing societal challenges such as health, environment and energy including support to policy development and implementation;	[no change]	[no change]	[no change]	102
b) create an integrated European Metrology Research system with critical mass and active engagement at regional, national, European and international level.	[no change]	[no change]	[no change]	103

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
ANNEX II	[no change]	[no change]	[no change]	104
Indirect actions supported by EMPIR	[no change]	[no change]	[no change]	105
1. EMPIR may support the following indirect actions in the area of joint research and technological development:	[no change]	[no change]	[no change]	106
1.1 scientific-technical actions supporting fundamental scientific metrology laying the basis for all successive steps including applied metrology research and development and metrology related services;	[no change]	[no change]	[no change]	107
1.2 metrology research to provide solutions for societal challenges focusing on contributions for energy, environment and health;	[no change]	[no change]	[no change]	108
1.3 research in order to develop novel measurement instrumentation aiming at industrial take-up of metrological technologies to stimulate innovation in industry;	[no change]	[no change]	[no change]	109

1.4 pre-normative and co-normative metrology research and development for priority documentary standards aiming to use the expertise of metrology institutes of the participating states to support policy implementation and accelerate innovative products and services to market;	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	110
1.5 metrology capacity-building activities on different technological levels aiming to achieve a balanced and integrated metrology system in the participating states.	1.5. metrology capacity-building activities aiming to achieve a balanced and integrated metrology system in the participating states, <u>and enabling them to develop their scientific and technical capabilities in metrology.</u> <i>[no change]</i>	<u>AM 4</u> 1.5. metrology capacity-building activities on different technological levels aiming to achieve a balanced and integrated metrology system in the participating states <u>and enabling them to develop their scientific and technical capabilities in metrology.</u> <i>[no change]</i>	GA text.	111
2. EMPIR may support further actions for the dissemination and exploitation of results of metrology research.	<i>[no change]</i>		<i>[no change]</i>	112

EMPIR may support other actions specifically addressing metrology institutes which have no or limited scientific capabilities, by supporting them in using other European Union, national or regional programmes for training and mobility, cross-border cooperation or investment in metrology infrastructure.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	113
3. EMPIR may support organisation of networking activities to promote EMPIR and maximise its impact.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	114
4. The indirect actions referred to in point 1 shall be carried out by NMI and DI. However, EMPIR shall encourage and support the participation of other entities. This approach is expected to lead to around 15% of the budget of EMPIR going to those entities.	4. The indirect actions referred to in point 1 shall be carried out by NMI and DI <u>according to the designation by the appropriate national authority</u> . However, EMPIR shall encourage and support the participation of other entities <u>to all calls launched by EMPIR</u> . This approach is expected to lead to around 15% of the budget of EMPIR going to those entities.	<i>[no change]</i>	GA text.	115

COMMISSION PROPOSAL (Doc. 12372/13)	COUNCIL GENERAL APPROACH (3.12.2013)	EP ITRE VOTE 23.1.2014 PROVISIONAL	COMPROMISE TEXT	Line No
ANNEX III	[no change]	[no change]	[no change]	116
Implementation and governance of EMPIR	[no change]	[no change]	[no change]	117
I Role of EURAMET	[no change]	[no change]	[no change]	118
1. EURAMET shall be responsible for implementing EMPIR, subject to Article 3. It shall manage the Union's financial contribution to EMPIR and shall be responsible for preparing and implementing the annual work plan, the organisations of calls for proposals, the handling of proposal evaluation and ranking and any other activities resulting from the annual work plan. EURAMET shall be responsible for grant management including signature of grant agreements, the receipt, allocation and monitoring of the use of the Union's financial contribution and payments to EMPIR participants in the selected projects.	[no change]	[no change]		119

The monitoring of the Union's financial contribution shall cover all the activities of control and audit, ex-ante and/or ex-post control, necessary to carry out the tasks delegated to EURAMET by the Commission. Those activities shall aim to gain reasonable assurance on the legality and regularity of the underlying transactions, and on the eligibility of the costs declared under grant agreements.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	120
2. EURAMET may entrust certain administrative and logistical tasks in implementing EMPIR to the participating states.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	121
II The organisational structure of EURAMET involved in implementing EMPIR	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	122
1. The EMPIR Committee shall be EMPIR's decision-making body.	1. The EMPIR Committee shall be EMPIR's decision-making body.	<i>[no change]</i>	1. The EMPIR Committee shall be EMPIR's decision-making body.	123
	<u>1. The General Assembly is the highest authority in all EURAMET matters. The EMPIR Committee manages the programme within a framework defined by EURAMET so that EURAMET can ensure that the programme as executed meets its objectives.</u>		GA text.	124

The EMPIR Committee shall be composed of representatives of EURAMET members from the participating states. The voting weights shall be calculated from the national commitments according to a square root rule.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	125
It shall take in particular decisions on the strategic research and innovation agenda, the planning of calls for proposals, the evaluation review procedure, the selection of the projects to be funded according to the ranking lists and the monitoring of progress of the funded projects. It shall adopt the annual work plan after obtaining approval from the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	126
The Commission shall have observer status in the meetings of the EMPIR Committee. However, the adoption of the annual work plan by the EMPIR Committee shall require the prior consent of the Commission. The EMPIR Committee shall invite the Commission to its meetings and send the Commission the relevant documents. The Commission may take part in the discussions in the EMPIR Committee.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	127

2. The Chairperson of the EMPIR committee and his/her deputy shall be elected by the EMPIR Committee. The Chairperson of the EMPIR committee shall be one of the two vice-chairpersons of EURAMET. The Chairperson of the EMPIR committee shall represent EURAMET in matters related to EMPIR.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	128
3. The Research Council shall be composed of high-level experts from industry, research, academia and international stakeholder organisations. It shall provide independent strategic advice on the annual work plan of EMPIR. The members of the Research Council shall be appointed by the EURAMET General Assembly.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	129
4. The Secretariat of EURAMET providing general administrative support for EURAMET shall keep the bank accounts for EMPIR.	<i>[no change]</i>	<i>[no change]</i>	<i>[no change]</i>	130

5. The Management support unit shall be established as part of the Secretariat of EURAMET and shall be responsible for the implementation and the day-to-day management of EMPiR.	[no change]	[no change]	[no change]	131
---	-------------	-------------	-------------	-----
