



**COUNCIL OF
THE EUROPEAN UNION**

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DELECT 38**

COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 14 February 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: C(2014) 967 final

Subject: COMMISSION DELEGATED REGULATION (EU) No .../. of 14.2.2014
establishing a derogation from Regulation (EU) No 1290/2013 of the
European Parliament and of the Council laying down the rules for
participation and dissemination in "Horizon 2020 - the Framework
Programme for Research and Innovation (2014-2020)" with regard to the
Clean Sky 2 Joint Undertaking

Delegations will find attached document C(2014) 967 final.

Encl.: C(2014) 967 final



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COMMISSION DELEGATED REGULATION (EU) No .../..

of 14.2.2014

establishing a derogation from Regulation (EU) No 1290/2013 of the European Parliament and of the Council laying down the rules for participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)" with regard to the Clean Sky 2 Joint Undertaking

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The Clean Sky Joint Undertaking, a public private partnership between the European Commission and the aeronautics industry, was established in 2008 by Council Regulation (EC) 71/2008. Its main objective is to develop environmental friendly technologies impacting all flying segments of commercial aviation, in order to contribute to the ACARE 2020 targets for reduction of emissions and noise in air transport in Europe.

Based on its achievements, the new Clean Sky 2 Joint Undertaking set up by [Council Regulation (EU) No /] ¹ is implemented in the context of Horizon 2020 by building on the Clean Sky programme experience. The new programme aims to improve further the environmental impact of European aeronautical technologies and secure the future international competitiveness of the European aeronautical industry. It should bring also additional benefits through an improved framework and operations as well as enable a substantial participation of SMEs, research organisations and universities through flexible and open calls for proposals procedures.

Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for the participation and dissemination in “Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)” will apply to the Clean Sky 2 Joint Undertaking. However, given the specific operating needs of this initiative as described in section 3 below, a derogation from this regulation is necessary.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission organised two meetings, on 17 and 25 September 2013, with experts nominated by the Member States to present and discuss the draft delegated act. The comments made by experts during the meetings and received in writing after the meetings were taken into account to a wide extent. Consequently, a large majority of experts endorsed the attached version of the draft delegated act. Copies of the initial and final drafts were sent in parallel to the European Parliament and to the Council.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act is adopted on the basis of Article 290 TFEU and according to the empowerment given by the Council and the European Parliament to the Commission in Articles 1(3) and 56 of Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in “Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)”.

According to Article 1(3), in order to take into account the specific operating needs of funding bodies set up under Article 187 TFEU, the Commission is empowered to adopt delegated acts in accordance with Article 56 of the same regulation.

¹ [Complete title of Regulation + OJ ref.]

For the Clean Sky 2 Joint Undertaking, the Commission is empowered to adopt a delegated act regarding the minimum conditions for participation. This derogation is justified by the fact that the Joint Undertaking will continue to launch calls which are very specific and targeted, focusing on precise activities allowing the work performed to fit into the final demonstrators. Such derogation has proven very effective for the Clean Sky Joint Undertaking in attracting SMEs as well as research organisations and universities.

4. BUDGETARY IMPLICATION

There is no specific budgetary implication with respect to the EU contribution to the Clean Sky 2 JU as established in the proposed Council Regulation.

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for the participation and dissemination in "Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)" and repealing Regulation (EC) No 1906/2006², and in particular Article 1(3)(a) thereof,

Whereas:

- (1) Regulation (EU) No 1291/2013 of the European Parliament and of the Council³ establishes the Framework Programme for Research and Innovation (2014-2020) (Horizon 2020) and provides for the involvement of the Union in public-private partnerships, including in joint undertakings, in key areas where research and innovation can contribute to Union's wider competitiveness goals and help tackle societal challenges.
- (2) Participation in indirect actions under Horizon 2020 should comply with Regulation (EU) No 1290/2013. However, in order to take into account the specific operating needs of joint undertakings established pursuant to Article 187 of the Treaty in the area of aeronautics, the power to adopt acts in accordance with Article 290 of the Treaty was delegated to the Commission for the duration of Horizon 2020 with a view to allowing funding bodies established under Article 187 of the Treaty in the area of aeronautics to reduce the minimum number of participants.
- (3) The Clean Sky 2 Joint Undertaking was set up by [Council Regulation (EU) No /⁴] in the area of aeronautics for a period up to 31 December 2024. Its aim is to improve the environmental impact of European aeronautical technologies and secure the future international competitiveness of the European aeronautical industry.

² OJ L 347, 20.12.2013, p. 81

³ OJ L 347, 20.12.2013, p. 104

⁴ [Complete title of Regulation + OJ ref.]

- (4) Specific operating needs have been identified as regards the rules for participation in Horizon 2020, and in particular the minimum number of participants. Calls for proposals launched by the Joint Undertaking are very specific and targeted, bringing innovative solutions which have to fit into the final demonstrators. In addition, allowing single entities to reply to a call for proposals of the Clean Sky Joint Undertaking has proven very effective in attracting the participation of small and medium-sized enterprises (SMEs) as well as research organisations and universities.
- (5) To continue to support a wide participation of SMEs as well as research organisations and universities, it is appropriate to provide for a derogation from the minimum number of participants laid down in Article 9(1) of Regulation (EU) No 1290/2013 in order to allow single entities to reply to a call for proposals launched by the Clean Sky 2 Joint Undertaking.

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 9(1) of Regulation (EU) No 1290/2013, as regards calls for proposals issued by the Clean Sky 2 Joint Undertaking, the minimum condition shall be the participation of one legal entity established in a Member State or associated country.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14.2.2014

For the Commission
The President
José Manuel BARROSO