



Council of the  
European Union

060841/EU XXVI. GP  
Eingelangt am 05/04/19

Brussels, 5 April 2019  
(OR. en, de)

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**Interinstitutional File:**  
**2018/0225(COD)**

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7911/19  
ADD 1

RECH 191  
COMPET 286  
IND 107  
MI 299  
EDUC 174  
TELECOM 147  
ENER 199  
ENV 349  
REGIO 69  
AGRI 172  
TRANS 228  
SAN 179  
CADREFIN 173  
CODEC 797  
SUSTDEV 51

**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	9870/19 + ADD 1
Subject:	Proposal for a DECISION OF THE COUNCIL on establishing the specific programme implementing Horizon Europe - the Framework Programme for Research and Innovation - Partial General Approach - Statements

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**Statement by Austria, Belgium, Czech Republic, Germany, Spain, France, Croatia, Italy,  
Luxembourg, Malta, Poland, Portugal, Slovenia and Slovakia on the future management of  
the clusters in Horizon Europe**

Austria, Belgium, Czech Republic, Germany, Spain, France, Croatia, Italy, Luxembourg, Malta, Poland, Portugal, Slovenia and Slovakia welcome the agreement on the Horizon Europe Framework Programme Regulation as well as on the Specific Programme Decision. The final compromise reached includes a programme structure with very broad clusters across several thematic areas, such as the clusters “Climate, Energy and Mobility” or “Digital, Industry and Space”. The advantages of this structure, which encourages interdisciplinary and intersectorial research and innovation, are obvious, however, it also poses challenges with regard to the implementation of the programme and the involvement of Member States.

The agreement includes the following statement with regard to the Programme Committee Configurations: *“Ad-hoc meetings could be organised within the clusters and/or with different Programme Committee configurations and/or with Committees established by other acts on horizontal and/or cross-cutting issues, such as space and mobility”*

The undersigned delegations therefore call on the Commission to inform the Member States in writing on which measures the Commission intends to take with regard to the above statement, in order to implement all programme clusters effectively, taking into account the specificities of the areas involved, in particular the areas of “Space” and “Mobility”, thus enabling full involvement of Member States, including their representation at appropriate expert level.

**Statement by**

**Austria, Belgium, Cyprus, Germany, Denmark, Spain, Ireland, Malta, the Netherlands and  
Sweden**

Die Frage der Befristung von Programmen – und so auch des Spezifischen Programms Horizont Europa in Artikel 1 Abs. 2 – sollte horizontal im Rahmen der MFR-Verhandlungen geklärt werden.

## **Statement by Hungary**

Hungary notes with concern that the legal basis of the decision on establishing the Specific Programme implementing Horizon Europe has not been resolved, as the exchange of views based on point 25 of the Interinstitutional Agreement on Better Law-Making of 13 April 2016 has not been concluded yet. Consequently, unanimity is required to adopt the decision of the Council on the Horizon Europe Specific Programme.

Hungary acknowledges the progress made in the negotiations on Horizon Europe legislative package, however is of the opinion that the improvements made on widening are not enough to trigger structural change and close the participation gap. As a result, we are not able to endorse - and therefore there is no unanimity on - the Partial General Approach on the Horizon Europe Specific Program decision.

### **Explanatory note to the vote from Sweden regarding Partial General Approach for the Specific Programme implementing Horizon Europe**

Within Horizon Europe, funding shall be distributed based on excellence in research and innovation. The proposals of the highest quality shall receive funding. Activities for widening the participation are well designed and will be funded in a dedicated part of the programme. Also in that part of the programme, funding shall be distributed based on excellence. These conditions must be reflected and emphasized in the operational objectives of the specific programme.

## Statement by the Commission

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5 § 4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 (4) recourse to subparagraph 2, point b), cannot be simply seen as a "discretionary power" of the legislator, but must be interpreted in a restrictive manner and thus must be justified. While the Commission notes the agreement reached by the European Parliament and the Council on the recourse to this provision, it regrets that such justification is not reflected in a recital.

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