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A safer, simpler model contract for RTD projects

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Shorter, simpler, safer. These are the characteristics of the new model contract for the research projects of the Fourth Framework Programme for research and technological development and demonstration (1994-1998) for RTD which the European Commission has recently adopted at the suggestion of Mme Edith Cresson, Commissioner for research, education and training, and Mr Martin Bangemann, Commissioner for industry, telecommunications and information technology.

The objective of the new contract is to ensure that the project results and technology transfer opportunities made possible by the Fourth Framework Programme are exploited to the fullest extent possible, whilst still respecting the legitimate commercial interests of all participants-a factor made explicit in several of the contract s clauses.

The current version of the model contract (which is still in use) dates back to 1988, but has been the subject of ever-increasing criticism on the part of its users. As soon as she became Commissioner, Mme Cresson decided that the contract needed simplification. It should be noted that the newly- approved contract is based on extensive consultation with organizations representing European industry, academia, and research centres, including IRDAC (the Industrial Research and Development Advisory Committee), UNICE (Union des industries de la Communauté européenne, a European association of industry and employers) and UEAPME (representing European artisans and SMEs).

The new contract will be used in projects covering some 85% of the budget for Community research, i.e. ECU 10.5 billion. Given that RTD projects are financed on a

shared-cost basis (50/50), this means the new model contract will be used for research with a total cost of some ECU 21 billion. To give some idea of the numbers involved, in 1994 alone the old contract was used for over 6000 projects involving some 18.260 organisations; these numbers are likely to increase considerably in the future, given the budget of the 4th Framework Programme.

Not only is the new contract half the length of the old, and simpler throughout, it also gives increased protection in the area of Intellectual Property Rights (IPR), by giving members of the consortium a legal right to the intellectual property resulting from a project, reinforcing confidentiality requirements regarding unprotected, unpublished scientific results, and making explicit the obligations and restrictions regarding technology transfer, paying particular attention to commercial interests.

The contract also includes a number of new features. For the first time, it allows for the participation of associated, non-EU states and the European Commission's Joint Research Centre in projects. The contract also ensures better dissemination and exploitation of research results by requiring the submission of a technology implementation plan (to be approved by the Commission) at or before the end of the project, and the publication of results enabling interested third parties to request licences for the technology developed.

Significant progress has also been made in the administrative domain, notably in the area of allowable costs and the ways in which payments are made. For example, the upper limit for depreciating data processing equipment over three years has been increased from ECU 10,000 to ECU 25,000, while the cost of personnel necessary for the preparation and execution of research projects can now be included up to a ceiling of 10% of total personnel costs. In addition, VAT not recovered by participants on invoices exceeding ECU 2,500 may be reimbursed by the Commission on top of the funding already awarded to the project. These changes will make it easier for SMEs to participate in research programmes.

In addition to this reworking of the basic contract, Mme Cresson has asked her staff to write new user manuals aimed at first-time participants and SMEs. These guides will be available both on paper and electronically.

Examples of the new model contract should be available on paper and on the World Wide Web before the end of September 1995.

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