

Article 169 of the Treaty

***Participation of the Community in research programmes
jointly undertaken by Member States***

**Screening of Science and Research Policy
Turkey and Croatia**

Brussels, 20 October 2005

Legal basis

Article 169 of the Treaty :

*“In implementing the multiannual framework programme, the **Community** may make provision, in **agreement with the Member States** concerned, for **participation in research and development programmes undertaken by several Member States**, including participation in the **structures** created for the execution of those programmes”*

Article 169 of the Treaty *Objectives*

*An instrument which goes **beyond** coordination of national research programmes, through :*

- An **active participation of the Community** in those programmes rather than simply supporting the coordination
- An **integration** of entire (or parts of) existing national research programmes rather than integrating activities of individual performers of research
- A **strategic long term cooperation** rather than an operational strategy for cooperation

Article 169 of the Treaty *Participation – Who ? (1)*

*An instrument with **Member states** as driving force...*

- Only Member States can be **addressed** by an “article 169” proposal
- National research programmes in which Community will participate are undertaken at the **sole initiative** of Member States
- Member States concerned shall **agree to the participation of the Community**

Article 169 of the Treaty *Participation – Who? (2)*

*...but where participation of **Associated States, Candidate Countries and third Countries** is possible*

- **Framework Programme VI** : via a joint structure
- “Article 169” is an **instrument of the Framework Programme**
- Condition : **Association agreements** to the Framework Programme or **S&T cooperation agreements** covering the ongoing Framework Programme
- Modalities of involvement of non Member States must be **agreed between Member States** since the Decision is addressed to the Member States

Article 169 of the Treaty

1st initiative under FP VI : EDCTP

*A first **successful example** to use “Article 169”*

- European and Developing Countries Clinical Trials Partnership (**EDCTP**) as a unique platform/programme
- European Parliament **and** Council decision of **16 May 2003**
- **Participation** of 14 MS + Norway
- MS programmes and Community FP6 fund each 200 Mio € in a **single pot** + 200 Mio € foreseen from industry
- One **common management structure** as EEIG in which the Commission does not take part
- Two levels of participation in the common structure
 - Full members (MS + Norway)
 - Associated members (African partners + non EEE States)
- Two years of **preparatory work**

Article 169 of the Treaty *EDCTP : Lessons learned*

*Useful lessons which will **consolidate further initiatives** for Framework Programme VII*

- Art. 169 only to be use **if really the only** and best instrument
- **Topic** falling within areas of the FP
- Evidence of high **Community interest** in the field
- Achievement of a **critical mass** for Europe
- Heavy and lengthy **decision procedure**
- Heavy **up-front investment** needed
- Clear **Member States commitment**