

**Analysis of Existing Instruments, Regulations
and Obstacles for U.S. participation
in the 7th Framework Programme (FP7)**

Status September 2011

Analysis of Existing Instruments, Regulations and Obstacles for U.S. participation in the 7th Framework Programme (FP7)

The BILAT-USA project (full title: *Bilateral Coordination for the Enhancement and Development of S&T Partnerships between the European Union and the United States of America*) aims to improve the awareness towards EU-U.S. Science & Technology cooperation through setting up a sustainable, knowledge based, and bi-regional dialogue platform between S&T key players as well as stakeholders from the EU-Member States including Associated countries and from the U.S.

The main activities of the BILAT-USA project are to:

- Reinforce the implementation of the EU-U.S. S&T Agreement by increasing the transatlantic Dialogue
- Increase collaboration and strengthen the participation of U.S. research organisations in FP7
- Provide easy access to information by setting up effective dissemination channels
- Identify and promote good practices and raise awareness on cooperation opportunities
- Create synergies with other existing projects and initiatives

The BILAT-USA project is funded under the European Union's Capacities Programme for International Cooperation within the 7th Framework Programme for Research and Technological Cooperation (FP7).

The project started on 1.10.2009 and will be finalised on 30.9.2011.

More information can be found on the project web-site:

<http://www.euussciencetechnology.eu/bilat-usa>

EXECUTIVE SUMMARY

The overall objective of this report is to analyse the most common limitations and obstacles that affect the participation of U.S. researchers and research organizations in the Seventh Framework Programme for Research and Technological Development (FP7), the EU's main instrument for funding research in Europe. Two questionnaires have been elaborated addressing on the one hand U.S. partners in FP7 projects and on the other hand European project coordinators with at least one U.S. project partner. This report presents the results of the online survey during September 2011, providing conclusions and recommendations for policy makers on both sides of the Atlantic.

EU-U.S. collaboration in FP7

Transatlantic S&T cooperation has a long history and the EU-U.S. S&T agreement is the basis for the S&T policy dialogue. U.S. participation in the FP is increasing but still not at the desired level. The number of projects involving U.S. partners in FP5 was only around 1% of total FP5 projects. During FP6 this share increased to 4.4%. The international dimension of FP7 provided the groundwork for increasing this participation. Even if FP7 is giving a new impetus to transatlantic research collaboration some results of this survey show aspects where further developments are needed.

- 90% of EU-U.S. co-operations in FP7 have been established through former contacts of either the project coordinator (69%) or another partner of the consortium (21%) with the U.S. partner.
- 70% of the European coordinator organisations come from the public sector (34% from Public Higher Education Institutions and 36% from Public Research Organisations), whereas in the U.S. only 39% come from the public sector (34% represent Public Higher Education Institutions and about 5% represent Public Research Organisations). 5.5% of the European coordinator organisations come from the private sector (Private Higher Education Institutions and Private Research Organisations) in contrast to 34% in the U.S.
- 60% of the U.S. project partners have signed an FP7 Grant Agreement with the European Commission, whereas 40% did not. 88% of the latter did retain a relationship with the project collaborating in different ways

¹ <http://www.eusscienceandtechnology.eu/bilat-usa/framework-program.html>

during the project lifetime, either acting as associates or experts in meetings, members in Advisory/Supervisory Committees, or signing a bilateral cooperation agreement or a Memorandum of Understanding.

- 25% of the projects with U.S. involvement were funded in FP7 under the Health Theme, 23% under the Information and Communication Technologies (ICT) Theme and 13% under the Environment (incl. Climate change) Theme. The Socio-economic Sciences and the Humanities Theme (2%) ranks last behind the Security Theme (3%).
- Main reasons for EU-U.S. collaboration in FP7 are access to specific expertise and improvement of scientific excellence. The establishment of a wider cooperation network is for both sides of the Atlantic a further reason for establishing FP7 collaborations.

Main obstacles to EU-U.S. collaboration in FP7

Obstacles to EU-U.S. collaboration in FP7 related to scientific issues, such as knowledge sharing or access to U.S. specific material, infrastructures/labs, or the scientific community seem not to be relevant neither for European coordinators nor for U.S. project partners.

The same is true for obstacles concerning the consortium, such as staff exchanges, decision making process, cooperation, communication or information exchange. These obstacles seem not to be relevant neither for European coordinators nor for U.S. project partners.

Regarding obstacles related to administrative/legal issues one financial constraint, i.e. lack of funding for the U.S. partner and one legal concern, i.e. applicable law/jurisdiction seem very relevant or relevant for European coordinators as well as for U.S. partners:

- For 31% of U.S. FP7 project partners' lack of funding for the U.S. partner is a very relevant obstacle and for 17% it is a relevant obstacle to FP7 participation.
- 27% of U.S. FP7 project partners claim that applicable law/jurisdiction is a very relevant obstacle, and 11% claim that it is a relevant obstacle to FP7 participation.
- 20% of U.S. FP7 project partners claim that the administrative burden and costs are very relevant obstacles, and 12% claim that they are relevant obstacles to FP7 participation.

Conclusions

It is obvious that, according to European coordinators and U.S. project partners, administrative and legal barriers to EU-U.S. FP7 collaboration have to be reduced. Bilateral agreements between the European Commission and U.S. national funding organisations regarding applicable law and jurisdiction have to be reached and more flexible and straightforward administrative procedures are needed. One major hurdle to EU-U.S. collaboration in FP7 is lack of funding for the U.S. partner. A synchronization of EU and U.S. funding programs is required allowing the U.S. partner to receive national funding if FP7 funding is not approved.

The fact that 90% of EU-U.S. co-operations in FP7 have been established through former contacts of the U.S. partner either to the project coordinator (69%) or another partner from the consortium (21%) might on the one hand imply that research cooperation networks are well established. On the other hand it is common knowledge that establishing new contacts in the U.S. needs a lot of efforts. European partners might prefer to get back to the already existing contacts not even trying to search for other suitable research partners. In this case the dialogue and communication should be enhanced and visibility as well as transparency of European S&T activities should be increased in the U.S. and vice versa in order to provide more room and flexibility for joint innovative ideas and state-of-the-art research.

TABLE OF CONTENTS

TABLE OF CONTENTS	5
1. Methodology.....	6
2. Instruments and regulations for U.S. participation in FP7	7
3. Obstacles and barriers to U.S. participation in FP7: Questionnaires results	12
3.1 Feedback from EU coordinators	12
3.1.1 Background.....	12
3.1.2 Obstacles.....	17
3.1.3 Recommendations for future developments.....	20
3.2 Feedback from U.S. participants	21
3.2.1 Background.....	21
3.2.2 Obstacles.....	23
3.2.3 Recommendations for future developments.....	27
4. Conclusions	28
5. Recommendations for policy makers.....	30
6. Sources	33
7. Annex III: List of abbreviations.....	35

1. Methodology

In the frame of the BILAT-USA project two different questionnaires were elaborated addressing European FP7 project coordinators managing a consortium with at least one project partner from the U.S. as well as U.S. partners in FP7 projects. The online survey was open during September 2011.

The questionnaires were structured into 4 main sections:

- 1) Proposal/Project Information**
- 2) Consortium Profile**
- 3) Information On The Preparation Of The Proposal**
- 4) Challenges and Concerns**

Each section was composed of a series of questions, some with multiple choice, other gave the possibility to rate the importance of the statements provided, some other were open to explanations, suggestions, and recommendations.

A total of 633 European project coordinators and U.S. project partners taking part in FP7 projects funded under the COOPERATION, CAPACITIES and EURATOM specific programmes² (277 coordinators and 356 U.S. participants in FP7 projects) have been invited by the European Commission to participate in the BILAT-USA online survey during September 2011.

130 European FP7 project coordinators (47%) and 105 U.S. participants in FP7 projects (29%) filled in the online questionnaire. 93% of the European project coordinators were situated in an EU Member State (MS), only 6.5% in an FP7 Associated Country (AC).

Thanks to Jürgen Sanders (Research Programme Officer - USA, Japan, Korea; European Commission DG Research and Innovation, Directorate for International Cooperation, 2011) the online survey and this report were possible.

² Participants in the PEOPLE and IDEAS Programme were not contacted.

2. Instruments and regulations for U.S. participation in FP7

The launch of the Seventh Framework Programme for Research and Technological Development (FP7) places new emphasis on international research cooperation which is increasingly seen as being at the centre of Community policies.

The new approach to international cooperation in FP7 provides mechanisms for promoting international research collaboration, by addressing three interdependent objectives:

- supporting European scientific and economic development through strategic partnerships with Third Countries (non-EU Member States or FP7 Associated Countries), such as the U.S., in selected fields of science and by engaging the best Third Country scientists to work in and with Europe;
- facilitating contacts with partners in Third Countries with the aim of providing better access to research carried out elsewhere in the World;
- addressing specific problems that Third Countries face or that have a global character (e.g. by contributing towards Millennium Development Goals, addressing global climate change, combating biodiversity loss, water and energy scarcity).

The approach on international cooperation under FP7 is significantly different than under FP6. It aims at integrating international research collaboration throughout the Framework Programme and includes both geographical and thematic targeting.

Implementation in the Cooperation Programme

The Cooperation Programme covers ten themes corresponding to major fields in the progress of knowledge and technology ranging from Health to Security. All ten themes have an important international dimension (with particular considerations in the Security theme owing to confidentiality requirements), and most of the FP7 funding for international cooperation will be available under this Programme.

International collaborative research in the Cooperation Programme is supported in two ways to ensure a balanced thematic and geographic participation by Third Countries and regions:

1. The opening of the thematic areas to all Third Countries. This includes, in addition, new dedicated actions and calls for Third Countries (mainly industrialised and emerging economies). The general opening of FP7 to international partners will enable participation in the programme by the global scientific community alongside European partners. This opening differs from previous Framework Programmes by placing more emphasis on attracting collaboration with Third Country partners.
2. Specific International Cooperation Actions in each thematic area dedicated to Third Countries where there is mutual interest on the basis of both the S&T level and the needs of the countries concerned.

Implementation in the Capacities Programme

The Capacities Programme includes seven activities, one of which is fully dedicated to International Cooperation. The International Cooperation activity will foster international cooperation through support measures for Third Countries and regions on the International Cooperation Partner Countries (ICPC) list. The objective of these activities is to enable the EU, Third Countries and regions to discuss current and future research priorities, to facilitate debate between the different stakeholders. The outcomes of these dialogues will provide intelligence for developing research policy, provide input to the respective FP7 Specific Programmes and inspire research topics for international cooperation, in particular in the Cooperation Programme.

The activity also supports actions to increase coherence in international research activities with and amongst the Member States that contribute to a better Europe-level coordination on aspects of international S&T cooperation.

The activities supported have three major objectives:

1. To strengthen bi-regional and bilateral dialogues in scientific cooperation and assist in joint identification of topics for collaboration under FP7 thematic programmes.
2. To network different stakeholders (such as universities, industry, government, civil society and donors) in order to strengthen research capacity. This activity will target countries which have an S&T cooperation agreement with the European Community or are in the process of negotiating one. Examples include the development of information facilities in Third Countries to assist in identifying and building research partnerships between different types of research actors.
3. To facilitate the development and implementation of a coherent European-level approach towards international S&T cooperation.

Implementation in the People Programme

The international dimension of the People Programme reinforces international cooperation in FP7 by supporting researcher mobility and their career development. It is directed at increasing the quality of European research, both by supporting European researchers to undertake research abroad and by attracting research talent from outside Europe and fostering research collaborations.

It includes two main action lines:

1. Career development/life-long training for EU researchers
 - a. International outgoing fellowships at postdoctoral level and beyond (with an in-built mandatory return phase): enable European researchers to be trained and acquire new knowledge within high level Third Country research organisations. Promising European researchers will gain research training experience outside Europe and add different or complementary research competences at an advanced level to their experiences.
 - b. International re-integration grants: encourage European researchers, who have carried out research outside Europe for at least 3 years, to return to a Member State or Associated country in order to contribute to European research and to transfer the knowledge they have acquired in a Third Country.

2. International cooperation for and with researchers from Third Countries

- a. International incoming fellowships for experienced researchers: for knowledge transfer with Europe, and enrichment of research collaboration. Researchers from Third Countries will be offered support to undertake research projects in Europe with a view to enhancing the possibility of future collaborative research links with Europe.
- b. Marie Curie host driven actions: as a general rule (e.g. the Research Training Networks targeting doctoral candidates) all are open to Third Country nationals.
- c. A partnership scheme: these grants focus on staff exchanges between several European research organisations and organisations from countries covered by the European Neighbourhood Policy, and countries with which the Community has S&T Agreements with the EU.
- d. Support to scientific Diasporas: a new action to support the expansion of the successful pilot exercise to network European researchers abroad by means of European Researchers Abroad networks - the ERA-Link initiative. These activities will establish links between Europe and expatriate European researchers, promote collaborations with the European research community, as well as support networking activities of Third Country researchers in Europe.

Implementation in the Ideas Programme

The Ideas Programme aims to reinforce European activities in leading edge or 'frontier' research, providing support for individual teams rather than for multinational consortia.

Individual international researchers will be encouraged to join with Europe-led teams, where they will bring specific expertise from outside Europe to enrich the research being undertaken.

Full recognition is given to the need to associate top scientists from elsewhere in the world in reinforcing excellence, dynamism and creativity in European research.

Implementation in Euratom (2007-2011)

International cooperation in the area of research in fission and radiation protection is an important element of the Euratom Programme. High-level agreements between Euratom and certain Third Countries facilitate the cooperation; moreover participation of Third Countries in projects is possible on an ad hoc basis. Dedicated research topics, should ensure greater international cooperation. In fusion research, international collaboration is supported by bilateral or multilateral fusion agreement. An important example is the ITER Project which provides a major step towards the creation of prototype reactors for fusion power stations. This project is implemented by an international organisation established by Euratom, China, India, Japan, Korea, the Russian Federation and the United States.

3. Obstacles and barriers to U.S. participation in FP7: Questionnaires results

3.1 Feedback from EU coordinators

3.1.1 Background

A. Proposal/project information

10% of the involved projects have been completed (status September 2011), 5,5 % of the projects were under negotiation, 10% had their proposal negotiations completed but not yet signed their FP7 Grant Agreement, and 74,3% (81 projects) were in progress having signed their FP7 Grant Agreement with the European Commission.

60% of the U.S. project partners have signed an FP7 Grant Agreement with the European Commission (see Chart 1), whereas 40% (42 U.S. partners) did not. 88% of these (37 U.S. partners) did retain a relationship with the project, only 12% did not (5 U.S. partners).

Did the U.S. partner(s) all sign a FP7 Grant Agreement?		% of Respondents	Number of Respondents
Yes (go directly to question 1.5)		60.38%	64
No		39.62%	42
Number of respondents			106
Number of respondents who skipped this question			24

If No, did the U.S. partner(s) retain a relationship with the project?		% of Respondents	Number of Respondents
Yes		88.10%	37
No (go directly to question 1.5)		11.90%	5
Number of respondents			42
Number of respondents who skipped this question			88

Chart 1: U.S. project partners signing a Grant Agreement

Those 88% of U.S. project partners who did not sign a Grant Agreement collaborated in different ways during the project lifetime, such as associates or experts in meetings, external reviewers, private expert consultants, being member of the Advisory/Supervisory Committee, signing a bilateral cooperation agreement or a Memorandum of Understanding.

The Total EC contribution for U.S. partners varied between none to a maximum of €1,640,000. In some cases only travel expenses were eligible for the U.S. partner (€15,000 - €30,000).

B. Consortium Profile

100 of the European coordinators (who responded to this question) are based in an EU Member States, while only 7 in an FP7 Associated Country.

Where is your organization based?		% of Respondents	Number of Respondents
EU Member State		93.46%	100
FP7 Associated Country		6.54%	7
		<i>Number of respondents</i>	107
		<i>Number of respondents who skipped this question</i>	23

Chart 2: European coordinator basement

About 70% of the European coordinator organisations represent public higher education institutions (34%) and public research organisations (36%). Private higher education institutions and private research organisations account for only 5.5%. SMEs account for 10% and Industry for only 7%.

Which type of organization do you represent?		% of Respondents	Number of Respondents
Private Higher Education Institution		0.93%	1
Public Higher Education Institution		33.64%	36
Private Research organization		4.67%	5
Public Research organization		36.45%	39
Governmental authority		0.93%	1
Industry		7.48%	8
Small or medium sized enterprise (SME)		10.28%	11
Other		5.61%	6
		<i>Number of respondents</i>	107
		<i>Number of respondents who skipped this question</i>	23

Chart 3: European coordinator type of organization

96 projects with U.S. involvement were funded under the Cooperation Program, about 25% under the Health Theme, about 23% under the Information and Communication Technologies (ICT) Theme and 13% under the Environment (incl. Climate change) Theme (see Chart 4).

The Socio-economic Sciences and the Humanities Theme (2 projects) ranks last behind the Security Theme (3 projects).

Cooperation Programme		% of Respondents	Number of Respondents
Health		25.22%	29
Food, agriculture/fisheries & biotechnology		6.96%	8
Information and communication technologies		23.48%	27
Nanosciences, materials and new production technologies		7.83%	9
Energy		8.70%	10
Environment (including Climate change)		13.04%	15
Transport (including Aeronautics)		4.35%	5
Socio-economic sciences and the humanities		1.74%	2
Space		6.09%	7
Security		2.61%	3
		Number of respondents	96
		Number of respondents who skipped this question	34

Chart 4: Projects funded under the Cooperation Programme

13 projects with U.S. involvement were funded under the Capacities Programme, 6 projects under Research Infrastructures, 4 under International Cooperation, and 3 under Science in Society.

Capacities Programme		% of Respondents	Number of Respondents
Research infrastructures		42.86%	6
Science in society		21.43%	3
International Cooperation		28.57%	4

Chart 5: Projects funded under the Capacities Programme

C. Preparation of the Proposal

A very interesting result is the way in which contacts to U.S. project partners have been established (see Chart 6). About 69% of the European project coordinators indicated that there has already been an existing contact before the current project cooperation. About 21% claimed that there was an existing contact between the U.S. partner and another European partner from the current project. Only 5 of the European coordinators have met their future U.S. project partner on a conference/meeting.

How was the contact with the U.S. project partner established?	% of Respondents	Number of Respondents
Existing contact	68.93%	71
Existing contact with other project partner	21.36%	22
Known from literature	1.94%	2
Meeting/conference	4.85%	5
Via National Contact Point or other intermediary	0.00%	0
Via partner search database (e.g. CORDIS)	0.00%	0
existing contact to partner from another national project	0.97%	1
Google	0.97%	1
Other partner has been in contact for years	0.97%	1
<i>Number of respondents</i>		103
<i>Number of respondents who skipped this question</i>		27

Chart 6: Contact established with the U.S. project partner

Main reasons for European project coordinators to involve U.S. partners in their project were:

- 1) Access to specific expertise (round 21%)
- 2) Improvement of scientific excellence of the proposal/project (round 19%)
- 3) Expectations of higher project impact (13%)
- 4) Establishment of a wider cooperation network (round 12%)
- 5) Improve relations to U.S. researchers (round 9%)
- 6) Expectations of technological advantages/breakthroughs (round 8%)

3.1.2 Obstacles

The core part of the questionnaire addressed to European coordinators was centred on the potential obstacles that hinder U.S. participation in FP7.

As a first step, the European coordinators were asked to mark from 1 (not relevant) to 5 (very relevant) some specific statements regarding the following identified potential obstacles:

- **Obstacles related to scientific issues**

- Knowledge sharing
- Access to U.S. partners specific material and documents
- Access to U.S. research, infrastructures and labs
- Access to U.S. scientific community

Results: Obstacles related to scientific issues seem not to be relevant obstacles for European coordinators; 60%-73% indicated 1 (not relevant).

- **Obstacles concerning the consortium**

- Staff exchanges
- Decision making process within the consortium
- Cooperation with partners
- Communication, information exchange

Results: A similar picture can be seen for obstacles concerning the consortium, with 55%-69% of European coordinators indicating these obstacles not to be relevant.

- **Obstacles related to administrative/legal issues**

- Legal concerns

Regarding obstacles related to legal concerns only one legal issue, i.e. applicable law/jurisdiction seems very relevant or relevant for European coordinators, of which 29% claim that applicable law/jurisdiction is a very relevant obstacle, and 17% claim that it is a relevant obstacle (see Chart 7).

- Administrative issues

Administrative burden and costs, reporting requirements and the assessment of final reports seem not to be relevant obstacles for European coordinators; 41%-57% indicated 1 (not relevant).

- Issues concerning IP provisions

Publication restrictions/delays, concerns about protection, ownership and licensing of know how seem not to be relevant obstacles for European coordinators; 52%-68% indicated 1 (not relevant).

- Financial constraints

For 24% of European coordinators lack of funding for the U.S. partner is a very relevant obstacle and for 10% it is a relevant obstacle (see Chart 10).

Results: Applicable law/jurisdiction in FP7 projects is the only outstanding legal concern European coordinators stated as very relevant (29%) and relevant (17%) obstacle for U.S. participation (see Chart 7). In addition to this the second outstanding constraint in FP7 projects is of financial nature, namely the lack of funding for the U.S. partner. For 34% of European coordinators this is a very relevant and relevant obstacle to transatlantic cooperation. All other concerns of legal, administrative or financial nature seem not to be relevant.

Legal concerns

	1	2	3	4	5	Number of Respondents
Issues concerning applicable law/jurisdiction (EU/ US)	31% (27)	11% (10)	10% (9)	17% (15)	29% (25)	86
Issues concerning dispute settlement/binding arbitration	60% (51)	15% (13)	3% (3)	9% (8)	10% (9)	84
Export control restrictions	74% (61)	10% (9)	7% (6)	3% (3)	3% (3)	82
Restriction to transfer materials/bio-resources	75% (61)	8% (7)	11% (9)	2% (2)	2% (2)	81
Confidentiality of data	63% (52)	17% (14)	12% (10)	4% (4)	2% (2)	82
Financial penalties/ liquidated damages	69% (57)	12% (10)	7% (6)	3% (3)	7% (6)	82
						Number of Respondents 87
						Number of respondents who skipped this question 43

Chart 7: Obstacles related to legal concerns

Administrative issues

	1	2	3	4	5	Number of Respondents
Administrative burden and costs	41% (35)	20% (17)	17% (15)	7% (6)	13% (11)	84
Reporting requirements	48% (40)	20% (17)	12% (10)	8% (7)	10% (9)	83
Assessment of final reports	57% (47)	20% (17)	12% (10)	4% (4)	4% (4)	82
						Number of Respondents 85
						Number of respondents who skipped this question 45

Chart 8: Obstacles related to legal concerns

Issues concerning IP provisions

	1	2	3	4	5	Number of Respondents
Publication restrictions / delays	68% (58)	15% (13)	10% (9)	2% (2)	3% (3)	85
Concerns about protection of know how	52% (45)	18% (16)	12% (11)	5% (5)	10% (9)	86
Concerns about ownership of know how	55% (47)	16% (14)	12% (11)	4% (4)	10% (9)	85
Concerns about licensing of know how	60% (50)	15% (13)	10% (9)	6% (5)	6% (5)	82
						Number of Respondents 86
						Number of respondents who skipped this question 44

Chart 9: Obstacles related to legal concerns

Financial constraints

	1	2	3	4	5	Number of Respondents
Lack of funding for the U.S. partners	42% (37)	14% (13)	8% (7)	10% (9)	24% (21)	87
Level of overheads	60% (52)	19% (17)	5% (5)	6% (6)	6% (6)	86
Contribution to Guarantee Fund	80% (67)	7% (6)	6% (5)	4% (4)	1% (1)	83
						Number of Respondents 87
						Number of respondents who skipped this question 43

Chart 10: Obstacles related to financial constraints

3.1.3 Recommendations for future developments

European coordinators were asked (open question) finally to give some recommendations and suggestions to overcome the problems they face in FP7 cooperation with U.S. partners. These are the key recommendations given by European coordinators:

- *"Synchronization of EU and U.S. funding programmes" in order to allow U.S. participants to receive national funding in case the EU does not approve funding in FP7 projects.*
- *"Bilateral agreement concerning legal issues: . A framework should be provided so that both entities trust the good will of one another and use a foreign legal system to solve the issues pertaining to that entity."*
- *"Simplification of administrative procedures and contracts"*
- *"International Agreement on IP issues"*
- *"More transparency for participation rules"*
- *"More joint Calls with open topics"*

3.2 Feedback from U.S. participants

3.2.1 Background

A. Proposal/project information

48 U.S. FP7 project partners have requested EU funding and 39 received EU funding in the end. 6 of the 9 U.S. project partners who did not receive requested EU funding did not sign an FP7 Grant Agreement.

EU funding was requested for your organization in the proposal?		% of Respondents	Number of Respondents
Yes		57.83%	48
No		42.17%	35
Number of respondents			83
Number of respondents who skipped this question			22

EU funding was agreed to be provided to your organization?		% of Respondents	Number of Respondents
Yes		46.99%	39
No		53.01%	44
Number of respondents			83
Number of respondents who skipped this question			22

Chart 11: EU funding for U.S. project partners

B. Consortium Profile

About 34% of the U.S. partner organisations represent public higher education institutions and about 5% represent public research organisations. Private higher education institutions account for about 21% and private research organisations account for about 13%. SMEs account for 7% and Industry for only 6%.

Which type of organization do you represent?	% of Respondents	Number of Respondents
Private Higher Education Institution	20.73%	17
Public Higher Education Institution	34.15%	28
Private Research organization	13.41%	11
Public Research organization	4.88%	4
Governmental authority	9.76%	8
Industry	6.10%	5
Small or medium sized enterprise (SME)	7.32%	6
Other	3.66%	3
Number of respondents		82
Number of respondents who skipped this question		23

Chart 12: Type of organization of U.S. project partners

C. Preparation of the Proposal

Main reasons for U.S. project partners to be involved in FP7 projects were:

- 1) Improvement of scientific excellence of the proposal/project (round 17.5%)
- 2) Establishment of a wider cooperation network (16%)
- 3) Access to specific expertise (15.5%)
- 4) Improve relations to European researchers (13%)
- 5) Expectations of higher project impact (12%)
- 6) Expectations of technological advantages/breakthroughs (7%)

3.2.2 Obstacles

The core part of the questionnaire addressed to U.S. FP7 project partners was centred on the potential obstacles that hinder their participation in FP7.

As a first step, the U.S. FP7 project partners were asked to mark from 1 (not relevant) to 5 (very relevant) some specific statements regarding the following identified potential obstacles:

- **Obstacles related to scientific issues**
 - Knowledge sharing
 - Access to U.S. partners specific material and documents
 - Access to U.S. research, infrastructures and labs
 - Access to U.S. scientific community

- **Obstacles concerning the consortium**
 - Staff exchanges
 - Decision making process within the consortium
 - Cooperation with partners

- Communication, information exchange

- **Obstacles related to administrative/legal issues**

- Legal concerns
- Administrative issues
- Issues concerning IP provisions
- Financial constraints

Results: The results received by U.S. project partners regarding obstacles to U.S. FP7 participation are very similar to those of the coordinators' survey results.

Obstacles related to scientific issues, such as knowledge sharing or access to U.S. specific material, infrastructures/labs or scientific community seem not to be relevant obstacles for U.S. FP7 project partners; 62%-69% indicated 1 (not relevant).

Obstacles concerning the consortium, such as staff exchanges, decision making process, cooperation, communication or information exchange, show a very similar picture; 52%-69% of U.S. FP7 project partners indicated these obstacles to be 1 (not relevant).

Regarding obstacles related to administrative/legal issues one legal concern, i.e. applicable law/jurisdiction, one administrative issue, i.e. administrative burden and costs and one financial constraint, i.e. lack of funding for the U.S. partner seem very relevant or relevant for U.S. FP7 project partners:

27% of U.S. FP7 project partners claim that applicable law/jurisdiction is a very relevant obstacle, and 11% claim that it is a relevant obstacle to FP7 participation.

Legal concerns

	1	2	3	4	5	Number of Respondents
Issues concerning applicable law/jurisdiction (EU/ US)	37% (29)	6% (5)	16% (13)	11% (9)	27% (21)	77
Issues concerning dispute settlement/binding arbitration	59% (45)	10% (8)	10% (8)	5% (4)	14% (11)	76
Export control restrictions	65% (49)	9% (7)	16% (12)	4% (3)	5% (4)	75
Restriction to transfer materials/bio-resources	77% (58)	8% (6)	9% (7)	1% (1)	4% (3)	75
Confidentiality of data	62% (47)	17% (13)	10% (8)	1% (1)	8% (6)	75
Financial penalties/ liquidated damages	69% (53)	6% (5)	11% (9)	2% (2)	9% (7)	76
					Number of Respondents	77
					Number of respondents who skipped this question	28

Chart 13: Obstacles related to legal concerns

20% of U.S. FP7 project partners claim that the administrative burden and costs are very relevant obstacles, and 12% claim that they are relevant obstacles to FP7 participation.

Administrative issues

	1	2	3	4	5	Number of Respondents
Administrative burden and costs	22% (17)	24% (19)	19% (15)	12% (10)	20% (16)	77
Reporting requirements	31% (24)	27% (21)	19% (15)	9% (7)	12% (10)	77
Assessment of final reports	44% (33)	27% (20)	14% (11)	9% (7)	4% (3)	74
					Number of Respondents	77
					Number of respondents who skipped this question	28

Chart 14: Obstacles related to administrative issues

For 31% of U.S. FP7 project partners' lack of funding for the U.S. partner is a very relevant obstacle and for 17% it is a relevant obstacle to FP7 participation.

Financial constraints

	1	2	3	4	5	Number of Respondents
Lack of funding for the U.S. partners	27% (22)	6% (5)	16% (13)	17% (14)	31% (25)	79
Level of overheads	39% (30)	15% (12)	21% (16)	11% (9)	11% (9)	76
Contribution to Guarantee Fund	61% (45)	9% (7)	16% (12)	5% (4)	6% (5)	73
					Number of Respondents	79
					Number of respondents who skipped this question	26

Chart 15: Obstacles related to financial constraints

About 48% of U.S. FP7 project partners claimed that they have not yet faced previous experience in collaboration with European partners other than the EU Framework

Program (see Chart 16). 16 had experience in multilateral programs or initiatives, including European partners, and round 15 in bilateral collaboration with programs of individual European countries. In addition to that, 3 claimed previous collaboration with European partners funded by the U.S. National Institute for Health (NIH).

Have you previously experienced any other type of collaboration with European partners other than the EU Framework Programmes?	% of Respondents	Number of Respondents
No	47.78%	43
Yes, in other European-level or multilateral programs or initiatives including European partners	17.78%	16
Yes, bilateral collaboration with programs of individual European countries	16.67%	15

Chart 16: Experience in European collaboration other than the EU Framework Program

Main advantages and disadvantages of bilateral and multilateral collaborations (other than FP7) mentioned by U.S. project partners (open question) were:

- *"Less bureaucracy, administrative burden and paperwork"*
- *"U.S. funds transferable to European partners"*
- *"U.S. partner was a full partner"*
- *"U.S. researchers were more used to U.S. administration process"*

Main obstacles for U.S. participation in FP7 (open question) were:

- *"Lack of funding for U.S. partner"*
- *"Lack of formal Agreement U.S: Government and EC/FP7"*
- *"IPR, reporting and legal differences"*
- *"Administrative burden"*
- *"FP7 rules and regulations are difficult to understand, as well as consortium and SME requirements and subcontracting rules"*

3.2.3 Recommendations for future developments

Recommendations for enhancing FP7 participation mentioned by U.S. project partners (open question):

- *"Streamline language for un-funded collaboration within EU projects by non-EU members!"*
- *"Relax the language in the Grant Agreement for U.S. partners!"*
- *"Harmonize legal framework with U.S. Grant agencies and law!"*
- *"Lower the administrative barrier and allow some flexibility regarding administrative aspects that are different in the U.S.!"*
- *"Special NSF and other agency involvement for support of U.S. researchers participating in FP7!"*
- *"Reach an Agreement with NASA to encourage U.S. participation in ESA programmes. The current legal obstacles make U.S./European collaboration more difficult than it needs to be!"*

4. Conclusions

The EU-U.S. cooperation relationship dates back to the 1950s when the first formal cooperation took place in 1990 with the Transatlantic Declaration, which was followed by a new transatlantic Agenda and regular EU-U.S. Summits to assess and develop transatlantic cooperation.

In the area of science and technology, the EU and the U.S. concluded a Science and Technology (S&T) Co-operation Agreement in 1999 and renewed it in 2004 and 2009. Since then, joint research activities are undertaken in a number of fields such as biotechnology, environment, materials science (including nanotechnology) and non-nuclear and renewable energy³.

U.S. participation in the FP is increasing but still not at the desired level. The number of projects involving U.S. partners in FP5 was only around 1% of total FP5 projects. During FP6 this share increased to 4.4%. The international dimension of FP7 provided the groundwork for increasing this participation⁴. Even if FP7 is giving a new impetus to transatlantic research collaboration some results of this survey show aspects where further developments are needed.

The results of this survey show how multifaceted transatlantic cooperation in FP7 is. 39 of 48 U.S. partners in FP7 projects who requested EU funding did receive EU funding, in other words only 9 U.S. partners requested EU funding but were not funded under FP7 in the end.

Nevertheless, for 48% of U.S. FP7 project partners the lack of funding for the U.S. partner is a very relevant or relevant obstacle to FP7 participation.

- A synchronization of EU and U.S. funding programs is required allowing the U.S. partner to receive national funding if not funded under FP7. Special agreements and regulations with e.g. NASA or NSF are suggested, in order to support U.S. researchers participating in FP7 and to combat legal obstacles.

38% of U.S. FP7 project partners claim that applicable law/jurisdiction is a very relevant or relevant obstacle to FP7 participation.

³ http://www.eusscienceandtechnology.eu/home/st_agreement.html

⁴ <http://www.eusscienceandtechnology.eu/bilat-usa/framework-program.html>

- Bilateral agreements regarding applicable law and jurisdiction have to be reached allowing for more flexible and straightforward administrative procedures. A streamlined and more understandable language is proposed as well as more transparency and flexibility regarding administrative aspects different in the U.S.

32% of U.S. FP7 project partners claim that the administrative burden and costs are very relevant or relevant obstacles to FP7 participation.

- Administrative burden has to be reduced, allowing for less bureaucracy and more focus on research.

90% of EU-U.S. co-operations in FP7 have been established through former contacts of the U.S. partner either to the project coordinator (69%) or another partner from the consortium (21%).

- Using former contacts might imply that transatlantic cooperation networks are well established. One might also argue that establishing new contacts in the U.S. needs a lot of efforts and that therefore European project coordinators prefer to get back to the already existing ones. In this case the dialogue and communication should be enhanced and visibility and transparency of European S&T activities should be increased in the U.S. and vice versa. This might in addition give more room for new cooperation constellations, improved experience exchange and innovative thinking.
- Reciprocity Agreements, such as the NIH-EC Agreement 2008, do not support collaboration as such, but allow for more flexible transatlantic funding conditions. The adoption of special agreements between the EC and other national U.S. funding agencies might create a more stable framework for transatlantic collaboration.
- Joint Calls with open topics based on suggested Special Agreements might ease transatlantic collaboration with “new” contacts/partners.

5. Recommendations for policy makers

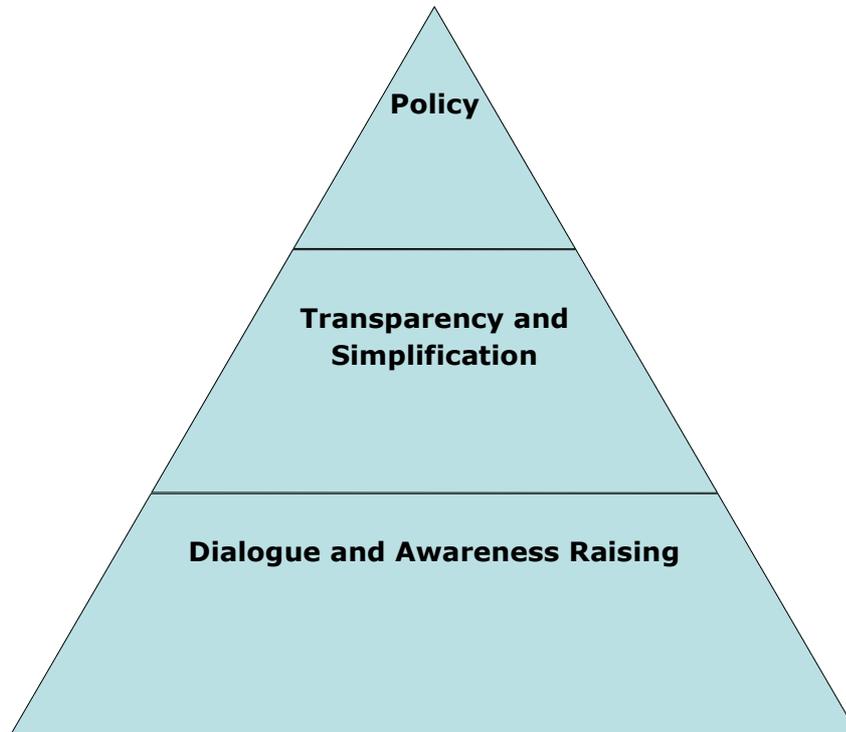


Chart 17: Recommendation Levels

Policy recommendations

The results of this BILAT-USA survey do clearly show that FP7 as such promotes international cooperation. Of course, this survey addressed only successful European FP7 project coordinators (with at least one U.S. partner) and U.S. partners in successful FP7 projects. Still, according to them they mostly do not face major obstacles. Nevertheless the following issues were mentioned as most important hurdles for transatlantic STI cooperation in FP7 projects:

- legal concern, i.e. applicable law/jurisdiction,
- administrative issue, i.e. administrative burden and costs and

- financial constraint, i.e. lack of funding for the U.S. partner seem very relevant or relevant for U.S. FP7 project partners.

In addition to that only 9 U.S. partners (out of 105 U.S. participants in FP7 projects who took part in the online survey) filled in the online questionnaire. requested EU funding but were not funded under FP7.

Nevertheless, this report wants to make clear that transatlantic research cooperation within FP7 is complex and that there is enough room for improvement.

Special bilateral Agreements

On policy level this potential of improvement can be seen in more coherent and synchronised funding regulations. Special and tailored Agreements (e.g. between the EC and U.S. funding agencies, such as NIH, NSF, etc.) should allow for U.S. partners if not funded under FP7 to receive national funding. In addition, more flexible and straightforward administrative procedures should be elaborated.

Joint Calls

Special Agreements should lead to joint initiatives or FP Calls in areas of global and mutual interest. Synchronisation in areas beyond funding programmes, such as research evaluation processes and issues of intellectual property rights would be of vital importance.

Thematic ERA Nets are more and more including international partners, especially when addressing issues of global relevance. In future these ERA Nets are very likely to organise more and more joint calls funding projects including international partners.

Recommendations related to Transparency and Simplification

Special bilateral Agreements should include simple regulations regarding applicable law and jurisdiction allowing for more flexible and straightforward administrative procedures and more transparency, especially with regard to the upcoming Horizon2020.

The European Commission is constantly working on simplifying participation and funding rules. Special clauses are included in the 'FP7 Grant Agreement – List of Special Clauses' document, which can be of great relevance and simplify participation

of U.S. research partners in FP7 projects. These Special clauses should be made available and distributed in a better manner among European research consortia, incorporating U.S. partners.

ftp://ftp.cordis.europa.eu/pub/fp7/docs/fp7-ga-clauses-v8_en.pdf

Recommendations related to Dialogue and Awareness Rising

Targeted dialogue on S&T cooperation between policy makers and stakeholders on both sides of the Atlantic shall lead to develop cooperative research policies. Increased visibility and transparency of European S&T in the U.S. and vice versa is needed as well as further establishment of new partnerships towards Horizon 2020.

These recommendations themselves shall contribute to strengthen the transatlantic dialogue and were (e.g.) published and presented during the BILAT-USA/SFIC symposium 'Ways of successful science, technology and innovation cooperation between Europe and the USA' in Vienna on 23-24 April 2012.

<http://www.eusscienceandtechnology.eu/home/sficsymposium>

The European Commission is very actively supporting International Cooperation, with the SFIC 'USA Pilot Initiative' having been launched in October 2009.

http://ec.europa.eu/research/era/areas/cooperation/usa_en.html
<http://ec.europa.eu/research/iscp/index.cfm?lg=en&pg=destinationEurope>

As a FP7 Coordination and Support Action of the European Commission, the BILAT-USA project, the complementary project Link2US and the follow-up project BILAT USA 2.0 were and will be dedicated to increase awareness towards EU-U.S. transatlantic S&T cooperation.

<http://www.eusscienceandtechnology.eu>

6. Sources

Online questionnaire <http://www.euussciencetechnology.eu/home/fp7-survey>



The screenshot shows the BILAT-USA website interface. At the top left is the logo 'BILAT USA Link US'. A navigation bar contains 'HOME', 'BILAT-USA', and 'LINK2US'. A sidebar on the left lists menu items: HOME, Overview, EU-U.S. Agreements, Documents & Publications, News, Events, Useful Links, Contact and Feedback, FAQ, and Search. Below the sidebar is a 'Newsletter Subscription' button and logos for the 'SEVENTH FRAMEWORK PROGRAMME' and 'European Research Area'. The main content area features a heading 'Dear FP7 Project Coordinator Dear FP7 Project Partner from the U.S.' followed by an introductory paragraph, an invitation to complete a questionnaire, a deadline of '30 September 2011, the latest', a thank-you message, and a signature 'The BILAT-USA Project Team'. A section titled 'Links to Questionnaires' and a 'Background' section are also visible.



Objectives

Questionnaire results will provide input to an analysis aimed at improving rules and conditions for U.S. participation in future European Union research and innovation programs.

Recipients

The questionnaires are addressed to either FP7 project coordinators that include U.S. partners, or U.S. project partners. You are invited to complete the questionnaire that applies to you. Please note that the questionnaires are meant only for those coordinators and partners whose proposal was selected following evaluation.

Please see links below.

Confidentiality

Data will be treated confidentially!

Contact

Elli Tzatzanis-Stepanovic (elli.stepanovic@ffg.at)

Links to Questionnaires

Questionnaires are accessible through the links below. Please select the link as appropriate.

[For Project Coordinators >>](#)

[For U.S. Partners >>](#)

BILAT-USA (Grant Agreement no: 244434) and Link2US (Grant Agreement no: 244371) Projects are co-funded by the European Union's Capacities Programme on International Cooperation under the 7th Framework Programme for Research and Technological Cooperation.

7. Annex III: List of abbreviations

Abbreviation	Full-Term
AC	Associated Country (to FP7)
BILAT	Bilateral Coordination for the enhancement and development of S&T partnerships
BILAT-USA	Bilateral Coordination for the Enhancement and Development of S&T Partnerships between the European Union and the United States of America
CSA	FP7 Coordination and Support Action
EC	European Commission
ERA	European Research Area
ESA	European Space Agency
EU	European Union
FP6	6 th Framework Programme for Research and Technological Development (2002-2006)
FP7	7 th Framework Programme for Research and Technological Development (2007-2013)
GA	Grant Agreement
ICT	Information and Communication Technologies
FAFB	Food, Agriculture and Fisheries, and Biotechnology
Link2US	European Union – United States Research Cooperation network: Linkt to the United States
MS	Member State (of the European Union)
NASA	National Aeronautics and Space Administration, United States
NMP	Nanosciences, Nanotechnologies, Materials and new Production Technologies

NIH	National Institutes of Health
NSF	National Science Foundation, United States
R&D	Research & Development
RTD	Research and Technological Development
S&T	Science & Technology
STI	Science, Technology, Innovation
SMEs	Small and Medium sized Enterprises
U.S. USA	United States of America