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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the participation of the Union in the European Partnership on Metrology jointly undertaken by several Member States - Outcome of the European Parliament's first reading (Brussels, 10 to 11 November 2021)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the rapporteur, Maria da Graça Carvalho (EPP, PT), presented on behalf of the Committee on Industry, Research and Energy amendment number 74 to the abovementioned proposal for a decision and amendment number 73 to the legislative resolution, containing the statement by the Commission. These amendments had been agreed during the informal contacts referred to above.

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 11 November 2021, the plenary adopted the compromise amendment (amendment number 74) to the abovementioned proposal for a decision as well as amendment 73 to the legislative resolution. No other amendments were adopted. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

European Partnership on Metrology *I**

European Parliament legislative resolution of 11 November 2021 on the proposal for a decision of the European Parliament and of the Council on the participation of the Union in the European Partnership on Metrology jointly undertaken by several Member States (COM(2021)0089 – C9-0083/2021 – 2021/0049(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0089),
 - having regard to Article 294(2), Article 185 and the second paragraph of Article 188 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0083/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee¹,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 8 October 2021 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy (A9-0242/2021),
1. Adopts its position at first reading hereinafter set out;
 2. Takes note of the statement by the Commission annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 341, 24.8.2021, p. 34.

Position of the European Parliament adopted at first reading on 11 November 2021 with a view to the adoption of Decision (EU) 2021/... of the European Parliament and of the Council on the participation of the Union in the European Partnership on Metrology jointly undertaken by several Member States

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 185 and the second paragraph of Article 188 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁴,

Acting in accordance with the ordinary legislative procedure⁵,

⁴ OJ C 341, 24.8.2021, p. 34.

⁵ Position of the European Parliament of 11 November 2021.

Whereas:

- (1) In order to achieve the greatest possible impact of Union funding and the most effective contribution to the Union's policy objectives, Regulation (EU) **2021/695** of the European Parliament and of the Council⁶ established Horizon Europe – the Framework Programme for Research and Innovation, which provides for the policy and legal framework for European Partnerships with private or public sector partners, or both. European Partnerships are a key element of the policy approach of Horizon Europe. They are set up to deliver on Union **commitments and** priorities targeted by Horizon Europe and to ensure a clear impact for the Union **■**, its citizens **and the environment**, which can be achieved more effectively in a partnership, through a strategic vision that is shared and committed to by partners, rather than by the Union alone.

⁶ Regulation (EU) **2021/695** of the European Parliament and of the Council *of 28 April 2021* establishing Horizon Europe – the **Framework Programme** for **Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013** (OJ L 170, 12.5.2021, p. 1). **■**

- (2) In particular, European Partnerships under Horizon Europe's Pillar II, 'Global challenges and European Industrial Competitiveness' (Pillar II), are expected to play an important role in achieving the strategic objectives of accelerating the *achievement of the United Nations Sustainable Development Goals (UN SDGs), the Union's commitments under the Paris Agreement*, adopted under the UN Framework Convention on Climate Change⁷ (the 'Paris Agreement'), *as well as the transitions towards* a green and digital Europe, *while* contributing to *a socially, economically, and environmentally resilient* recovery.
- European Partnerships are key to addressing complex cross-border challenges that require an integrated approach. They make it possible to address transformational, systematic and market failures by bringing together a broad range of players across value chains, *research and innovation areas and* industrial ecosystems to work towards a common vision and translate it into concrete roadmaps and a coordinated implementation of activities.
- Furthermore, they make it possible to concentrate efforts and resources on common priorities to solve the complex challenges ahead, *in order to benefit society*.

⁷ OJ L 282, 19.10.2016, p. 4.

- (3) In order to deliver on priorities and impact, European Partnerships should be developed through a broad involvement of relevant stakeholders across Europe, including industry, ***higher education institutions***, research organisations, bodies with a public service mission at local, regional, national or international level, and civil society organisations, ***including*** foundations, that support or carry out research and innovation. European Partnerships should also be one of the measures to strengthen cooperation ***and synergies at international level, among*** private sector partners and public sector partners and between them, including by joining up research and innovation programmes and cross-border investment in research and innovation, bringing mutual benefits to people and businesses.
- (4) A European Partnership on Metrology should be established. Such a partnership is intended to be a more effective means of delivery than traditional calls for proposals or co-funded partnerships under the work programmes prepared under the related clusters of Pillar II.
- (5) ***The European Partnership on Metrology (the ‘Metrology Partnership’) should implement its mission and objectives in a clear, simple and flexible way in order to increase its attractiveness to industry, small and medium-sized enterprises (SMEs) and other relevant stakeholders.***

- (6) *The Metrology Partnership should promote and reward scientific excellence and support the uptake and systematic use of research and innovation results generated within the Union, including by ensuring that state-of-the-art science and fundamental research findings are taken into account in the implementation of its activities. It should also strive to ensure that the results of its actions are taken up and deployed by industry and innovators and, ultimately, in society.*
- (7) *In order to guarantee scientific excellence and in line with Article 13 of the Charter of Fundamental Rights of the European Union, the Metrology Partnership should promote academic freedom in all of the Participating States, in particular the freedom to conduct scientific research, and promote the highest standards of scientific integrity.*
- (8) In line with the objectives of Regulation (EU) 2021/695, any Member State and any third country associated to Horizon Europe should be entitled to participate in the Metrology Partnership. In order to ensure complementarity within the European Economic Area (EEA) and with other neighbouring countries, other third countries should be able to participate in the Metrology Partnership, subject to the conclusion of a relevant international agreement for scientific and technological cooperation with the Union and the agreement of the Participating States.

- (9) Horizon Europe introduces a more strategic, coherent and impact-driven approach to European Partnerships, building on the lessons learned from the interim evaluation of Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) established by Regulation (EU) No 1291/2013 of the European Parliament and of the Council⁸. Regulation (EU) 2021/695 provides for the possibility to make more effective use of Institutionalised European Partnerships, in particular by focusing on clear objectives, outcomes and impacts that can be achieved by 2030, and by ensuring a clear contribution to related Union policy priorities and policies. Close collaboration, ***complementarity*** and synergies with other relevant ***programmes and*** initiatives at Union, national and regional level, ***including with the European Research Council and the European Innovation Council and*** in particular with other European Partnerships, will be key in ***fostering the innovation pipeline and research in other areas***, achieving greater impact and ensuring that the results are used ***in all relevant areas where technological development is linked with metrology, such as digitalisation, artificial intelligence, energy, smart health, climate, autonomous traffic and the circular economy.***

⁸ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

- (10) By Decision No 555/2014/EU of the European Parliament and of the Council⁹, the Union made a financial contribution to the European Metrology Programme for Innovation and Research (EMPIR) matching that of the states participating in EMPIR but not exceeding EUR 300 000 000, for the duration of Horizon 2020. The interim evaluation of EMPIR in July 2017 gave rise to a new initiative being suggested.

⁹ Decision No 555/2014/EU of the European Parliament and of the Council of 15 May 2014 on the participation of the Union in a European Metrology Programme for Innovation and Research (EMPIR) jointly undertaken by several Member States (OJ L 169, 7.6.2014, p. 27).

- (11) The Union's financial contribution to the Metrology Partnership should be subject to formal commitments by the Participating States to contribute financially to the implementation of the Metrology Partnership and to fulfil those commitments. The contributions from the Participating States should include a contribution to the administrative costs pertaining to the implementation of the Metrology Partnership, subject to a ceiling of 5 % of its budget. The Participating States should commit to increasing, if necessary, their contribution to the Metrology Partnership by establishing a reserve funding capability to ensure that they are able to fund their national entities, national metrology institutes (NMIs) and designated institutes (DIs) participating in the activities of the Metrology Partnership. The joint implementation of the Metrology Partnership requires an implementation structure. The Union's financial contribution should be managed in accordance with the principle of sound financial management and with the relevant rules on indirect management laid down in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council¹⁰.

¹⁰ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (12) The Metrology Partnership, which is aligned with the political priorities of the **Union**, including the European Green Deal, an economy that works for people, and a Europe Fit for the Digital Age **■**, should be implemented over a period of ten years, from 2021 to 2031. The Metrology Partnership should include new activities compared to EMPIR, and, in particular, the development of European metrology networks, which ***should be established in an open and transparent manner with the aim of*** responding to pressing societal ***and environmental*** challenges and metrology needs from emerging technologies ***and innovations***. The metrology capacity provided through those networks should be equivalent and comparable to other world-leading metrology systems, demonstrating world-class excellence. Calls for proposals under the Metrology Partnership should be launched during the implementation of Horizon Europe ***and should be open, transparent and competitive. The Metrology Partnership should promote the circulation of talent and the development of skills, including by means of skilling and re-skilling opportunities.***
- (13) The activities of the Metrology Partnership should be carried out in line with the objectives and research and innovation priorities of Horizon Europe and in accordance with the general principles and conditions laid down in Article **10** of, ***and Annex III to***, Regulation (EU) **2021/695**, ***supporting, inter alia, the uptake of innovative solutions in European industry, in particular by SMEs and, ultimately, in society.***

- (14) A ceiling should be established for the Union's financial contribution in the Metrology Partnership for the duration of Horizon Europe. Within the limits of that ceiling, the Union's financial contribution should be up to equal to the contributions from the Participating States in order to achieve a high leverage effect and ensure a stronger integration of Participating States' programmes.
- (15) *The Metrology Partnership should be financed by the Union programmes under the multiannual financial framework for the years 2021 to 2027 as laid down in Council Regulation (EU, Euratom) 2020/2093¹¹. In accordance with Article 10(2) point (c) of Regulation (EU) 2021/695, the Metrology Partnership should have a clear life-cycle approach. In order to adequately protect the financial interests of the Union, the Metrology Partnership should be set up for a period ending on 31 December 2031 to allow it to exercise its responsibilities with regard to grant implementation until the last indirect actions launched have been completed.*
- (16) In accordance with Article 3 of Regulation (EU) 2021/695, the general objective of Horizon Europe is to deliver scientific, **technological**, economic and societal impact from the Union's investments in research and innovation so as to strengthen the scientific and technological bases of the Union and foster **the** competitiveness **of the Union in all Member States**, including in its industry, **to** deliver on the Union's strategic priorities, **to** contribute to **the realisation of the Union's objectives and policies, to tackle** global challenges, including the UN SDGs by following the principles of Agenda 2030 for Sustainable Development and in line with the Paris Agreement, **and to strengthen the European Research Area.**

¹¹ Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).

- (17) The Participating States have agreed upon the implementation structure for the predecessor initiatives, namely, the European Metrology Research Programme (EMRP) and EMPIR. In 2007, EURAMET e.V. (EURAMET), the European Regional Metrology Organisation and a non-profit association under German law, was set up to serve as this structure. EURAMET also has tasks and obligations related to the wider European and global harmonisation of metrology. Membership in EURAMET is open to all European NMIs, as members, and to European DIs, as associates. Membership in EURAMET is not conditional upon the existence of national metrology research programmes. Given that, according to EMPIR's interim evaluation report, the governance structure of EURAMET has proved to be efficient and of high quality for the implementation of the EMRP and EMPIR, EURAMET should also be used to implement the Metrology Partnership. EURAMET should therefore manage the Union's financial contribution.
- (18) *The financial contributions to the Metrology Partnership should be managed centrally by EURAMET in accordance with Article 10(1) of Regulation (EU) 2021/695. This should be without prejudice to the possibility for the Participating States to provide direct financial contributions to designated NMIs on the basis of a coordinated approach through a metrology partnership committee.*
- (19) *The Metrology Partnership should strive for the effective promotion of equal opportunities for all and, in particular, ensure, to the extent possible, gender balance in the relevant bodies of the Metrology Partnership, as well as in evaluation panels and in other relevant advisory bodies.*

- (20) *Pursuant to Article 49(4) of Regulation (EU) 2021/695 and the relevant rules on Commission expert groups, the Commission should select the members of the Metrology Partnership's Steering Group in particular by taking due account of the relevant disclosure of any conflict of interest.*
- (21) In order to achieve the objectives of the Metrology Partnership, EURAMET should provide financial support mainly in the form of grants to participants in actions selected at the level of EURAMET. Those actions should be selected following ***open, transparent and competitive*** calls for proposals under the responsibility of EURAMET. The ***Metrology Partnership should use its best efforts to increase the visibility of the calls for proposals by publishing them on the Horizon Europe portal for participants in a timely manner and by promoting and advertising the calls for proposals widely, with a view to increasing participation of newcomers.*** The ranking list should be binding for the selection of proposals and the allocation of funding from the Union's financial contribution and the financial contributions from the Participating States for ■ research projects and related activities. ***In accordance with Article 28(3) of Regulation (EU) 2021/695, and the Horizon Europe work programme, the annual work programme should be able to include conditions concerning the involvement of SMEs, gender and geographical diversity among the rules for dealing with ex-aequo proposals.*** For the activities funded by the contributions from the Participating States to European metrology networks, the actions funded should also be under the responsibility of EURAMET.

- (22) Participation in indirect actions funded by the Metrology Partnership is subject to Regulation (EU) 2021/695. However, due to the specific operating needs of the Metrology Partnership, in particular building and managing future European metrology networks and facilitating adequate financial participation of the Participating States, it should be possible to provide that the coordinator role in *indirect actions, from the submission of the proposal until the end of the project, be limited to the* NMIs and the DIs of the Participating States, where *strictly necessary, and taking into account the advice of the Steering Group, if any.*
- (23) The contributions from the Participating States should be ensured through institutional funding from their NMIs and their DIs. The wide variety of underlying activities should contribute to the objectives of the Metrology Partnership and be laid out in the annual work programmes, with links to operational costs and expenditure. The contributions should cover, inter alia, the costs of services that directly deliver calibrations and other services traceable to the International System of Units. The contributions from the Participating States should also include a financial contribution to the administrative costs of the Metrology Partnership.

- (24) In order to ensure the ***openness***, transparency and accessibility of the Metrology Partnership, calls for proposals should also be published ***in a user-friendly manner*** on the single portal for participants as well as through other Horizon Europe electronic means of dissemination managed by the Commission. ***In order to engage with stakeholders and society and attract newcomers from a wide range of research and industry stakeholders, including SMEs, higher education institutions, research organisations and civil society organisations, the Metrology Partnership should carry out a wide range of outreach activities, including the dissemination and exploitation of results, promotional and awareness-raising activities and the promotion of the Metrology Partnership beyond the Union.***
- (25) The functioning of the funding model with regard to the matching principle between Union and non-Union funds should be reassessed at the time of the interim evaluation of the Metrology Partnership in order to ensure that the matching principle for the financial contributions from the Participating States is respected.
- (26) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties.

- (27) In order to protect the Union's financial interests, the Commission should have the right to terminate, proportionally reduce or suspend the Union's financial contribution if the Metrology Partnership is implemented inadequately, only partially or late, or if a Participating State does not contribute, or contributes only partially or late, to the financing of the Metrology Partnership. Those rights should be provided for in the contribution agreement to be concluded between the Union and EURAMET.
- (28) For the purpose of simplification, the administrative burden of all concerned should be reduced. Double audits and disproportionate documentation and reporting should be avoided. When audits are conducted, the specific characteristics of the national programmes should be taken into account, as appropriate. Audits of recipients of Union funds provided in accordance with this Decision should ensure a reduction in the administrative burden, in accordance with Regulation (EU, Euratom) 2018/1046.

- (29) EURAMET and the Participating States should, upon a request from the Commission, the European Parliament, the Council or the Court of Auditors, provide any information that the Commission is required to include in its evaluation of the Metrology Partnership.
- (30) The Commission should conduct an interim evaluation not later than 2025, assessing in particular the quality and efficiency of the Metrology Partnership, the progress made towards achieving the objectives set and a final evaluation not later than 2030 and should ***publish and disseminate*** the results and conclusions of those evaluations. ***In accordance with Article 10(2), point (c), of Regulation (EU) 2021/695, the Metrology Partnership should have a clear life-cycle approach, be limited in time and include the conditions for phasing-out the funding under Horizon Europe. To that end, evaluations should assess the relevance and coherence of any possible renewal.***

- (31) The objective of this Decision is the participation of the Union in the Metrology Partnership in order to support its general objectives. The requirements of metrology are of such a scale and complexity that investments that go beyond the core research budgets of NMIs and DIs are needed. The excellence required for research and the development of cutting-edge metrology solutions is spread across national borders and hence cannot be attained at national level. Since the objective of this Decision cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level by integrating national efforts into a consistent European approach, by bringing together compartmentalised national research programmes, by helping design common research and funding strategies across national borders, and by achieving the critical mass of actors and investments required, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.
- (32) In order to ensure continuity in providing support in the relevant policy areas, this Decision should enter into force as a matter of urgency,

HAVE ADOPTED THIS DECISION:

Article 1

Participation in the European Partnership on Metrology

1. The Union shall participate in the European Partnership on Metrology (the ‘Metrology Partnership’), an Institutionalised European Partnership as referred to in Article 10(1), point (c), of Regulation (EU) 2021/695, jointly undertaken by Austria, Belgium, ■ Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, **Latvia**, Lithuania, the Netherlands, Norway, Poland, Portugal, Romania, ■ Slovenia, Slovakia, Spain **and** Sweden ■ (the ‘Participating States’), in accordance with the conditions laid down in this Decision.
2. Any Member State not referred to in paragraph 1 of this Article and any third country associated to Horizon Europe may participate in the Metrology Partnership, provided that it fulfils the condition laid down in Article 4(1), point (c). Such Member States and third countries shall be considered to be Participating States for the purposes of this Decision.

3. Any third country not associated to Horizon Europe may participate in the Metrology Partnership, provided that it:
- (a) concludes an international agreement for scientific and technological cooperation with the Union setting out the terms and conditions of its participation in the Metrology Partnership;
 - (b) obtains the approval of the Metrology Partnership Committee in accordance with Article **14(3), point (g); and**
 - (c) ***fulfils the condition laid down in Article 4(1), point (c).***

A third country that fulfils the conditions laid down in the first subparagraph shall be considered to be a Participating State for the purposes of this Decision.

Article 2

Objectives of the Metrology Partnership

1. The Metrology Partnership shall contribute to the implementation of Regulation (EU) 2021/695, and in particular Article 3 thereof.
2. Without prejudice to paragraph 1, the Metrology Partnership shall, through the involvement and commitment of partners in designing and implementing an annual work programme as referred to in Article 7, pursue the following general objectives:
 - (a) to develop a sustainable, ***excellent and*** coordinated metrology system at European level, ***thereby helping to bridge the investment gap between Europe and its global competitors;***

- (b) to ensure that state-of-the-art metrology capabilities are *widely* taken up ■ by innovators in their ecosystems *and beyond*;
- (c) to increase the impact of metrology on societal challenges in relation to the implementation of policies, standards and regulations, *inter alia in the digital, economic, industrial and environmental areas*, in order to make them fit for purpose.

3. When implementing the general objectives set out in paragraph 2, the Metrology Partnership shall pursue the following specific objectives:

- (a) to develop, by 2030, new research capabilities which are built within the framework of new European metrology networks and which perform in terms of calibration and measurement capabilities at least equally to the leading metrology institutes outside the Participating States;
- (b) to support, by 2030, sales of new innovative products and services through the use and adoption of the new metrology capabilities in key emerging *and enabling* technologies;

- (c) *to contribute to the creation and diffusion of high-quality new knowledge, competences and skills across the Union in the context of lifelong learning and with a view to achieving societal transformation, including through enhancing capability for innovation;*
- (d) to contribute fully and effectively, by 2030, to the design and implementation of specific standards and regulations that underpin public policies addressing societal, *economic and environmental* challenges;
- (e) *to unleash the potential of metrology among end-users, including SMEs and industrial stakeholders, as an instrument which contributes to the achievement of the Union goals for the digital and green transitions.*

Article 3

The Union's financial contribution to the Metrology Partnership

1. The Union's financial contribution , including **EEA** appropriations, to the Metrology Partnership shall be up to EUR 300 million to match the contributions from the Participating States referred to in Article 1(1). ***The amount*** of the Union's financial contribution ***may be increased by*** contributions from ***third countries associated to Horizon Europe, in accordance with Article 16(5) of Regulation (EU) 2021/695, provided that the total amount by which the Union's financial contribution is increased is at least matched by contributions from*** the Participating States ***referred to in Article 1(2) of this Decision.***
2. For the calculation of the Union's financial contribution, any contribution from the Participating States to the administrative costs pertaining to the implementation of the Metrology Partnership that exceeds 5 % of the total combined contributions to the Metrology Partnership shall not be taken into account.
3. The Union's financial contribution shall be paid from the appropriations in the general budget of the Union allocated to the relevant parts of the Specific Programme implementing Horizon Europe, established by **Council Decision (EU) 2021/764**¹².

¹² Council **Decision (EU) 2021/764 of 10 May 2021** establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, **and repealing Decision 2013/743/EU** (OJ L 167I, 12.5.2021, p. 1).

4. EURAMET e.V. (EURAMET) shall use the Union's financial contribution to fund the activities referred to in Article 6(1), point (a).
5. The Union's financial contribution shall not be used to cover the administrative costs of the Metrology Partnership.
6. ***Financial contributions under the programmes co-financed by the European Regional Development Fund, the European Social Fund Plus, the European Maritime, Fisheries and Aquaculture Fund and the European Agricultural Fund for Rural Development, as well as the Recovery and Resilience Facility, may be considered to be contributions from a Member State that is a Participating State, subject to compliance with the relevant provisions of Regulation (EU) 2021/1060 of the European Parliament and of the Council¹³ and the regulations laying down specific rules applicable to each of those funds.***

¹³ ***Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).***

Article 4
Conditions for the Union's financial contribution

1. The Union's financial contribution shall be conditional upon all of the following:
 - (a) the demonstration by the Participating States that the Metrology Partnership is set up in accordance with this Decision;
 - (b) the designation by the Participating States, or by the NMIs designated by them, of EURAMET as the structure responsible for implementing the Metrology Partnership and for receiving, allocating and monitoring the Union's financial contribution;
 - (c) the commitment by each Participating State to contribute to the financing of the Metrology Partnership and to establish a reserve funding capability of 50 % of the amount of the commitment;
 - (d) the demonstration by EURAMET of its capacity to implement the Metrology Partnership, including receiving, allocating and monitoring the Union's financial contribution in the framework of indirect management of the Union budget in accordance with Articles 62 and 154 of Regulation (EU, Euratom) 2018/1046;

- (e) the establishment of a governance model for the Metrology Partnership in accordance with Articles 13 to 16.

2. During the implementation of the Metrology Partnership, the Union's financial contribution shall also be conditional upon all of the following:

- (a) the implementation by EURAMET of the activities of the Metrology Partnership set out in Article 6 in line with the objectives set out in Article 2;
- (b) the maintenance of an efficient governance model in accordance with Articles 13 to 16;
- (c) the compliance by EURAMET with the reporting requirements set out in Article 155 of Regulation (EU, Euratom) 2018/1046;
- (d) the fulfilment by the Participating States of the commitments referred to in paragraph 1, point (c).

Article 5

Contributions from the Participating States to the Metrology Partnership

1. The Participating States referred to in Article 1(1) shall make, or arrange for their national funding bodies to make, contributions, whether financial or in kind, of at least EUR 363 million during the period from 1 January 2021 until 31 December 2031.

A share of the contributions from the Participating States shall be in the form of financial contributions. ***The Participating States shall arrange among themselves their collective contributions and how they will deliver them.***

2. The contributions from the Participating States shall consist of the following:
 - (a) financial or in-kind contributions to the implementing activities referred to in Article 6(1); and
 - (b) financial or in-kind contributions to cover all the administrative costs of EURAMET.
3. The financial or in-kind contributions referred to in paragraph 2, point (a), of this Article shall cover the costs incurred by the Participating States in implementing the activities referred to in Article 6(1), point (b), less any direct or indirect Union's financial contribution to those costs.

4. The financial or in-kind contributions referred to in paragraph 2, point (b), shall cover the costs incurred by the Participating States in relation to the administrative costs of EURAMET for the implementation of the Metrology Partnership. *Those administrative costs shall not exceed 5 % of the total budget of the Metrology Partnership.*
5. For the purpose of valuing the in-kind contributions referred to in paragraph 2, points (a) and (b), of this Article, the costs shall be determined in accordance with *a harmonised approach, including criteria and processes, to be established by the Metrology Partnership Committee in accordance with Article 14. To the extent possible, the reporting of costs shall comply with the reporting procedures laid down in Regulation (EU) 2021/695, while taking into account* the usual accounting practices of the Participating States or the national funding bodies concerned, the applicable accounting standards of the Participating State where the national funding bodies concerned are established, and the applicable International Accounting Standards and International Financial Reporting Standards. The costs shall be certified by an independent auditor appointed by the Participating States or the national funding bodies concerned. ■

6. The contributions from the Participating States shall be made after the adoption of the annual work programme.

If the annual work programme is adopted during the reference year, the contributions referred to in paragraph 2, point (b), that are included in the annual work programme may comprise contributions made as from 1 January of that year.

The contributions referred to in paragraph 2, point (b), that are made after ... [the date of entry into force of this Decision] may count as contributions from Participating States, provided that they are included in the Metrology Partnership's first annual work programme.

Article 6

Activities of EURAMET

1. The Metrology Partnership shall support a wide range of research and innovation activities by means of:
- (a) indirect actions within the meaning of Article 2, point (43), of Regulation (EU) **2021/695** funded by EURAMET in accordance with Article 7 of this Decision, mainly in the form of grants following transnational open, **transparent** and competitive calls for proposals organised by EURAMET, including:
 - (i) scientific and technical actions supporting fundamental scientific metrology laying the basis for all successive steps, including applied metrology research and development and metrology-related services;

- (ii) metrology research to provide solutions for societal, *economic and environmental* challenges focusing on contributions to *sustainable technologies and innovations in the* energy, *digital and* health sectors, *as well as with regard to the environment* and the climate, and to develop projects in specific European metrology networks addressing those challenges;
- (iii) research to develop novel measurement instrumentation aiming to enhance the *European* industrial *and commercial* take-up of metrological technologies to stimulate innovation in industry;
- (iv) pre-normative and co-normative metrology research and development in support of policy implementation, regulations and acceleration of *the* market introduction *and societal uptake of sustainable* innovative products and services;
- (v) *exchange of best practices on metrology research carried out at national level;*

- (b) activities funded by the Participating States without the Union's financial contribution consisting of the metrology capacity-building activities at different technological levels to achieve ***the widest possible***, balanced and integrated metrology system in the Participating States enabling them to develop their scientific and technical capabilities in metrology, and which include activities not selected from the calls for proposals referred to in point (a), of this Article, as outlined in the annual work programmes, as well as any of the following:
- (i) activities under the national programmes of the Participating States such as transnational projects contributing to the priorities laid out in a European metrology network and EURAMET technical committees;
 - (ii) actions for the dissemination and exploitation of results, ***including in industry and by SMEs***, of metrology research ***as widely as possible in Europe, with a view to increasing the visibility of EURAMET activities to the public in a user-friendly manner***;
 - (iii) ***activities to raise awareness and promote educational and dissemination activities and campaigns and to provide appropriate information on EURAMET's website, and the publication of relevant documentation***;

- (iv) actions specifically addressing metrology institutes which have no or limited scientific capabilities by supporting them in using other Union, national or regional programmes for training and mobility, cross-border cooperation or investment in metrology infrastructure;
- (v) the organisation of external dissemination and knowledge-transfer activities to promote the Metrology Partnership ***as widely as possible in the Union and beyond, in order to*** maximise its impact.

2. Before identifying the topics of each call for proposals referred to in paragraph 1, point (a), EURAMET shall ***publicly*** invite individuals or organisations, ***including SMEs***, and the general metrology value chain to suggest potential research topics ***in a transparent manner***.

Article 7

Annual work programme

1. The Metrology Partnership shall be implemented on the basis of annual work programmes covering activities to be undertaken for the period from 1 January to 31 December of a given year (the ‘reference year’).

2. ***The Metrology Partnership Committee referred to in Article 14*** shall adopt the annual work programmes by 31 March of the reference year, after obtaining approval from the Commission. In adopting the annual work programmes, both ***the Metrology Partnership Committee*** and the Commission shall act without undue delay. ***The Metrology Partnership Committee*** shall make the annual work programme publicly available.
3. The activities referred to in Article 6(1), points (a) and (b), shall be launched only in the reference year and only after the adoption of the annual work programme for that year.
4. Activities may be funded by EURAMET only if they are set out in the annual work programme. The annual work programme shall distinguish between the activities referred to in Article 6(1), point (a), the activities referred to in Article 6(1), point (b), and the administrative costs of EURAMET. The annual work programme shall include their corresponding expenditure estimates and the budget being allocated to activities funded with the Union's financial contribution and to activities funded by the Participating States without that contribution. The annual work programme shall also include the valuation of the in-kind contributions from the Participating States referred to in Article 5(2), point (b).

5. Any amended annual work programmes for a reference year and annual work programmes for subsequent reference years shall take into account the results of previous calls for proposals. They shall endeavour to address insufficient coverage of scientific topics, in particular those initially addressed in activities under Article 6(1), point (b), that could not be adequately funded.
6. The calls for proposals under the relevant annual work programmes, shall be launched by 31 December 2027. In duly justified cases, they may be launched by 31 December 2028.
7. EURAMET shall monitor, and shall report annually to the Commission on, the implementation of all activities included in the annual work programme ***without increasing the administrative burden on the beneficiaries. The annual report shall be made publicly available in a timely manner on EURAMET's website.***
8. Any communication or publication relating to the activities of the Metrology Partnership and performed in cooperation with the Metrology Partnership, whether undertaken by EURAMET, a Participating State or its national funding bodies, or participants in an activity, shall be labelled or co-labelled as being co-funded by the Metrology Partnership under Horizon Europe.

Article 8

Rules for participation and dissemination

1. EURAMET shall be considered to be a funding body within the meaning of Article 2, point 14, of Regulation (EU) 2021/695 and shall provide financial support to indirect actions referred to in Article 6(1), point (a), of this Decision in accordance with Article 6(2) of that Regulation.
2. ***Regulation (EU) 2021/695, in particular the rules for participation, open science and dissemination laid down therein, shall apply to the actions referred to in Article 6(1), point (a), of this Decision. In addition, in accordance with Article 17(2) of that Regulation, where strictly necessary and after consulting the Steering Group referred to in Article 15 of this Decision where the Metrology Partnership Committee requests such consultation, the annual work programme may provide for a limitation of the coordinator role in indirect actions, from submission of the proposal to the end of the project, to the NMIs and the DIs of the Participating States in order to ensure that the objectives and the contribution targets of the Participating States are met.***
3. EURAMET shall ensure appropriate interactions with NMIs and DIs in the indirect actions referred to in Article 6(1), point (a), in accordance with their designation by the appropriate national authority. EURAMET shall also encourage and support the participation of other entities, ***including SMEs***, in all calls for proposals.

Article 9

Agreements between the Union and EURAMET

Provided that an equivalent level of protection of the financial interest of the Union is ensured, EURAMET shall be entrusted with the implementation of the Union's financial contribution in accordance with Article 62(3) and Article 154 of Regulation (EU, Euratom) 2018/1046.

Article 10

Termination, reduction or suspension of the Union's financial contribution

1. If the Metrology Partnership fails to meet the conditions under which the Union's financial contribution is entrusted, the Commission may terminate, proportionally reduce or suspend that contribution.
2. If a Participating State does not contribute to the financing of the Metrology Partnership, contributes only partially or does not respect the time frames for the contributions referred to in Article 5, the Commission may terminate, proportionally reduce or suspend the Union's financial contribution. The Commission's decision shall not hinder the reimbursement of eligible costs already incurred by the Participating State before the decision to terminate, proportionally reduce or suspend the Union's financial contribution is notified to the Metrology Partnership.

Article 11
Ex post audits

1. The *ex post* audits of expenditure on indirect actions referred to in Article 6(1), point (a), of this Decision shall be carried out by EURAMET in accordance with Article **53(3)** of Regulation **■** (EU) **2021/695**.
2. The Commission may itself carry out the audits referred to in paragraph 1 of this Article. In such cases, the Commission shall carry out such audits in accordance with the applicable rules, in particular Article 53(3) of Regulation (EU) 2021/695 and Article 127 of Regulation (EU, Euratom) 2018/1046.

Article 12
Protection of the financial interests of the Union

1. The Commission shall take appropriate measures to ensure that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive penalties.

2. In implementing the Metrology Partnership, the Participating States shall take the legislative, regulatory, administrative and other measures necessary to protect the financial interests of the Union, in particular, to ensure full recovery of any amounts due to the Union in accordance with Regulation (EU, Euratom) 2018/1046.
3. EURAMET shall grant Commission staff and other persons authorised by the Commission, as well as the Court of Auditors, access to its sites and premises and to all the information, including information in electronic format, needed in order to conduct their audits.
4. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁴ and Council Regulation (Euratom, EC) No 2185/96¹⁵ with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with an agreement, a decision or a contract funded under this Decision.

¹⁴ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

¹⁵ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

5. The European Public Prosecutor's Office (EPPO) may carry out investigations in accordance with the provisions and procedures laid down in Council Regulation (EU) 2017/1939¹⁶, with a view to investigating criminal offences affecting the financial interests of the Union as set out in Article 4 of that Regulation.
6. Without prejudice to paragraphs 3, 4 and 5, agreements, decisions and contracts resulting from the implementation of this Decision shall contain provisions expressly empowering the Commission, EURAMET, the Court of Auditors, EPPO and OLAF to conduct such audits, on-the-spot checks and investigations in accordance with their respective competences.

Article 13

Governance of the Metrology Partnership

1. The bodies governing the Metrology Partnership shall include at least the following:
 - (a) a Metrology Partnership Committee;
 - (b) a Steering Group;
 - (c) the Secretariat of EURAMET.

¹⁶ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

2. *The bodies referred to in paragraph 1 shall take appropriate measures to seek a balanced composition in terms of skills, experience, knowledge, geographical diversity and gender.*

Article 14

Metrology Partnership Committee

1. The Metrology Partnership Committee shall manage the Metrology Partnership in *a transparent way, while ensuring* that the Metrology Partnership as executed meets its objectives.
2. The Metrology Partnership Committee shall be composed of *one representative and one alternate* representative from *each* Participating *State*. The voting weights shall be calculated on the basis of the commitments by each Participating State according to the square root of the commitment.
3. The Metrology Partnership Committee shall, in particular:
 - (a) take decisions on the strategic research and innovation agenda, *and make them publicly available*;

- (b) take decisions on the planning of calls for proposals and on the evaluation review procedure as provided for in Article 30 of Regulation (EU) 2021/695;
- (c) adopt the annual work programme after obtaining the Commission's approval and after consulting the Steering Group referred to in Article 15 *and make it publicly available*;
- (d) take decisions on the selection of the *proposals* to be funded according to the ranking lists established after evaluations of the proposals following the calls for proposals referred to in Article 6(1), point (a) of this Decision;
- (e) *adopt measures to attract newcomers*;
- (f) monitor the progress of the *activities of EURAMET referred to in Article 6*;

- (g) approve the participation in the Metrology Partnership of any third country not associated to Horizon Europe, provided that that third country *fulfils* the *conditions* referred to in Article 1(3), points (a) and (c);
- (h) *by 31 December 2021, establish a harmonised approach, including criteria and processes, for the purpose of valuing the in-kind contributions referred to in Article 5(2).*

For the purpose of taking decisions in accordance with point (d) of the first subparagraph of this paragraph, the annual work programme may include rules for dealing with ex-aequo proposals in accordance with Article 28(3) of Regulation (EU) 2021/695 and the Horizon Europe work programme.

4. The Commission shall have observer status in the meetings of the Metrology Partnership Committee. However, the adoption of the annual work programme by the Metrology Partnership Committee shall require the Commission's prior approval. The Metrology Partnership Committee shall invite the Commission to its meetings and shall provide the Commission with all relevant documents. The Commission may take part in the Metrology Partnership Committee's discussions. *The agenda, list of participants and decisions of meetings of the Metrology Partnership Committee shall be made publicly available in a timely manner on EURAMET's website.*
5. The Metrology Partnership Committee shall elect its Chairperson and  Deputy Chairperson according to the voting weights set out in paragraph 2. The Chairperson of the Metrology Partnership Committee shall represent EURAMET in matters related to the Metrology Partnership.

Article 15
Steering Group

1. The Commission shall set up a Steering Group. The Commission ***shall seek geographical and gender balanced representation among its members as well as balance in terms of the necessary competence and expertise***. The Steering Group shall be an advisory body of the Metrology Partnership and shall give advice to the Metrology Partnership on the emerging priorities for metrology research at European level ***and on how to increase the impact of its research on European industry, economy and society***. It shall in particular:
 - (a) identify emerging technologies, ***innovations***, markets ***and industrial applications*** where metrology research ***and innovation*** could become relevant in the future;
 - (b) identify research areas which contribute to the smooth functioning of the internal market ***and to the Union's goal of achieving climate neutrality by 2050 at the latest***, including to relevant regulations and standards;
 - (c) advise the Metrology Partnership on priorities for its future work programmes.
2. The Steering Group shall be composed of **15** members:
 - (a) four representatives from European standard setters and regulators designated by EURAMET;

- (b) *four* representatives from different European Partnerships set up pursuant to Regulation ■ (EU) 2021/695, *which* the Commission shall designate in an open and transparent manner, *ensuring diversity of expertise and background*;
- (c) *four representatives from the European scientific community, appointed by the Commission following an open and transparent process, based on a call for expression of interest, seeking geographical and gender balanced representation, covering the necessary competences and expertise with regard to the relevant technical domains and aiming to make independent science-based recommendations*;
- (d) the Chairperson of EURAMET;
- (e) one representative designated by the Commission; and
- (f) one representative from a national ministry who is not a staff member of a national metrology institute represented in EURAMET and who is appointed by the Metrology Partnership Committee.

3. *The Steering Group shall provide independent advice on the scientific priorities and other relevant issues to be addressed in the Metrology Partnership's annual work programme, as well as on specific issues, as requested by the Metrology Partnership Committee, and shall monitor scientific achievements in adjacent sectors.*
4. At least 50 % of the members referred in paragraph 2, points (a) and (b), of this Article shall be rotated at the latest after the interim evaluation referred to in Article 18(1).
5. The Steering Group shall be jointly chaired by the representatives referred to in paragraph 2, point (e).
6. *All recommendations made by the Steering Group shall be made publicly available.*

Article 16

Secretariat of EURAMET

1. The Secretariat of EURAMET, providing general administrative support for EURAMET, shall keep *separate accounting and* bank accounts for the Metrology Partnership.
2. A Management support unit shall be established as part of the Secretariat of EURAMET and shall be responsible for the implementation and day-to-day management of the Metrology Partnership.

3. *The Secretariat shall offer support to the Participating States as regards the application of the criteria and processes of the harmonised approach referred to in Article 5(5).*

Article 17

Communication of information

1. EURAMET shall, upon the Commission's request, provide the Commission with any information necessary for the preparation of the evaluations referred to in Article 18.
2. The Participating States shall submit to the Commission, through EURAMET, any information requested by the European Parliament, by the Council or by the Court of Auditors concerning the financial management of the Metrology Partnership.
3. The Commission shall include the information referred to in paragraph 2 of this Article in the evaluations referred to in Article 18.

Article 18

Evaluations

1. The Commission shall conduct an interim evaluation and a final evaluation of the Metrology Partnership in the framework of the Horizon Europe evaluations, in accordance with Article 52 of Regulation (EU) 2021/695, *with the assistance of external independent experts selected on the basis of an open and transparent process.*

2. The interim and final evaluations shall examine how the Metrology Partnership fulfils its mission and objectives, cover all its activities and evaluate its European added value, effectiveness, efficiency, including its openness and transparency, the relevance of the activities pursued, ***including in industry and by SMEs***, and their consistency and complementarity with relevant regional, national and Union policies, including synergies with other parts of Horizon Europe, such as ***other partnerships***, missions, clusters, thematic or specific programmes. The evaluations shall take into account the views of stakeholders, at both European and national level and shall, where relevant, also include an assessment of the long-term scientific, societal, economic, ***environmental and*** technological impacts of the preceding initiatives, ***as well as an evaluation of external partners' participation***. They shall include, where relevant, an assessment of the most effective policy intervention mode for any future action, as well as the relevance and coherence of any possible renewal of the Metrology Partnership, given the overall policy priorities and the research and innovation support landscape, including the positioning against other initiatives supported through Horizon Europe. ***When carrying out those evaluations, the Commission shall fully consider the administrative impact on the Metrology Partnership and shall make best efforts to reduce the administrative burden and to ensure that the evaluation process is kept simple and fully transparent.***

3. ***The Commission shall publish and disseminate the results and conclusions of the evaluations conducted under this Article.***

Article 19

Access to results and information on proposals

1. EURAMET shall provide the Commission access to all information related to the indirect actions it funds. Such information shall include the results of beneficiaries' participation in indirect actions of the Metrology Partnership or any other information deemed necessary for developing, implementing, monitoring and evaluating Union policies or programmes. Such access rights are limited to a non-commercial and non-competitive use and shall comply with the applicable confidentiality rules.
2. ***EURAMET shall enter information on funded proposals of the Metrology Partnership in the database established pursuant to Article 50 of Regulation (EU) 2021/695.***
3. For the purposes of developing, implementing, monitoring and evaluating Union policies or programmes, EURAMET shall provide the Commission with information included in submitted proposals.

Article 20
Confidentiality

Without prejudice to Article 17, EURAMET shall ensure the protection of confidential information which, if disclosed beyond the Union institutions, bodies, offices or agencies, could damage the interests of EURAMET members or of participants in the activities of the Metrology Partnership. Such confidential information includes but is not limited to personal, commercial, sensitive non-classified and classified information.

Article 21
Conflicts of interest

1. EURAMET, its bodies and staff, and the bodies of the Metrology Partnership shall ***take the appropriate measures to prevent*** any conflict of interest in the implementation of their activities, ***and shall ensure that a person faced with such a conflict of interest does not decide, give advice, or assist on the specific matter affected by that conflict of interest.***
2. EURAMET shall adopt rules for the prevention, avoidance and management of conflicts of interest in respect of the staff of EURAMET, the members and other persons serving in the Metrology Partnership Committee and in the other bodies or groups of EURAMET and the Metrology Partnership, in accordance with Article 61 of Regulation (EU, Euratom) 2018/1046.

3. ***EURAMET shall establish a code of conduct for members of the Metrology Partnership Committee, considering the publication of declarations of professional activities, financial interests and conflicts of interest in accordance with data protection rules.***

Article 22

Entry into force

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

Article 23

Addressees

This Decision is addressed to the Member States.

Done at,

For the European Parliament

The President

For the Council

The President

ANNEX TO THE LEGISLATIVE RESOLUTION

STATEMENT BY THE COMMISSION

In order to help Member States in strengthening synergies between Horizon Europe and Cohesion Policy, the Commission will develop guidelines focused on the opportunities that the alternative, combined and cumulative funding and transfer of resources provide.
