

Decision No 742/2008/EC of the European Parliament and of the Council
of 9 July 2008 on the Community's participation in a research and
development programme undertaken by several Member States aimed
at enhancing the quality of life of older people through the use of new
information and communication technologies (Text with EEA relevance)

Article 1

1 In implementing the Seventh Framework Programme, the Community shall make a financial contribution to the ambient assisted living joint research and development programme (the AAL Joint Programme) undertaken jointly by Belgium, Denmark, Germany, Ireland, Greece, Spain, France, Italy, Cyprus, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Finland, Sweden and the United Kingdom (the participating Member States) as well as Israel, Norway and Switzerland.

2 The Community shall pay a financial contribution amounting to a maximum of EUR 150 million for the duration of the Seventh Framework Programme for the implementation of the AAL Joint Programme, in accordance with the principles set out in Annex I, which forms an integral part of this Decision.

3 The Community financial contribution shall be paid from the appropriation in the general budget of the European Union allocated to the information and communication technologies (ICT) theme of the Specific Programme 'Cooperation'.

Article 2

The Community financial contribution shall be conditional upon:

- (a) demonstration by the participating Member States, Israel, Norway and Switzerland that the AAL Joint Programme as described in Annex I has been efficiently set up;
- (b) the formal establishment or designation by the participating Member States, Israel, Norway and Switzerland, or organisations designated by the participating Member States, Israel, Norway and Switzerland, of a dedicated implementation structure with legal personality which shall be responsible for implementing the AAL Joint Programme and for receiving, allocating and monitoring the Community financial contribution in the framework of indirect centralised management in accordance with Articles 54(2)(c) and 56 of the Financial Regulation and Articles 35, 38(2) and 41 of the Implementing Rules;
- (c) the establishment of an appropriate and efficient governance model for the AAL Joint Programme in conformity with the guidelines set out in Annex II, which forms an integral part of this Decision;
- (d) efficient carrying out of the activities under the AAL Joint Programme described in Annex I by the dedicated implementation structure, which entails the launch of calls for proposals for the award of grants;
- (e) commitments by the participating Member States, Israel, Norway and Switzerland to contribute to the financing of the AAL Joint Programme and the effective payment of their financial contribution, in particular the funding of participants in the projects selected following the calls for proposals launched under the AAL Joint Programme;

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- (f) compliance with the State aid rules of the Community, and in particular the rules set out in the Community Framework for State Aid for Research and Development and Innovation⁽¹⁾;
- (g) ensuring a high level of scientific excellence and observance of ethical principles in accordance with the general principles of the Seventh Framework Programme, of gender mainstreaming and gender equality and of sustainable development; and
- (h) the formulation of provisions governing the intellectual property rights arising from the activities carried out under the AAL Joint Programme and the implementation and coordination of the research and development programmes and activities undertaken at national level by the participating Member States, Israel, Norway and Switzerland in such a way that they aim at promoting the creation of such knowledge and at supporting wide use and dissemination of the knowledge created.

Article 3

In the implementation of the AAL Joint Programme, the granting of financial support by the dedicated implementation structure to third parties, and in particular financial support provided to participants in projects selected following calls for proposals for the award of grants, shall be subject to the principles of equal treatment and transparency, predictability for applicants and independent evaluation. The financial support to third parties shall be granted on the basis of scientific excellence, socioeconomic impact at European level and relevance to the overall objectives of the programme, in accordance with the principles and procedures set out in Annex I.

Article 4

The arrangements for the Community financial contribution and the rules relating to financial liability and intellectual property rights, as well as the detailed rules for the provision of financial support by the dedicated implementation structure to third parties, shall be established by means of a general agreement to be concluded between the Commission, on behalf of the Community, and the dedicated implementation structure, and annual financing agreements.

Article 5

If the AAL Joint Programme is not implemented or is implemented inadequately, partially or late, the Community may reduce, withhold or terminate its financial contribution in line with the actual implementation of the AAL Joint Programme.

If the participating Member States, Israel, Norway and Switzerland do not contribute or contribute only partially or late to the financing of the AAL Joint Programme, the Community may reduce its financial contribution in line with the actual amount of public funding allocated by the participating Member States, Israel, Norway and Switzerland on the terms laid down in the agreement to be concluded between the Commission and the dedicated implementation structure.

Article 6

In implementing the AAL Joint Programme, the participating Member States, Israel, Norway and Switzerland shall take all the legislative, regulatory, administrative or other measures necessary for protecting the Communities' financial interests. In particular, the participating Member States, Israel, Norway and Switzerland shall take the necessary measures to ensure full recovery of any amounts due to the Community, in accordance

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with Article 54(2)(c) of the Financial Regulation and Article 38(2) of the Implementing Rules.

Article 7

The Commission and the Court of Auditors may, through their officials or agents, carry out all the checks and inspections needed to ensure proper management of the Community funds and protect the financial interests of the Community against any fraud or irregularity. To this end, the participating Member States, Israel, Norway and Switzerland and the dedicated implementation structure shall, in due course, make all relevant documents available to the Commission and the Court of Auditors.

Article 8

The Commission shall communicate all relevant information to the European Parliament, the Council and the Court of Auditors. The participating Member States, Israel, Norway and Switzerland are invited to submit to the Commission, through the dedicated implementation structure, any additional information required by the European Parliament, the Council or the Court of Auditors concerning the financial management of the dedicated implementation structure that is consistent with the overall reporting requirements set out in Article 12(1).

Article 9

Any Member State may join the AAL Joint Programme, in accordance with the criteria set out in Article 2(e) to (h).

Article 10

Any third country may join the AAL Joint Programme, in accordance with the criteria set out in Article 2(e) to (h) and, provided that such participation is covered by the relevant international agreement and provided that both the Commission and the participating Member States, Israel, Norway and Switzerland agree to it.

Article 11

Conditions relating to the Community financial contribution concerning the participation in the AAL Joint Programme of any country associated with the Seventh Framework Programme or, where essential for implementing the AAL Joint Programme, of any other country, may be agreed by the Community on the basis of the rules set out in this Decision and of any implementing rules and arrangements.

Article 12

1 The annual report on the Seventh Framework Programme presented to the European Parliament and the Council pursuant to Article 173 of the Treaty shall include a report on the activities of the AAL Joint Programme.

2 An interim evaluation of the AAL Joint Programme shall be carried out by the Commission two years after the start of the Programme, but in any case no later than 2010. If deemed necessary after the first interim evaluation, further interim evaluations may be carried out.

The interim evaluation shall cover the progress towards the objectives of the AAL Joint Programme set out in Annex I, including recommendations on the most appropriate ways to further enhance integration, the quality and efficiency of the implementation, including scientific, management and financial integration, of the AAL

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Joint Programme and whether the level of the financial contributions of the participating Member States, Israel, Norway and Switzerland is appropriate, given the potential demand from their various national research communities. Experience from other joint programmes carried out under Article 169 of the Treaty shall also be taken into account.

The Commission shall communicate the conclusions of the interim evaluation, accompanied by its observations and, where appropriate, proposals for the adaptation of this Decision, to the European Parliament and the Council.

3 At the end of 2013, the Commission shall conduct a final evaluation of the AAL Joint Programme. The results of the final evaluation shall be presented to the European Parliament and the Council.

Article 13

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

Article 14

This Decision is addressed to the Member States.

Done at Strasbourg, 9 July 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J.-P. JOUYET

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(1) OJ C 323, 30.12.2006, p. 1.

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