IMPLEMENTING ARRANGEMENT

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE EUROPEAN COMMISSION

FOR COOPERATION

BETWEEN RESEARCHERS

FUNDED SEPARATELY BY THE UNITED STATES AND THE EUROPEAN UNION'S

FRAMEWORK PROGRAMMES ON RESEARCH AND INNOVATION

The Government of the United States of America and the European Commission (hereinafter referred to as the "Sides" and each, a "Side"):

Acting in accordance with the Agreement for Scientific and Technological Cooperation between the Government of the United States of America and the European Community, signed in Washington on 5 December 1997, as extended,

Noting that participants in Horizon 2020 are legal entities carrying out an action or part of an action that is specifically identified in the Horizon 2020 grant agreements that they sign and that give them rights and obligations with regard to the European Union,

Noting the desire of the U.S. and European researchers hereinafter referred to as the "Research Partners" to collaborate on scientific projects when participating on the basis of no exchange of funds,

Aiming to enable productive research partnerships between U.S. Research institutions and Horizon 2020 participants,

Have reached the following understandings:

SECTION 1

U.S. institutions, not receiving funds under the EU Framework Programmes for Research and Innovation, currently Horizon 2020, may conduct cooperative research and relevant activities with EU participants, irrespective of the nature and extent of their contributions, without being a participant, and are not required to sign grant or consortia agreements under these Programmes or other forms that are required for EU participants.

SECTION 2

The two Sides intend for U.S. and EU Research Partners in collaborative opportunities to cooperate only in accordance with applicable laws, rules, policies, and regulations of their respective funding programs.

SECTION 3

Research Partners in activities under this Arrangement are only expected to complete bureaucratic or reporting requirements of their respective funding programs.

SECTION 4

In all cases, Research Partners are expected to be recognized for their contribution to collaborative activities in a manner determined between Research Partners and are expected to inform both Sides in accordance with applicable policies, rules and regulations of the respective funding programmes.

SECTION 5

The Sides share the understanding that the Annex to the Agreement does not apply to the cooperative research activities undertaken by the Research Partners;

The Sides understand that details concerning authorship of any publications resulting from successful collaborations are a matter to be determined between research partners, such partners being subject to applicable policies, rules, and regulations of their respective programs.

SECTION 6

Research Partners are encouraged, where appropriate, to reach a common understanding in respect of intellectual property rights, data access, and data dissemination and other matters considered essential to research collaboration governance.

SECTION 7

The two Sides encourage Research Partners to determine whether to provide advance notice for distribution of information, or lack thereof, about the collaboration and/or results of research subject to applicable policies, rules, and regulations of their respective programs.

SECTION 8

Funding of collaborative activities by either the U.S. Government or the European Commission does not depend on a successful award from the other Side.

SECTION 9

The provisions of this Arrangement do not affect other formal or informal arrangements for scientific and technological cooperation between Research Partners.

SECTION 10

This Arrangement is not intended to create rights and obligations under international law. This Arrangement may commence upon signature and is intended to continue unless otherwise discontinued by one or both Sides. A Side that wishes to discontinue this Arrangement intends to provide at least ninety (90) days' prior written notice to the other Side.

SECTION 11

This Arrangement may be modified by written decision of the Sides.

Signed at Brussels, on 17 October 2016, in duplicate, in the English language.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

Anthony L. Gardner

Ambassador to the European Union

FOR THE EUROPEAN COMMISSION

Carlos Moedas

Commissioner for Research, Science and Innovation