



**European Cooperation  
in Science and Technology  
- COST -**

**Brussels, 20 November 2013**

**Secretariat**  
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**COST 4114/13**

**NOTE**

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To : COST Committee of Senior Officials (CSO)

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Subject : COST Action Management

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Delegations will find attached the revised "COST Action Management" document as approved by the CSO on 13 - 14 November 2013<sup>1</sup>. The revision of the document was required mainly due to the termination of the Reciprocal Agreement with Australia.

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<sup>1</sup> The initial document COST 4115/13 was approved by the CSO on 15 - 16 May 2013.

## **COST Action Management**

The COST Committee of Senior Officials (“CSO”) having regard to  
COST 4112/13, “Rules for the Participation in and Implementation of COST Activities”,  
in accordance with its role as main decision-making body of COST,

Whereas:

- (1) COST 4154/11, “Rules and Procedures for Implementing COST Actions” has defined the basic framework for the management of and participation in COST Actions, until this document was replaced by COST 4112/13.
- (2) COST 4112/11, “Guidelines for Monitoring, Evaluation and Dissemination of Results of COST Actions” has provided the framework for the overall evaluation of on-going and concluded COST Actions.
- (3) COST 4170/10, “Rules of Procedure for a COST Domain Committee” describes the general framework for the tasks of the COST Domain Committees.

has adopted the present rules for “COST Action Management” on the 15-16 May 2013 in accordance with the, “Rules for Participation in and Implementation of COST activities<sup>2</sup>”. This Decision will enter into force on 1 June 2013.

### ***Subject Matter and Scope***

By laying down the present rules, COST strives to achieve the best quality performance in the management and monitoring of COST Actions.

This decision lays down the rules for the management of COST Actions in accordance with COST 4112/13, “Rules for Participation in and Implementation of COST activities”.

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<sup>2</sup> COST 4112/13

## ***Definitions***

For the purpose of this Decision, the following definitions shall apply:

- 1 COST Member Country: means any country that was a founding member of the COST Intergovernmental Framework or joined COST as a full member following the approval of the COST Committee of Senior Officials (CSO).
- 2 COST Cooperating State: means a country that has been approved by the CSO to participate without voting rights in the CSO.
- 3 COST Near Neighbour Countries: means countries approved by the CSO to benefit from dedicated support for the integration of their scientists in COST activities.
- 4 International Partner Countries: means all those countries that are neither COST Member Countries, nor Cooperating State nor Near Neighbour Countries.
- 5 EU Agencies: means any body governed by European public law, with its own legal personality, established in the EU to accomplish specific tasks of a legal, technical and/or scientific nature in a given policy field and to support the EU Member States but distinct from the EU institutions<sup>3</sup>.
- 6 European RTD Organisation: means any intergovernmental scientific research organisation that is responsible for infrastructures and laboratories whose members are countries, and the majority of which are COST Member Countries or Cooperating State.
- 7 International Organisation<sup>7</sup>: means an organisation, other than the European Communities, which has legal personality under international public law, as well as any specialised agency set up by such an international organisation
- 8 COST National Coordinator (CNC): means the individual appointed by the COST Member Countries and Cooperating State in charge of accepting the Action Memorandum of Understanding, of the nomination process for the Domain Committee and Management Committee members as well as providing information and support to national research communities.
- 9 Domain Committee (DC): means the committee composed of scientific and technological experts responsible for a particular research domain appointed by the COST Member Country and Cooperating State.
- 10 Open Call for proposals: means the official announcement/publication with the description of the objectives and criteria required for COST Action proposals to be evaluated and selected. The Open Call allows submitting proposals on a continuous basis; the publication indicates the Collection Dates.

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<sup>3</sup> See: [http://europa.eu/agencies/regulatory\\_agencies\\_bodies/index\\_en.htm](http://europa.eu/agencies/regulatory_agencies_bodies/index_en.htm)

<sup>7</sup> See Annex II

- 11 Collection Date: means the date when the proposals for new COST Actions submitted during a certain period are gathered and sent for evaluation.
- 12 Proposer: means the coordinator of the group of researchers who submit a proposal for a COST Action in response to the Open Call.
- 13 COST Action: means the COST pan-European networking instrument allowing researchers from COST Member Countries and Cooperating State to develop jointly their ideas and new initiatives in a given field or topic of common interest.
- 14 Action's Memorandum of Understanding (MoU): means the agreement accepted by a minimum of five different COST Member Countries and/or Cooperating State describing the Action objectives and the added value of networking. This document has to be endorsed by any additional COST Member Country or Cooperating State joining the Action.
- 15 Action Participant: means any researcher who participates actively in a COST Action; this can include researchers from Near Neighbour and International Partner Countries.
- 16 Management Committee (MC): means the group of researchers, nominated by the CNC, in charge of the coordination, implementation, and management of an Action's activities as well as supervising the appropriate allocation and use of the COST funding with a view to achieving the Action's scientific and technological objectives.
- 17 Working Group (WG) Member: means any researcher appointed by the Management Committee to contribute to the achievement of Action objectives.
- 18 MC Observer: means a researcher observing a COST Action's coordination and decision-making process and activities on behalf of his/her institution of affiliation.
- 19 Occasional Action Participant: means any researcher invited to participate in a specific Action activity by an Action Management Committee.
- 20 Dissemination: means the disclosure of COST Action's results and/or outcomes by any appropriate means other than that resulting from the formalities for protecting it and including the publication of the results in any medium.
- 21 Funding Scheme: means the mechanism governing the administrative and financial management of COST Action' funds.
- 22 COST Office: means the operation centre established through the Memorandum of Understanding between COST and the European Science Foundation (ESF)<sup>4</sup> acting as implementing agent for COST.
- 23 COST Action Grant Agreement: means the agreement between COST Office and the Grant Holder that governs the administrative and financial implementation of the COST Action.

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<sup>4</sup> Memorandum of Understanding COST-ESF (COST 262/02), Addendum to MoU (COST 291/06)

- 24 **Grant Holder:** means the entity responsible for the administrative and financial implementation of the COST Action.
- 25 **Researcher:** means anyone engaged in the conception or creation of new knowledge, products, processes, methods and systems, and in the management of the projects concerned. For the purpose of participating in COST Actions, any individual, independently of his/her affiliation or professional quality shall be considered as researcher.

### ***General provisions for COST Action Management***

New Action proposals are submitted for evaluation and selection following an Open Call. The evaluation procedure for proposals for new Actions as decided by the CSO is outlined in “COST Action Proposal Submission, Evaluation, Selection and Approval”<sup>5</sup>.

The selection procedure is concluded with the approval by the CSO of the Memorandum of Understanding for the new COST Action. Only after approval by the CSO can the MoU be opened for participation.

The COST Actions are overall governed by legal, ethical, contractual, financial and administrative principles and rules as defined by the nature of COST Intergovernmental Framework and as decided by the CSO, as well as by the nature and source of COST funding in the form of EU public funds.

More specifically, the implementation of COST Actions must comply with the Action Memorandum of Understanding, the basic principles described therein, and the Action’s Grant Agreement.

#### ***1. Memorandum of Understanding (MoU)***

##### **Structure of the Memorandum of Understanding**

The MoU for implementing a COST Action consists of two parts: the Memorandum proper and the Technical Annex.

The Memorandum proper (see template in Annex I) contains, in addition to the number and title of the Action, the agreement of COST Member Countries and/or Cooperating State participating in the Action to carry out the Action in accordance with the provisions of the present document (hereinafter referred to as the "Rules for the Management of COST Actions"), as well as the following specific information and provisions pertaining to the Action:

- the objectives of the Action,
- the required minimum number of countries participating in the Action,
- the period of time for which the Action remains in force, calculated from the date of the first meeting of the Management Committee.

The Technical Annex contains a description of the Action.

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<sup>5</sup> COST 4113/13

## ***Acceptance of the Memorandum of Understanding and Start of Action***

Participation in a COST Action is subject to the acceptance of the MoU.

Within a period of twelve months after the approval of the Action, any COST Member Country or Cooperating State can join the Action. After this period, additional COST Member Countries or Cooperating State may join the Action subject to the agreement of the Action Management Committee (MC).

The Action will start on the date of the first MC meeting which can be organized after five countries have accepted the MoU.

Actions that fail to start within twelve (12) months from the date of approval of the MoU by the CSO due to lack of the minimum number of participating countries, or because the first meeting of the MC has not been held within twelve months of the date of approval, will be referred back to the CSO for review.

## ***2. Changes to a COST Action***

A COST Member Country or Cooperating State participating in the Action which intends, for any reason, to terminate its participation will notify the COST Office of its intention as soon as possible.

The duration of a COST Action is defined in the MoU (in the vast majority of cases 4 years) calculated from the date of the first MC meeting. The period may be shortened or extended by the CSO, after DC recommendation, in the following cases:

- a) The COST Action may be terminated before its originally intended end date:
  - if the number of COST Countries participating in the COST Action falls below the minimum number of five, or
  - if any other circumstances make the benefit of continuing the COST Action questionable.
  
- b) The COST Action may be extended beyond its originally intended end date:
  - if, during the course of the Action, the MC notes that it is, for technical reasons, impossible to bring the work under the Action to a satisfactory conclusion within the originally envisaged period of duration;
  - Extensions of COST Actions are exceptional and must be duly justified from an S&T or network activities point of view. Should the COST Action that requests an extension need a budget increase, both requests must be introduced at the same time. The final assessment of Actions having benefited from an extension shall include a dedicated section assessing the extension period.

Any other substantial change to a COST Action, proposed by the MC, will be brought to the attention of the CSO or to the relevant Domain Committee, if it has received authority from the CSO, for approval.

### 3. *COST Action Management*

COST Actions are open to researchers and other individuals relevant to the Action who are committed to achieving the objectives laid out in the Action MoU (see Annex I).

The Action activities are planned by the Action MC in compliance with the Strategy and Objectives presented in the Action's MoU. They are reflected in the yearly Work & Budget Plan. COST funding is devoted to COST networking tools; all other activities (e.g., researchers' work) needed to achieve Action Objectives are regarded as funded by national funds, namely by the researchers' institutions.

The management of an Action comprises different aspects necessary for the completion of its activities. They are as follows:

- Action Participation: this comprises the rules, procedures and responsibilities linked to the involvement, role and tasks of participants in the Actions.
- Action Strategy: this comprises
  1. The Action objectives detailed in the MoU;
  2. The Action Scientific & Technological (S&T) activities necessary to achieve the objectives. These are the COST networking tools – meetings (MC meetings, Working Group meetings, workshops, conferences), Short Term Scientific Missions, Training Schools and Dissemination activities;
  3. The timeline for the achievement of Action S&T activities and objectives within the Action lifetime.
- Action Structure: this comprises the structure of the Action, as well as the rules and procedures which govern the Action's networking activities (e.g., Working Groups or STSMs);
- Action Budget and Administration: this comprises the administrative and financial coordination and management linked to an Action's networking tools.
- Action Monitoring and Assessment: this comprises the follow-up and assessment of the level of achievement of an Action's objectives whether on-going or concluded.

#### 3.1 *Action Participation*

The conditions for participation in COST Actions are defined in the “COST Rules for Participation in and Implementation of COST Activities”<sup>6</sup> and in the “COST Rules for International Cooperation”<sup>7</sup>.

Action Participants engage to contribute to the achievement of the objectives set in the Action MoU and are deemed to have accepted the COST set of Rules and to commit to confidentiality.

All participants need to have a registered profile in the COST electronic database.

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<sup>6</sup> COST 4112/13

<sup>7</sup> COST 4115/13

### ***3.2 Action Strategy and Structure***

The coordination, implementation, and management of an Action as well as supervising the appropriate allocation and use of the funds with a view to achieving the Action's scientific and technological objectives are entrusted to the Action MC.

Action MC Members represent the COST Member Country or the Cooperating State having been nominated by the COST National Coordinator, regardless of their nationality. The MC is composed of up to two representatives from each Member Country or Cooperating State participating in the Action. The MC may include up to two representatives from International Partner Country, Near Neighbour Country or Specific Organisation participating in the Action. In the latter case, researchers are MC Observers with no voting rights and must come from different institutions.

The Action MC, supported by the advice of the DC rapporteur and the COST Office, has the responsibility to:

- Define and manage the Action Strategy;
- Define the Action Structure, including: Working Group structure and membership, election of the Action Chair, Vice-Chair, Grant Holder and other COST Action Positions needed to achieve Action Objectives;
- Establish specific provisions linked to the management, sharing or exploitation of Intellectual Property that may rise from an Action (in line with Annex III). Such provisions must comply with national or international legislation and the need for protecting the participants' legitimate interests;
- Perform the reporting duties for the monitoring and assessment of an Action, without prejudice of the monitoring responsibilities of the DC and COST Office.

In fulfilling its responsibilities the Action MC shall take into account the advice provided by the DC Rapporteur responsible for the Action and by the COST Office.

The 'Rules of Procedure for Management Committee' are displayed in Annex II. It contains the provisions for internal decision-making process, management of activities and networking operations of the Action MC.

### ***3.3 Action Budget and Administration***

COST Actions are administered via two different funding schemes, COST Grant System and the Pay-As-You-Go.

The CGS is the main funding scheme applicable to COST Actions. The PAYG scheme is used in a subsidiary basis to support the implementation of specific activities not covered by the CGS (e.g., first MC meetings).



Under the “COST Grant System” (CGS), the Action budgetary management and administration is implemented by a Grant Holder under MC responsibility following the set of COST Rules.

In the CGS scheme, the Grant Holder is the legal entity ensuring the legal and financial administration of the COST Action as defined in the MoU and its Technical Annex and Action’s Grant Agreement, and as such it fulfils the responsibilities listed in the COST Action Grant Agreement and the relevant COST Rules<sup>8</sup>. Further information on the nature of a COST Grant Agreement and the role and responsibilities of the Grant Holder can be found in the COST Vademecum<sup>9</sup>.

Under the “Pay-As-You-Go” (PAYG) scheme Action activities are set up and organised by the MC, but the administrative and financial coordination is fully and directly under the responsibility of COST Office, in compliance with the set of COST Rules, the Action MC decisions and in line with the Action Strategy.

Controls and audits of the Action may be realized by ESF, the European Commission or the European Court of Auditors.

### ***3.4 Action Monitoring and Assessment***

The monitoring of COST Actions is the continuous follow-up and supervision of work in progress to ensure COST Actions are on course and on schedule in meeting their objectives. It is part of Quality Control and falls within the responsibilities of a Domain Committee, in accordance with its terms of reference.<sup>10</sup>

The results achieved during a COST Action will be presented in regular reports drawn up by the Action’s MC; reports shall contain information on all Action activities carried out in pursuit of Action objectives, regardless of whether such activities are COST networking tools. The reports will be based on templates provided by the COST Office; reports shall be submitted to the COST Office which transmits them to the relevant DC. Each DC convenes an annual meeting of the Chairs of the MC of Actions, called Annual Progress Conference to receive and discuss the performance of Actions assigned to the Domain, therefore supporting the monitoring tasks.

The assessment of COST Actions is the process of analysing the Action S&T and/or networking activities and their contribution to the achievement of overall Action objectives as defined in its MoU. The assessment shall take place both during the Action life cycle and after the end date.

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<sup>8</sup> COST 4112/13 “COST Rules for Participation in and Implementation of COST Activities” or any rules derived therefrom, COST Action Management (COST 4114/13), COST International Cooperation Rules (COST 4115/13), COST Vademecum

<sup>9</sup> COST Vademecum

<sup>10</sup> COST 4170/10

For on-going Actions, the purpose of COST Action assessment is to:

- a. verify the level of achievement of Action objectives;
- b. provide feedback and advice to the Action Management Committee;
- c. decide whether any performance-related measures need to be considered;
- d. gather qualitative and quantitative data to be used by the COST Office to analyse the overall impact of COST Actions.

For ended Actions, the purpose of COST Action assessment is to:

- a. verify how well the Action achieved its objectives;
- b. provide information on the results and outputs produced by the Action;
- c. decide whether any follow-up measures should be taken to further enhance its impact;
- d. gather qualitative and quantitative data to be used by the COST Office to analyse the overall impact of the COST Actions.

### **Role of the Domain Committee in the Action Monitoring and Assessment**

COST Action monitoring and assessment are entrusted to the Domain Committees with the support of the COST Office and MC. In its Quality Control responsibilities for COST Action Monitoring and Assessment, the DC will:

- monitor the implementation of its COST Actions to ensure that the objectives as set out in their MoU are met;
- ensure coordination and exchange of information, as well as complementarity and synergy between its Actions as well as with relevant activities in other Domain Committees in COST, the EC R&D programmes, and any other relevant scientific initiatives in Europe;
- take account of interdisciplinarity within its domain and with other domains and of new developments in its domain.

Further to the assessment, the DC may recommend to the CSO:

- an extension of the Action;
- a change of the title or a modification of the objectives of the Action;
- contributions of other stakeholders to the Action;
- appropriate remedial measures;
- the termination of the Action.

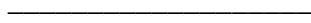
This process can result in advice concerning Action Implementation in view of ensuring the achievement of Action objectives.

The assessment of COST Actions is performed via a documented analysis of the results and outcomes of COST Action S&T Activities.

***Final Provisions***

All COST Actions must comply with the current rules for the management and monitoring of COST Action.

Any change or derogations to the current Rules are subject to the approval of the CSO.



## LIST OF ANNEXES

### Annex I

#### **Draft Memorandum of Understanding**

DRAFT MEMORANDUM OF UNDERSTANDING for the implementation of a COST Action  
XXX "TITLE"

The Parties to this Memorandum of Understanding, declaring their common intention to participate in the Action referred to above and described in the Technical Annex to the Memorandum, have reached the following understanding:

1. The Action will be carried out in accordance with the provisions of the COST “Rules for Participation in and Implementation of COST Activities” (COST 4112/13), the contents of which the countries participating in the Action are fully aware of.
2. The aim of the Action is to .....
3. The Memorandum of Understanding will remain in force for a period of four years calculated from the date of the first meeting of the Management Committee, unless the duration of the Action is modified.

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## **Rules of Procedure for Management Committee**

### **Article 1**

The Management Committee (MC) for COST Action ... has been set up in accordance with the provisions of the "*COST Rules for the Management of COST Action*".

The members of the MC shall be nominated for the duration of the Action by the COST National Coordinator of the respective COST Member Country or Cooperating State participating in the Action.

The MC shall consist of no more than two representatives for each COST Country.

In addition, participation from International Partner Countries, Near Neighbour Countries or Specific Organisations to the MC is possible as MC Observers. Participation is limited to up to two representatives from the International Partner Countries and Near Neighbour in question, provided they come from different institutions can participate. MC Observers need to be approved by the Management Committee, the relevant Domain Committee and the JAF.<sup>11</sup>

### **Article 2**

The main responsibilities of the MC are, as defined in Section 3.2 - *Action Strategy and Structure* of the "*COST Rules for the Management of COST Action*", to ensure the coordination, implementation, and management of the Action as well as supervising the appropriate allocation and use of the funds.

### **Article 3**

Each COST Member Country and Cooperating State participating in the Action shall have one vote in the MC. If a MC Member is unable to attend a meeting, this power may be delegated to an officially appointed substitute. Researchers from International Partner Country, Near Neighbour Country or Specific Organisation shall be considered MC Observers. MC Observers have the right to express their views but not to vote.

Votes can be held electronically via e-mail and are valid if all of the following conditions are met:

- a. Votes are initiated and managed by the MC Chair;
- b. All MC Members and MC Observers are among the recipients of the message initiating the vote;

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<sup>11</sup> COST 232/07 "Tasks assigned to the JAF Group" and COST International Cooperation Rules (COST 4115/13)

- c. The vote is open for at least seven days;
- d. The COST Office is informed of the outcome of the vote;
- e. The outcome of the vote is included in the minutes of the first MC Meeting after the electronic vote is held.

In case of electronic vote, absence of reply will be interpreted as consent. Electronic vote (via e-mail) cannot be used for the approval of International Partner participations, for which a dedicated online tool is available.

#### Article 4

The members of the MC, with the agreement of both the relevant COST National Coordinator and the MC Chair, may appoint substitutes in case of absence. Attendance at the MC meeting should be limited to members (or their substitute), as well as the designated MC Observers.

#### Article 5

The MC may decide that some of its discussions or certain Minutes of meetings and other documents be considered confidential. Documents are not considered confidential unless this is clearly stated on the front page.

The information supplied by the members of the MC shall not be published without their agreement.

#### Article 6

If in the course of this Action results are obtained or expected, which could give rise to intellectual property rights, the MC shall take the necessary steps, be it by written agreement among the participants or otherwise, in order to protect these rights, with respect to the principles set out in "Rules for Participation in and Implementation of COST Activities".

International Partner Countries, Specific Organisations and Near Neighbour Countries joining the Action are subject to the MC decisions as well as to respect the principles set out in "Rules for Participation in and Implementation of COST Activities".

#### Article 7

The MC shall appoint by a simple majority vote from among its members a Chair and a Vice-Chair for the duration of the Action. The election shall take place during the first MC meeting.

If the Chair is unable to attend, his/her place shall be taken by the Vice-Chair. Whenever the Chair is affiliated to the Grant Holder, or act as local organizer, commitments, validation and approval are transferred to the Vice-Chair.

In the event of the premature termination of the appointment of the Chair or Vice-Chair, they shall be replaced for the remainder of the term of office in question, again by a simple majority vote.

## Article 8

Meetings of the MC shall be officially held only if at least two-thirds of the COST Countries participating in the Action are represented.

Decisions of the MC shall be taken by simple majority vote of MC Members present or represented at the meeting, with one vote per Member Country participating in the Action. If required, a secret ballot may be carried out. In the event of a tie, the procedure may be repeated. In any case, the MC Chair does not have the right to vote.

## Article 9

The MC shall be convened by the Chair as often as required for the performance of its tasks and in any case not less than once per year.

It may also be convened at the request of members representing at least three COST Countries participating in the Action.

## Article 10

In the CGS support for the MC shall be provided by the Grant Holder. Support to the MC can be provided by the COST Office in a subsidiary basis for meetings organised under the PAYG system.

## Article 11

The Scientific Officer in charge of the Action within the COST Office shall receive copies of correspondence pertinent to the monitoring of the Action.

Official documents to be distributed by the Grant Holder (or by the COST Office in case of meeting organised under the PAYG system) at meetings should be provided at least one week before the meeting. For last minute documents to be distributed during meeting sessions, a sufficient number of copies should be brought, in order to avoid duplication on the spot. Whenever possible, documents should be electronically distributed by the authors directly to the participants and COST Office/Grant Holder.

## Article 12

Meetings shall be held where the MC considers it advisable to meet, in easy to reach locations of any COST Country participating in the Action. In case of meetings organised under PAYG, the COST Office can act as Local Organiser when meetings are held in its facilities in Brussels.

## Article 13

The working language of the MC is English, unless otherwise agreed by MC members. Documents emanating from the MC shall be in English.

## Article 14

These Rules of Procedure may not be amended by the MC. Should there be the need to deviate from the Rules of Procedure, the MC shall seek prior approval from the COST Office. In any case, deviations must be in the best interest of smooth implementation of the Action and shall not contravene the basic principles and rules set out in the present Rules, neither in the “Rules for the Participation in and implementation of COST Actions”, the COST Vademecum or any other COST document, or adversely affect the functioning of the Action. Duly justified proposals for deviation from the present rules shall be circulated one month prior to their discussion to the members of the MC and, further to the approval of the MC, to the COST Office for final decision.

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## **Property Rights**

Neither COST nor the ESF or the European Union retains property rights which are deemed to belong to the individual participants in an Action. The following conditions also apply:

### *Article 1*

In order to facilitate the exchange of results referred to in Chapter VI, paragraph 9 (g)<sup>12</sup>, and subject to national and international law, participants intend to ensure, through the inclusion of appropriate terms in research contracts, that the owners of industrial property rights and technical information resulting from work carried out in implementation of that part of the Action assigned to them under the Technical Annex (hereinafter referred to as “the research results”) will be under obligation, if so requested by another participant (hereinafter referred to as “the applicant participant”), to supply the research results and to grant to the applicant participant or to a third party nominated by the applicant participant a license to use the research results and such technical know-how incorporated therein as is necessary for such use if the applicant participant requires the granting of a license for the execution of:

- work in respect of the Action;
- research and development work within the framework of the applicant participant 's projects in the same field;
- research and development work within the framework of any associated European project undertaken subsequently and in which all or several of the participants may be prepared to take part.
- Such licenses will be granted on fair and reasonable terms, having regard to commercial usage.

### *Article 2*

Participants will, by including appropriate clauses in contracts placed with research contractors, provide for the license referred to in paragraph 1 to be extended on fair and reasonable terms, having regard to commercial usage, to previous industrial property rights and to prior technical know-how acquired by the research contractor insofar as the research results could not otherwise be used for the purpose referred to in Article 1.

Where a research contractor is unable or unwilling to agree to such extension, the participant will submit the case to the MC, before the contract is concluded; thereafter, the MC will state its position on the case, if possible after having consulted the interested parties.

### *Article 3*

Participants will take any steps necessary to ensure that the fulfillment of the conditions laid down in the present Chapter will not be affected by any subsequent transfer of rights to ownership of the research results. Any such transfer will be notified to the MC.

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<sup>12</sup> “*Industrial property rights in the context of COST*”, May 1985

*Article 4*

If a COST Member Country or Cooperating State terminates its participation in the Action, any rights of use which it has granted, or is obliged to grant, to, or has obtained from, other participants in application of the MoU and concerning work carried out up to the date on which the said COST Member Country or Cooperating State terminated its participation will continue thereafter.

*Article 5*

The provisions of Articles 1 to 4 will continue to apply after the period of operation of the MoU has expired and will apply to industrial property rights as long as these remain valid, and to unprotected inventions and technical know-how until such time as they pass into the public domain other than through disclosure by the licensee.

It is strongly recommended that if the possibility of IPR being generated by a COST Action is recognised then the individuals concerned within MCs and Workshops should come to an IPR-sharing agreement at the earliest possible stage in the development and implementation of an Action. This will avoid possible disputes occurring at a later stage.

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