



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.6.2009  
C(2009) 4459 final

**COMMISSION DECISION**

**establishing a flat rate of indirect costs referred to in Article 32(5) of Regulation (EC) No 1906/2006 of the European Parliament and of the Council and Article 31(5) of Council Regulation (Euratom) No 1908/2006 and amending Decision C(2007)1509 as concerns the model agreement for grants under the Seventh Framework Programmes of the European Community (2007-2013) and the European Atomic Energy Community (2007-2011)**

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013)<sup>1</sup>, and in particular Article 19(8) and Article 32(5) thereof,

Having regard to Council Regulation (Euratom) No 1908/2006 of 19 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme of the European Atomic Energy Community and for the dissemination of research results (2007-2011)<sup>2</sup>, and in particular Article 18(7) and Article 31(5) thereof,

Whereas:

- (1) According to Article 32.5 of Regulation (EC) No 1906/2006 and Article 31.5 of Regulation (Euratom) No 1908/2006, the Commission services have carried out an analysis in order to get empirical data to decide on the revision of the 60% flat rate. The performed analysis is based on data available for the Seventh Framework Programmes and specific to the type of legal entities eligible for the 60% flat rate. The result of this analysis yields a 63.11% rate of eligible indirect costs with respect to eligible direct costs. This finding gives reasonable assurance on the decision to maintain the flat rate at 60%.
- (2) It is not necessary to adopt a special clause as established in point (c) of Article II.15.(2) of the model grant agreement adopted by Commission Decision C(2007)1509 of 10 April 2007 as indicated in footnote 7 thereto, since the flat rate remains unchanged in comparison to the flat rate applicable to calls closing before 1 January 2010,. For reasons of clarity, however, it is appropriate to delete that footnote. Decision C(2007)1509 should be therefore amended accordingly.

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<sup>1</sup> OJ L 391, 30.12.2006, p.1.

<sup>2</sup> OJ L 400, 30.12.2006, p.1.

- (3) According to Article 19(8) of Regulation No 1906/2006 and Article 18(7) of Regulation (Euratom) No 1908/2006, if a significant modification of the model grant agreement proves necessary, the Commission shall, in close cooperation with Member States, revise it as appropriate. Since the requested amendment to the model grant agreement cannot be considered significant, Member States have not been consulted on the Commission decision.

HAS DECIDED AS FOLLOWS:

*Article 1*

The flat rate of indirect costs for the purposes of grants awarded to non-profit public bodies, secondary and higher education establishments, research organisations and small and medium enterprises under calls closing after 31 December 2009, as referred to in Article 32(5) of Regulation (EC) No 1906/2006 and Article 31(5) of Regulation (Euratom) No 1908/2006 shall be 60%.

*Article 2*

In point (c) of Article II.15(2) of the model grant agreement set out in Annex I to Decision C(2007)1509, footnote 7 is deleted.

Done at Brussels, 15.6.2009

*For the Commission*  
*Janez Potočnik*  
*Member of the Commission*