

member states would not be sufficient to reverse this trend.⁷³ In 1987, the Single Europe Act brought research and technological development activities within the purview of the Community, giving it far-reaching authority over EC project identification and funding.

Europe is currently on the Third Framework Program. Under the current access agreement, Canadian-based firms may participate in European consortia as sub-contractors but have no specific rights to the intellectual property developed by consortia. Furthermore, the Canadian government would be obliged to contribute enormous sums of money to have access to Framework Programs research at the Program level. European-based affiliates of Canadian firms are not prevented from participating in projects since they are considered European firms, but there has been some resistance from competitors at the EC member state level to allowing foreign-owned subsidiaries to join European consortia. One of the cases, discussed below in section 4.3, provides a good illustration of some of the real frustrations facing Canadian companies.

The Maastricht Treaty (on European Union) will introduce substantial amendments concerning the breadth of scope of the FPs. In particular, the 4th FP (1994-1998) will include "all the RTD activities covered by the Treaty. Thus all Community research and technological development activities, whatever their form and under whichever common policy they fall, are included within the framework programme."⁷⁴ This would include EUREKA. Another amendment concerns the participation of a non-EC country under joint RTD projects, which will only be allowed under a bilateral S&T agreement.

Article 130g of the Maastricht Treaty specifies that the FP will comprise the following four activities:

- a) implementation of research, technological development and demonstration programmes, by promoting cooperation with and between undertakings, research centres and universities;
- b) promotion of cooperation in the field of Community research, technological development and demonstration with third countries and international organisations;

⁷³ Ibid.

⁷⁴ Commission of the European Communities, Working Document of the Commission Concerning the Fourth Framework Programme of Community Activities in the Field of Research and Technological Development (1994-1998), p.4.