



Council of the  
European Union

Brussels, 24 November 2016  
(OR. en)

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RECH 1  
COREE 1

### DECLASSIFICATION<sup>1</sup>

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Subject: Recommendation from the Commission to the Council authorising the Commission to negotiate an agreement on scientific and technological cooperation between the European Community and the Republic of Korea

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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<sup>1</sup> Document declassified by the European Commission on 23 November 2016.

# RESTREINT UE



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 January 2005  
(OR. en)**

**5136/05**

**RESTREINT UE**

**RECH 1  
COREE 1**

## **COVER NOTE**

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from: Secretary-General of the European Commission,  
signed by Ms Patricia BUGNOT, Director

date of receipt: 24 December 2004

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: Recommendation from the Commission to the Council authorising the  
Commission to negotiate an agreement on scientific and technological  
cooperation between the European Community and the Republic of Korea

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Delegations will find attached the Commission document SEC(2004) 1618 final.

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Encl.: SEC(2004) 1618 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.12.2004  
SEC(2004) 1618 final

RESTREINT

**RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL**

**authorising the Commission to negotiate an agreement on scientific and technological cooperation between the European Community and the Republic of Korea**

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## I. EXPLANATORY MEMORANDUM

1. The Community and the Republic of Korea (hereinafter “Korea”) have similar research priorities – emphasis on research areas such as information, bio-, nano-, environment and space technologies. Korea, as a member of the OECD, already invests almost 3%<sup>2</sup> of its GDP in research. Scientific cooperation with Korea has, over the years, grown and diversified in fields such as Trans-Eurasia Information Network (TEIN), nuclear energy, thermonuclear fusion, and Korea’s participation in the Moscow-based International Science and Technology Centre, etc.

In May 2003, during his meeting with Mr. Busquin in Brussels, the Korean Science Minister, Mr. Park expressed Korea’s wish to negotiate a scientific and technological cooperation agreement in order to enhance and strengthen the scientific cooperation between the two parties. In October 2003, the Korean Mission to the European Union officially informed the Commission services of Korea’s desire to open negotiations on a scientific and technological cooperation agreement. Fact finding missions to Korea by the Commission services took place from 3 to 5 December 2003 and from 9 to 11 February 2004 to examine the conditions of a possible agreement. The conclusion was drawn that the conditions were met for the negotiation of an agreement.

2. The mission of the Commission services to Korea and various exploratory discussions have confirmed that strengthened cooperation with Korea would be in the mutual interest of both parties in the following research sectors :
  - life sciences and technologies (biomedicine, biodiversity, bioinformatics, medicinal products);
  - information society technologies and telecommunications;
  - industrial and materials technologies (in the environment and use of materials, energy and sustainable development);
  - sustainable development, renewable energy sources;
  - space: satellites, Earth observation, etc.

Closer cooperation with Korea on science and technology will also contribute directly to strengthening ties between the two parties and will, in particular, bring substantial benefits for European players by improving the Community position in Korea.

In conclusion, it would be fully in the interest of the Community to respond positively to Korea's request, and an agreement on scientific and technological cooperation would be the appropriate instrument for closer relations with this country in these fields.

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<sup>2</sup> Korea R&D investment (2002): 2.91% of GDP, 15 billion €

## II. RECOMMENDATION

In the light of the above, the Commission recommends that:

- the Council authorise the Commission to open and conduct negotiations with Korea on an agreement on scientific and technological cooperation covering the activities of the European Community's framework programmes for research, technological development and demonstration activities;
- since, in accordance with Article 300 of the EC Treaty, the Commission will conduct these negotiations on behalf of the European Community, the Council appoint a special committee to assist it in this task; and
- the Council adopt the negotiating directives in the Annex.

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**ANNEX**  
**DRAFT NEGOTIATING DIRECTIVES**  
**for an agreement on scientific and technological cooperation between the European  
Community and the Republic of Korea**

Subject

The aim of the negotiations is to conclude an agreement on scientific and technological cooperation covering areas under the framework programme of the European Community for research, technological development and demonstration activities, hereinafter referred to as "the framework programme". This cooperation should be to the benefit of both parties.

1. Guiding principles

Cooperation under this agreement will ensure reciprocal access for research bodies from the two parties to their activities in similar fields of research and development and appropriate protection of industrial and intellectual property.

2. Scope of the cooperation

The cooperation established by this agreement will cover the main activities of the framework programme subject to the conditions and limitations laid down in the Regulation of the European Parliament and of the Council concerning the rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the framework programme of the European Community.<sup>3</sup>

3. Forms and methods of cooperation

Cooperation will take the following forms:

- full participation, under the agreement, of Korean research bodies in indirect research actions under the Community's framework programme for non-nuclear RTD and reciprocal participation by research bodies from the European Community in Korean research projects in similar sectors;
- visits and exchanges of scientists;
- participation by experts in seminars, symposia and workshops.

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<sup>3</sup> Council and Parliament Regulation 2321/2002/EC of 16 December 2002 concerning the rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the sixth framework programme of the European Community (2002-2006) (OJ L 355, 30.12.2002, p. 23).

4. Intellectual property rights

Intellectual property rights protection will be subject to the rules adopted by the European Parliament and the Council for the Community's research programmes under the relevant Community legislation and to the guiding principles on the allocation of intellectual property rights applicable to scientific and technological cooperation agreements with third countries, as laid down in the Joint Declaration of the Council and the Commission of 26 June 1992.

*Mutatis mutandis*, bodies from the Community participating in Korean research activities under this agreement will have the same rights and obligations as Korean bodies.

5. Financing

Costs incurred by participants in cooperative activities subject to the agreement shall not require any transfer of funds from one party to the other.

6. Management of the agreement

A Joint Scientific and Technological Cooperation Committee will be set up to promote, monitor and assess the various activities under the agreement. It will be composed of representatives of the Commission services on the one hand, and of representatives of the Republic of Korea on the other. The Committee will normally meet once a year, preferably before the meeting of the EU-Korea Joint Committee under the Framework Agreement for Trade and Cooperation, and will report on the occasion of that meeting.

7. Duration

The agreement will be concluded for an initial period of five years and shall continue in force thereafter unless terminated by either Party at the end of the initial five-year. It may be terminated at any time by either party upon six months' written notice. An evaluation of the agreement shall be carried out every five years.

## LEGISLATIVE FINANCIAL STATEMENT

**Policy area(s): RTD**

**Activity: International S&T cooperation**

**TITLE OF ACTION: RECOMMENDATION FOR A COUNCIL DECISION AUTHORISING THE COMMISSION TO NEGOTIATE AN AGREEMENT ON SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF KOREA**

### **1. BUDGET HEADING(S) + TITLE(S)**

#### **1.1 Relevant budget heading(s)**

The costs associated with the activities of negotiation of the agreement will be charged to the Research framework programme (xx.01.05.03).

### **2. OVERALL FIGURES**

#### **2.1 Method of calculating the total cost of the operation (estimate)**

- a. Preparatory activities and review of cooperation activities:** meetings of the steering committee on S&T cooperation, exchanges of information, coordination activities, visits to Korea by officials and experts 50 000 €
- b. Scientific and technical workshops/meetings:** 60 000 €

TOTAL : 110 000 €/year

### **3. BUDGET CHARACTERISTICS**

Type of expenditure		New	EFTA contribution	Contribution from candidate countries	Heading in financial perspective
NCE	NDA	NO	YES	YES	No 3

### **4. LEGAL BASIS**

- Articles 170 and 300 of the EC Treaty

#### **4.1 Titles and reference**

- Treaty establishing the European Community, in particular Article 170, in conjunction with Article 300.

- Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006).
- Regulation (EC) No 2321/2002 of the European Parliament and of the Council of 16 December 2002 concerning the rules for the participation of undertakings, research centres and universities in, and for the dissemination of research results for, the implementation of the European Community Sixth Framework Programme (2002-2006).

## **5. DESCRIPTION AND GROUNDS**

### **5.1 Need for Community intervention**

Community funding is necessary as the negotiation envisaged is part of the implementation of the framework programme, including the budget heading covering administrative expenditure borne by the Community (missions by experts and EU officials), organisation of workshops, seminars and meetings in the European Community and Korea.

#### *5.1.1 Objectives pursued*

The main objective is to stimulate cooperation between the European Community and Korea in the areas covered by the RTD framework programmes:

- the agreement is designed to enable the Community and Korea to profit, on the basis of the principle of mutual benefit, from the scientific and technical progress achieved under their respective research programmes, by means of participation by the Korean scientific community and Korean industry in Community research projects and independent participation, without funding, by bodies established in the Community in Korean projects;
- beneficiaries in the EC and Korea will be the scientific communities, industry and the general public, thanks to the direct and indirect effects of cooperation.

#### *5.1.2 Duration*

The agreement will be concluded for an initial period of five years and shall continue in force thereafter unless terminated by either Party at the end of the initial five-year. An evaluation of the agreement shall be carried out during the last year of each successive period. It may be terminated at any time by either party upon six months' written notice.

### **5.2 Actions envisaged and budget intervention arrangements**

#### *5.2.1 Type of expenditure*

100% financing (missions to Korea by Commission officials; organisation of workshops, seminars and meetings in Europe and Korea).

## 6. FINANCIAL IMPACT

### 6.1 Total financial impact on Part xx.01.05.03 (over the entire programming period)

### 6.2 Calculation of costs by measure envisaged in Part xx.01.05.03 (over the entire programming period)

#### 6.2.1 Expenditure on management of the Decision (estimate)

Indicative schedule of appropriations (amounts expressed in millions of euros)

	2004	2005	2006	2007
Commitments	0.11	0.11	0.11	0.11
Payments	0.11	0.1	0.11	0.11

## 7. FOLLOW-UP ARRANGEMENTS

The cooperation agreement will be regularly assessed by the relevant Commission departments.

The assessment will cover the following:

- a. Compilation of available information: based on the data from the specific programmes of the framework programmes.
- b. General assessment of the operation: an evaluation of all the cooperation activities under this agreement will be made by the Commission's departments.

## 8. ANTI-FRAUD MEASURES

Numerous administrative and financial audits are provided for at each stage of the cooperation activities in the context of this agreement. These include in particular:

- verification, at various levels, of the statements of expenditure before payment;
- audit by the internal audit service;
- audit (including on-the-spot inspections) by the Commission's audit service and by the Court of Auditors of the EU.