

EUROPEAN UNION  
THE COUNCIL

~~ORIGINAL~~

*Her* *Jo. A. A.*  
Brussels, 12 April 1996 (18.04)  
6296 /EU XX. GP  
6449/96

RESTREINT

RESTREINT

EINGEGANGEN am

RECH 50

- 6. Mai 1996

TRANSLATION OF LETTER

from : Commission of the European Communities, signed by Karel VAN MIERT, Member

dated: 3 April 1996

to : Susanna AGNELLI, President of the Council of the European Union

No. Cion prop.: SEC(96) 572 final

Subject: Recommendation for a Council Decision authorizing the Commission to negotiate an agreement for scientific and technological cooperation between the European Community and the United States

Madam,

I enclose a Recommendation for a Council Decision authorizing the Commission to negotiate an agreement for scientific and technological cooperation between the European Community and the United States.

The purpose of this proposal is to authorize the Commission to negotiate a scientific and technological cooperation agreement between the European Community and the United States.

The Council is asked to act on this Recommendation as quickly as possible.

(Complimentary close).

(s.) Karel VAN MIERT  
Member

Encl.: SEC(96) 572 final

RESTREINT

6449/96

col/WW/jr

EN  
1



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.04.1996  
SEC(96) 572 final

RESTRICTED

Recommendation for a

COUNCIL DECISION

authorizing the Commission to  
negotiate an agreement for scientific and technological cooperation  
between the European Community and the United States

(presented by the Commission)

## EXPLANATORY MEMORANDUM

The European Union and the United States have been cooperating for many years in the area of science and technology. The origins of cooperation in this area date back to 1958 when a nuclear cooperation agreement was signed. Later cooperation expanded into other areas under a number of sectorial agreements as well as through informal contacts and exchanges of information.

Over the years both sides have felt a growing need to upgrade their cooperation and to give it a better structure. This led to the establishment of the EC-US Joint Consultative Group on Science and Technology in November 1990. The strengthening of cooperation in science and technology was mentioned as one of the objectives of the Transatlantic Declaration of 23 November 1990.

The Communication from the Commission to the Council of July 26, 1995 "Europe and the United States : the Way Forward" also identifies the need for the European Union and the United States to widen the areas of cooperation and for achieving a clearer situation as regards mutual access, intellectual property rights protection, equal treatment, etc.

The New Transatlantic Agenda and the accompanying EU/US Action Plan, approved at the Madrid Summit of 3 December 1995, explicitly mention among their objectives the broadening of science and technology cooperation, including the negotiation by 1997 of a comprehensive US-EC S&T cooperation agreement.

The desire to negotiate a comprehensive legal framework for S&T cooperation led in May 1994 to a proposal by the US Government to the Commission for an umbrella type of agreement with the Community. After careful examination by Commission services and further exploratory discussions in Washington and Brussels, it was concluded that the negotiation of a wide-ranging cooperation agreement in S&T with the US Government covering research activities under the EC's multi-annual Framework Programmes for RTD would be in the interest of the Community on the condition that the result of such negotiations reflect an overall balance of benefits, notably as regards the question of European Community entities' access to US research on terms that reciprocate US entities' access to the Framework Programme.

In view of the possible benefits to be obtained from a S&T cooperation agreement with the United States and in light of the effects that such an agreement may have in the wider context of strengthening EU-US relations, the Commission proposes that the Council authorize the Commission to negotiate with the US authorities an agreement for scientific and technological cooperation on the basis of the attached draft negotiating directives and in consultation with a special committee appointed by the Council to assist the Commission in its task.



**DRAFT NEGOTIATING DIRECTIVES**  
**for a scientific and technological cooperation agreement**  
**with the United States**

1. Objective

The aim of the negotiations is to conclude an agreement for cooperation in sectors covered by the European Community's multi-annual Framework Programmes for RTD. This cooperation should contribute to the strengthening of the overall relationship between the European Union and the United States as agreed in the New Transatlantic Agenda of 3 December 1995 and to meeting the objectives of the Community's multi-annual Framework Programmes for RTD as presently laid down in Article 130f of the EC Treaty. Cooperative activities shall be undertaken in accordance with applicable laws and regulations of the parties and be subject to the availability of appropriated funds. A global balance of benefits under the envisaged agreement should be assured through equitable and mutually advantageous contributions to and benefits from collaborative actions.

2. Scope of the cooperation

Cooperation under such agreement will cover the following sectors of mutual interest :

- telematics applications;
- communication technologies;
- information technologies;
- industrial and material technologies;
- standards, measurements and testing;
- environment and climate;
- non-nuclear energy;
- marine sciences and technologies;
- biotechnology;
- biomedicine and health;
- agriculture and fisheries;
- forestry;
- transport;
- socio-economic research;
- human resources;
- cooperation with third countries.



### 3. Forms and means of cooperation

Cooperation may take the following forms :

- participation of U.S. research entities <sup>(1)</sup> in research projects within the sectors mentioned under point 2 above and reciprocal participation of research entities <sup>(1)</sup> of the European Community in U.S. projects in similar sectors of research. As regards US participation in Community research projects, such participation shall be subject to the rules for the participation of undertakings, research centres and universities in the specific programmes of research, technological development and demonstration of the European Community;
- implementation of joint research projects;
- exchanges of information;
- visits and exchanges of scientists;
- joint task forces;
- joint studies;
- joint organization of seminars, symposia and workshops;
- training of scientists and technical experts;
- exchanges or sharing of equipment, materials and research facilities;
- and such other forms of scientific and technological cooperation as may be agreed upon between the Parties.

### 4. Duration

The agreement shall be concluded for five years and may be extended thereafter by common agreement between the Parties. It may be terminated at any time by either Party upon a six months' written notice.

### 5. Dissemination and utilization of information

Participation of US entities in Community RTD projects and the dissemination and optimization of results, including intellectual property rights, will be subject to the rules applicable to the Community's research programmes, as specified in Council Decision 94/762 of 21 November 1994 <sup>(2)</sup> and, where appropriate, to the guiding principles on the allocation of intellectual property rights applicable to scientific and technological cooperation with third countries, laid down in the Joint Declaration of the Council and the Commission of 26 June 1992.

<sup>1</sup> as defined in Article 1 a) and b) of the Council Decision of 21 November 1994 concerning the rules for the participation of undertakings, research centres and universities in the research, technological development and demonstration activities of the European Community (OJ nr L306 of 30.11.1994, p.8).

<sup>2</sup> concerning the rules for the dissemination of the research results from the specific programmes of research, technological development and demonstration of the European Community (OJ L306 of 30.11.1994, p.5).

Mutatis mutandis, entities from the Community shall have the same rights and obligations with regard to participation as the entities from the United States in US research activities under this agreement.

#### 6. Financing

As far as the participation of US research bodies in Community research projects is concerned, the provisions of Art. 3 of the Council Decision of 21 November 1994 concerning the rules for the participation of undertakings, research centres and universities in the research, technological development and demonstration activities of the European Community shall apply (no transfer of funds).

#### 7. Management of the agreement

A Joint Science and Technology Cooperation Committee will be set up to promote and keep under review the various cooperation activities envisaged under the agreement. The Committee will normally meet once per year, alternating between the European Union and the United States. Extraordinary meetings will be held at the request of either of the parties.

#### 8. Negotiating procedure

The Commission shall be assisted in its negotiations by the special committee appointed by the Council in accordance with Article 228 of the EC Treaty.



## FINANCIAL STATEMENT

### 1. Title of the operation

International scientific cooperation : Proposal for the negotiation of a cooperation agreement in science and technology between the European Community and the United States.

### 2. Relevant budget headings

Travel costs for EC officials and EC experts will be charged to specific budget headings of the programmes within the Community's RTD Framework Programme.

### 3. Legal basis

Council Decision 94/912/EC of 15 December 1994.

### 4. Description of the operation

#### 4.1. Specific objectives of the operation

The essential objective is to stimulate RTD cooperation between the European Community and the United States in terms of research projects covered by the Community's RDT Framework Programmes.

#### 4.2. Duration

Ongoing annual budget entry subject to annual budget disponibilities under the present specific programmes for RTD or under similar programmes under possible subsequent Framework Programmes.

### 5. Classification of the expenditure

#### 5.1. Non-compulsory expenditure

#### 5.2. Differentiated appropriations

## 6. Type of expenditure

Financing of missions to the United States by Commission officials and EC experts; organization of joint workshops, seminars and meetings in Europe and the United States; joint studies; joint research projects; joint task forces; training of scientists and technical experts; exchanges or sharing of equipment, materials and research facilities.

## 7. Financial impact

### 7.1. Method of calculating the total annual cost of the operation (estimate)

Travel expenses for visits to the United States by EC officials and experts; costs for joint actions :

Estimate : 120.000 ECU

### 7.2. Indicative multi-annual schedules (MECU)

	1995	1996	1997	1998	1999 +	TOTAL
Commitments	2614,979	2836,804	3166,100	3146,117	-	11764,000 <sup>1</sup>
Payments	894,454	1916,606	2392,420	3350,970	3209,550	11764,000

## 8. Anti-fraud measures

Control will be exercised by :

- the Programme Management Committees (scientific control),
- the Commission service responsible for the execution of the programmes,
- the Commission's Financial Controller.

In accordance with Article 2 of the Financial Regulation, the use of appropriations will be subject to analyses of cost-effectiveness and the realization of quantified objectives will be monitored.

External audits may be carried out by the European Court of Auditors in accordance with the Treaty.

<sup>1</sup> Following the enlargement and in reply to the Council's common position of 30 November 1995, the Commission has transmitted to Parliament a communication confirming its agreement with the proposed increase by 6.5 % of the Fourth Framework Programme (1994-1998), SEC(95) 2117 final, COD(95) 0092 of 7 December 1995.



## 9. Cost-effectiveness analysis

### 9.1. Specific objectives, target population

- the agreement is designed to enable the European Community and the U.S. to profit, on the basis of the principle of mutual benefit, from the scientific and technical progress achieved under their reciprocal research programmes;
- beneficiaries in the European Community and the U.S. will be the scientific communities, the industrial sector and the general public, thanks to the direct and indirect effects of cooperation.
- the agreement will help to maintain and develop access to RTD know-how in these countries in order to improve the performance of Community RTD and the competitiveness of European economies.

### 9.2. Justification of the operation

Community budget intervention is indispensable because the planned cooperation comes under the implementation of the framework programme, including the budgetary section : administrative expenditure on the European side (missions by Community officials, organization of workshops; joint studies; joint research projects; joint task forces; training of scientists and technical experts; exchanges or sharing of equipment, materials and research facilities in the Community and the United States).

### 9.3. Monitoring and evaluation of the operation

An evaluation of all the cooperation activities in the context of this agreement will be made by the Commission's departments at the end of each year.

## 10. Implications for administrative expenditure

- The Commission is not requesting any additional posts for the management of the Agreement.
- No officials are being specifically assigned to manage the Agreement. Cooperation activities and the implementation of the Agreement will be managed by the staff authorized for the specific programmes under the present Framework Programme and possible subsequent Framework Programmes.