

001299/EU XXIV.GP  
Eingelangt am 14/11/08

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.11.2008  
COM(2008) 728 final

2008/0209 (CNS)

Proposal for a

**COUNCIL DECISION**

**concerning the Conclusion of an Agreement aimed at renewing the Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. The Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation was signed in Brussels on 16 November 2000. Article 12(b) of the Agreement provides as follows: "*This Agreement shall be concluded for an initial period ending on 31 December 2002 and will be renewable by common agreement between the parties for additional periods of five years.*".
2. By its Decision EC/798/2003 of 5 June 2003, the Council concluded the renewal of the Agreement for a further period of five years.  
  
At the EC-Russia S&T Joint Committee meeting of 28 June 2007, both Parties expressed their interest in renewing the Agreement. Furthermore, at the EU-Russia Permanent Partnership Council meeting of 26 May, 2008, both Parties agreed to undertake the necessary steps with a view to renewing this Agreement.
3. Renewal of the agreement for five more years would be in the interest of both Parties so as to maintain continuity in the scientific and technological relations between Russia and the European Community.
4. Since the content of the renewed Agreement will be identical to the content of the current Agreement, which expires on 20 February, 2009, following the normal procedures for negotiating this renewal (Article 300(1) of the EC Treaty) would serve no useful purpose. Given the resulting advantages, for both Parties, of rapid renewal, a one-step procedure is suggested (a single procedure and a single act concerning signature and conclusion). This renewed Agreement shall be referred to in the New EU-Russia Agreement for which negotiations were launched at the EU Russia summit in Khanty-Mansiysk on 27 June 2008:
5. Both Parties to the Agreement are eager to ensure continuity in the ongoing co-operations (in particular in respect of those activities which can only be undertaken with third countries on the basis of a cooperation agreement)
6. In the light of the above considerations, the Commission requests the Council:
  - to approve, on behalf of the Community, after consulting the European Parliament, the conclusion of an Agreement aimed at renewing the Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation;
  - to authorise the President of the Council to designate the person empowered to sign the Agreement in order to express the consent of the Community to be bound thereby.

Proposal for a

## COUNCIL DECISION

### **concerning the Conclusion of an Agreement aimed at renewing the Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second paragraph of Article 170, in conjunction with the first sentence of the first subparagraph of Article 300(2), and the first subparagraph of Article 300(3),

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Whereas:

- (1) By its Decision of 16 November 2000<sup>3</sup>, the Council approved the conclusion of the Agreement for scientific and technological cooperation between the European Community and the Government of the Russian Federation (hereinafter "Russia").
- (2) Article 12(b) of the Agreement provides as follows: *'This Agreement shall be concluded for an initial period ending on 31 December 2002 and will be renewable by common agreement between the parties for additional periods of five years'*.
- (3) At the EC-Russia S&T Joint Committee meeting held in Brussels on 28 June 2007, both Parties expressed their agreement for the renewal of the abovementioned Agreement for five more years. The Parties to the Agreement consider that rapid renewal of this Agreement would be in their mutual interest. Furthermore, at the EU-Russia Permanent Partnership Council meeting of 26 May, 2008, both Parties agreed to undertake the necessary steps with a view to renewing this Agreement.
- (4) The content of the renewed Agreement will be identical to the content of the Agreement which expires on 20 February, 2009.
- (5) The Agreement aimed at renewing the Agreement for science and technological cooperation between the European Community and the Government of the Russian Federation should be approved on behalf of the Community,

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<sup>1</sup> OJ C [...], [...], p. [...]

<sup>2</sup> OJ C [...], [...], p. [...]

<sup>3</sup> OJ L 299, 28.11.2000, p.14

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement aimed at renewing the Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation for an additional period of five years is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to express the consent of the Community to be bound thereby.

*Article 3*

The decision shall be published in the Official Journal.

Done at Brussels,

*For the Council  
The President*

**ANNEX**  
**AGREEMENT**

**renewing the Agreement on cooperation in science and technology between the  
European Community and the Government of the Russian Federation**

THE EUROPEAN COMMUNITY (hereinafter ‘the Community’), of the one part,  
and

THE GOVERNMENT OF THE RUSSIAN FEDERATION, of the other part,  
hereinafter referred to as the ‘Parties’,

CONSIDERING the importance of science and technology for their economic and social  
development;

RECOGNISING that the Community and the Russian Federation are pursuing research and  
technological activities in a number of areas of common interest, and that participation in each  
other's research and development activities on a basis of reciprocity will provide mutual  
benefits;

HAVING REGARD to the Agreement on cooperation in science and technology between the  
European Community and the Government of the Russian Federation which was signed in  
Brussels on 16 November 2000 and expires on 20 February 2009;

DESIRING to pursue their cooperation in science and technology in the formal framework  
established by the Agreement,

HAVE AGREED AS FOLLOWS:

*Article 1*

The Agreement on cooperation in science and technology between the European Community  
and the Government of the Russian Federation, which was signed in Brussels on 16  
November 2000 and expires on 20 February 2009, is hereby renewed for an additional period  
of five years.

*Article 2*

This Agreement shall enter into force on the date on which the Parties have notified each  
other in writing that their respective internal procedures necessary for its entry into force have  
been completed.

*Article 3*

This Agreement is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English,  
Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese,  
Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Russian languages,  
each of these texts being equally authentic.

## LEGISLATIVE FINANCIAL STATEMENT

### 1. NAME OF THE PROPOSAL:

Proposal for a Council Decision concerning the conclusion of an Agreement aimed at renewing the Agreement on cooperation in science and technology between the European Community and the Government of the Russian Federation

### 2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Policy strategy and coordination of, in particular, the Directorates-General RTD, JRC, ENTR, INFSO and TREN.

### 3. BUDGET LINES

#### 3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B.A lines)) including headings:

Costs in connection with the implementation of the Agreement (workshops, seminars, meetings, etc.) will be charged to the administrative budget lines for the specific programmes of the Framework programme of the European Community (xx.01.05.03).

#### 3.2. Duration of the action and of the financial impact:

Duration of five years, to be renewed by mutual agreement between the Parties, as laid down in Article 12 of the Agreement.

#### 3.3. Budgetary characteristics :

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
08.01.05.03	Non-comp	Non-diff <sup>4</sup>	NO	YES	YES	No [1a]

### 4. SUMMARY OF RESOURCES

#### 4.1. Financial Resources

##### 4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

*EUR million (to 3 decimal places)*

Expenditure type	Section no.		2008	2009	2010	2011	2012	2013	Total
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#### Operational expenditure<sup>5</sup>

Commitment Appropriations (CA)	8.1	a	0						0
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<sup>4</sup> Non-differentiated appropriations hereafter referred to as NDA

<sup>5</sup> Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

Payment Appropriations (PA)		b	0						0
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**Administrative expenditure within reference amount<sup>6</sup>**

Technical & administrative assistance (NDA)	8.2.4	c		0.110	0.110	0.110	0.110	0.110	0.550
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**TOTAL REFERENCE AMOUNT**

<b>Commitment Appropriations</b>		<b>a+c</b>		0.110	0.110	0.110	0.110	0.110	0.550
<b>Payment Appropriations</b>		<b>b+c</b>		0.110	0.110	0.110	0.110	0.110	0.550

**Administrative expenditure not included in reference amount<sup>7</sup>**

Human resources and associated expenditure (NDA)	8.2.5	d							
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6	e							

**Total indicative financial cost of intervention**

<b>TOTAL CA including cost of Human Resources</b>		a+c+d+e		0.110	0.110	0.110	0.110	0.110	0.550
<b>TOTAL PA including cost of Human Resources</b>		b+c+d+e		0.110	0.110	0.110	0.110	0.110	0.550

**Co-financing details**

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

*EUR million (to 3 decimal places)*

Co-financing body		Year	N+1	N+2	N+3	N+4	N+5 and later	Total
.....	f							
<b>TOTAL CA including co-financing</b>	<b>a+c+d+e+f</b>							

<sup>6</sup> Expenditure within article xx 01 04 of Title xx.

<sup>7</sup> Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.



#### 4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Inter Institutional Agreement<sup>8</sup> (i.e. flexibility instrument or revision of the financial perspective).

#### 4.1.3. Financial impact on Revenue

- Proposal has no financial implications on revenue
- Proposal has financial impact – the effect on revenue is as follows:

EUR million (to one decimal place)

Budget line	Revenue	Prior to action [Year n-1]	Situation following action							
			[Year n]	[n+1]	[n+2]	[n+3 ]	[n+4]	[n+5] 9		
	<i>a) Revenue in absolute terms</i>									
	<i>b) Change in revenue</i>	$\Delta$								

#### 4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	2008	2009	2010	2011	2012	2013
Total number of human resources						

## 5. CHARACTERISTICS AND OBJECTIVES

### 5.1. Need to be met in the short or long term

This decision will allow both Parties to continue, upgrade and intensify their cooperation in areas of common scientific and technological interest.

### 5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

This Agreement is based on the principles of mutual benefit, reciprocal opportunities for cooperation activities such as joint or coordinated calls for joint projects, access to each other's programmes and activities relevant for the purpose of the Agreement and the effective protection of intellectual property and equitable sharing of intellectual property rights. The proposal also provides for missions by EU experts and officials, and for workshops, seminars and meetings to be organised in the European Community and in the Russian Federation. The

<sup>8</sup> See points 19 and 24 of the Interinstitutional agreement.

<sup>9</sup> Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

cooperative activities in the field of science and technology under this agreement are complementary to and in support of other Community activities vis-à-vis the Russian Federation.

### **5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework**

This decision should allow both the Russian Federation and the European Community to derive mutual benefit from the scientific and technical progress achieved through their specific research programmes. It will allow an exchange of specific knowledge and a transfer of know-how to the benefit of the scientific community, industry and citizens.

### **5.4. Method of Implementation (indicative)**

#### ***Centralised Management***

x Directly by the Commission

Indirectly by delegation to:

Executive Agencies

†Bodies set up by the Communities as referred to in art. 185 of the Financial Regulation

†National public-sector bodies/bodies with public-service mission

#### ***Shared or decentralised management***

† With Member states

† With Third countries

#### ***Joint management with international organisations (please specify)***

Relevant comments:

## **6. MONITORING AND EVALUATION**

### **6.1. Monitoring system**

The Commission departments will regularly evaluate all the actions carried out under the cooperation agreement, which will also be subject to a joint regular evaluation by the Community and Russia. This evaluation will cover:

- (a) performance indicators
  - number of missions and meetings;
  - number of different fields of cooperation activities.
- (b) gathering of information:

Based on information from the specific programmes of the Framework Programme and information provided by the Russian Federation to the Joint Committee provided for by the Agreement.

- (c) The Commission will evaluate the actions covered by this participation before the end of the five year implementation period.

## **6.2. Evaluation**

### *6.2.1. Ex-ante evaluation*

The Commission will evaluate the actions covered by this cooperation agreement before the end of the five year implementation period.

### *6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)*

For the Community the positive decision to renew the agreement is based on the EU-Russia Permanent Partnership PC meeting of 26 May, 2008.

### *6.2.3. Terms and frequency of future evaluation*

The parties to the Agreement will evaluate the application thereof annually in the meetings of the Joint Committee referred to in Article 6 thereof. Renewal of this agreement will be by common agreement between the Parties for additional periods of five years.

## **7. ANTI-FRAUD MEASURES**

When the implementation of the framework programme calls for the use of external contractors or implies granting financial contributions to third parties, the Commission will carry out, where appropriate, financial audits, in particular if it has reason to doubt the realistic nature of work performed or described in the activity reports.

The Community's financial audits will be carried out either by its own staff or by accounting experts approved according to the law of the audited party. The Community will choose the latter freely, while avoiding any risks of conflicts of interest which might be indicated to it by the party subject to the audit.

In addition, in carrying out the research activities, the Commission will ensure that the financial interests of the European Communities are protected by effective checks and, where irregularities are detected, by proportionate and dissuasive measures and penalties.

In order to achieve this aim, rules on checks, measures and penalties, with references to Regulations No 2988/95, 2185/96, 1073/99 and 1074/99 will be set out in all contracts used in the implementation of the framework programme.

In particular, the following points will have to be provided for in the contracts:

- the introduction of specific contractual clauses to protect the financial interests of the EC in carrying out checks and controls in relation to the work performed;
- the carrying out of administrative checks as part of anti-fraud measures, in accordance with Regulations No 2185/96, No 1073/1999 and No 1074/1999;
- the application of administrative penalties for all intentional or negligent irregularities in the implementation of the contracts, in accordance with the framework Regulation No 2988/95, including a blacklisting mechanism;
- the fact that possible recovery orders in case of irregularities and fraud be enforceable according to Article 256 of the EC Treaty.

In addition and as routine measures, an internal audit and control programme in respect of scientific and budgetary aspects will be carried out by the DG Research staff responsible; an internal audit will be carried out by the Internal audit Unit of DG Research; and local inspections will be undertaken by the Court of Auditors of the European Union.

## 8. DETAILS OF RESOURCES

### 8.1. Objectives of the proposal in terms of their financial cost

*Commitment appropriations in EUR million (to 3 decimal places)*

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	Year n		Year n+1		Year n+2		Year n+3		Year n+4		Year n+5 and later		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
OPERATIONAL OBJECTIVE No.1 <sup>10</sup>																
<b>Action 1.....</b>																
Output 1																
Output 2																
<b>Action 2.....</b>																
Output 1																
Sub-total Objective 1																
OPERATIONAL OBJECTIVE No.2																
<b>Action 1.....</b>																
Output 1																
Sub-total Objective 2																
OPERATIONAL OBJECTIVE No.n																
Sub-total Objective n																
<b>TOTAL COST</b>																

<sup>10</sup> As described under Section 5.3

## 8.2. Administrative Expenditure

### 8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources ( <b>number of posts/FTEs</b> )					
		2008	2009	2010	2011	2012	2013
Officials or temporary staff <sup>11</sup> (XX 01 01)	A*/AD						
	B*, C*/AST						
Staff financed <sup>12</sup> by art. XX 01 02							
Other staff <sup>13</sup> financed by art. XX 01 04/05							
<b>TOTAL</b>							

### 8.2.2. Description of tasks deriving from the action

Management of the Agreement will entail missions and attending meetings by EU and Russian experts and officials.

### 8.2.3. Sources of human resources (statutory)

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

### 8.2.4. Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)

EUR million (to 3 decimal places)

Budget line (number and heading)	2008	2009	2010	2011	2012	2013	TOTAL

<sup>11</sup> Cost of which is NOT covered by the reference amount

<sup>12</sup> Cost of which is NOT covered by the reference amount

<sup>13</sup> Cost of which is included within the reference amount

<b>1 Technical and administrative assistance (including related staff costs)</b>							
Executive agencies <sup>14</sup>							
Other technical and administrative assistance	0.110	0.110	0.110	0.110	0.110	0.110	0.660
-intra muros							
-extra muros							
<b>Total Technical and administrative assistance</b>	0.110	0.110	0.110	0.110	0.110	0.110	0.660

For the organisation of workshops, conferences and seminars to promote information exchange and enhance scientific cooperation between Russia and the EC.

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

*EUR million (to 3 decimal places)*

Type of human resources	2008	2009	2010	2011	2012	2013	Total
Officials and temporary staff (XX 01 01)							
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)							
<b>Total cost of Human Resources and associated costs (NOT in reference amount)</b>							

Calculation– *Officials and Temporary agents*

*Amount given on the basis of the annual cost of an official (all categories included) i.e.:*

Calculation– *Staff financed under art. XX 01 02*

8.2.6. *Other administrative expenditure not included in reference amount*

*EUR million (to 3 decimal places)*

<sup>14</sup> Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

	2008	2009	2010	2011	2012	2013	TOTAL
XX 01 02 11 01 – Missions							
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees <sup>15</sup>							
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
<b>2.Total Other Management Expenditure (XX 01 02 11)</b>							
<b>3 Other expenditure of an administrative nature</b> (specify including reference to budget line)							
<b>Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)</b>							

Calculation - Other administrative expenditure not included in reference amount

<sup>15</sup> Specify the type of committee and the group to which it belongs.