



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From: Commission

To: Delegations

Subject: International agreements in the field of research
(a) Renewal of the S&T cooperation agreements with Russia and US
(b) Horizon 2020 association agreements and Memoranda of Understanding
- Information from the Commission

Delegations will find, in annex, an information note from the Commission on the above-mentioned topic with a view to the AOB item at the Competitiveness Council on 21 February 2014.

International agreements in the field of research

(a) Renewal of the S&T cooperation agreements with Russia and US

(b) Horizon 2020 association agreements and Memoranda of Understanding

Information note from the Commission

A. RENEWAL OF S&T COOPERATION AGREEMENTS WITH RUSSIA AND THE US

Decisions to conclude the renewal or extension of S&T cooperation agreements are taken by the Council, with the consent of the Parliament¹.

1. Russia

The Council **adopted** a Decision on renewal of the S&T cooperation Agreement between the EU and Russia. The Mission of the Russian Federation in Brussels has received the Note Verbale informing of the completion by the Union of internal procedures required for renewal of this Agreement. A similar Note Verbale from the Russian Federation is still needed for the entry into force of the renewed Agreement (current Agreement otherwise expires on 20 February, 2014).

2. USA

A proposal to extend the Agreement with the USA is **presently with the Parliament**. It has already been considered favourably by the Research Working Party and COREPER decided to send it to the EP for consent. ITRE will discuss the extension on 12 February, after which it will go to the EP plenary session.

The current Agreement expired on 14 October 2013. The USA expressed the wish to extend the Agreement, but wanted to renegotiate some parts of it, notably the IPR Annex. Following discussions with the USA on the potential and timing for re-negotiating this Agreement, the Commission was only in a position to submit a proposal to extend the Agreement to the Council in autumn 2013. Once the Agreement is extended in its current form, a recommendation for authorisation to negotiate amendments will be presented to the Council in due course.

1 Article 186 and Article 218(6)(a) of the TFEU

B. ASSOCIATION AGREEMENTS TO HORIZON 2020

Article 7 of the Horizon 2020 Regulation states that Horizon 2020 shall be open to the association of Acceding countries, Candidate Countries and Potential Candidates, EFTA members and countries or territories listed in the Annex to the Regulation establishing the European Neighbourhood Instrument and countries that were associated to FP7.

1. Candidate and Potential Candidate Countries (also called Enlargement countries)

Under the provisions of the Framework Agreements with **Albania, Bosnia & Herzegovina, Serbia and Turkey** on the general principles for participation in EU programmes and Protocols to the Stabilisation and Association Agreement with the former **Yugoslav Republic of Macedonia and Montenegro**, these countries can associate to Horizon 2020 by way of an agreement on specific terms and conditions of association between the Commission and competent authorities of an associating country (**previously called a Memorandum of Understanding - MoU**). These agreements do not require a decision of the Council or consent of the Parliament

Requests for association have been received **from Albania, Bosnia & Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey**.

Negotiations have been finalised with Montenegro and Serbia. The Commission is awaiting confirmation by the Former Yugoslav Republic of Macedonia of their approval on the draft text.

Albania, Bosnia & Herzegovina and Turkey all expressed interest in continuing association but have expressed concern about the level of financial contribution, which will require further analysis.

Kosovo based on Article 7 of the Horizon 2020 is eligible for association but the Framework agreement allowing for association has not yet been adopted by the Council (expected before Easter).

2. EFTA and EEA/EFTA countries

The EFTA countries are Iceland, Liechtenstein, Norway and Switzerland.

Iceland and **Norway** will be associated through an amendment to Protocol 31 of the Agreement on the European Economic Area (the EEA Agreement). The draft decision on the amendment is currently under negotiations.

The **Liechtenstein** Parliament has rejected their Government's proposal for association to Horizon 2020 and, hence, Liechtenstein will not associate to Horizon 2020 (at least not at the beginning of the programme).

Switzerland

Switzerland was due to associate with the EU via a self-standing international agreement. However, following the Swiss referendum on mass immigration (50.3% of the votes in favour of establishing quotas) Switzerland has informally notified the EU that they will not be able to sign the Protocol extending the Free Movement of Persons Agreement to Croatia (formal notification still pending). Article 5 of our negotiating directives (for opening negotiations with Switzerland for their association to Horizon 2020, Euratom and ITER) links our agreement with the signature of the Croatia Protocol:

Article 5. The Agreement should cease to apply in the absence of Swiss notification required for entry into force of the protocol for the extension of the Agreement on the Free Movement of Persons with Switzerland to Croatia within six months after completion of Swiss internal procedures.

Consequently, the negotiations should be suspended once the Swiss Federal Council has formally notified us.

Due to the 1978 Fusion Cooperation Agreement, association to ITER and fusion part of Euratom Programme would continue. Also Swiss attendance to the fusion Programme Committee will continue and so will their membership in Fusion for Energy. (The association agreement was supposed to replace this 1978 agreement.)

3. European Neighbourhood Policy Countries

Of the 16 countries in the ENP, Armenia, Israel and Moldova have requested association to Horizon 2020 according to the Protocols of the Partnership and Cooperation Agreements with Moldova and Armenia and the Protocol to the Euro-Mediterranean Agreement with Israel, which is provisionally applied. Their association will be done by agreements on specific terms and conditions on association (**previously called Memoranda of Understanding**), which will not require a decision of the Council or consent of the Parliament.

Negotiations with **Israel** have been finalised and following agreement by EEAS on critical issues of territoriality and application of the Guidelines on Israeli participation in Union Programmes (presented to Council by the EEAS at the Mashreq/Maghreb Working Party on 26 November) a draft agreement was reached with Israel and the text was initialled on 18 December 2013. It is now undergoing the respective procedures needed for approval by the Commission and Israeli authorities. The signature is foreseen in April.

Negotiation with **Moldova** has started and two sessions took place in January and in mid-February. The intention is to finalise the negotiations on time for the signature to take place in late spring.

The request of **Armenia** and the related starting of negotiations are under consideration.

Ukraine expressed interest in launching a dialogue with a view of elaborating conditions for association.

4. Faroe Islands

The Faroe Islands requested association to Horizon 2020 by letter dated 20 December 2012. As regards authorisation to open negotiations the same procedure as for Switzerland will be followed. The Commission has submitted to the Council a recommendation to authorise negotiations in January 2014 and the file is expected to be examined at the Research Working Party on 24 February. Following adoption of the Decision by the Council negotiations are expected to start this spring.