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RECH 88
AMLAT 43

DECLASSIFICATION

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

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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**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 May 2002

9276/02

RESTREINT

**RECH 88
AMLAT 43**

COVER NOTE

from: The Secretary General of the European Commission, Mr. Sylvain BISARRE,
Director.

date of receipt: 22 May 2002

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

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

Delegations will find attached Commission document SEC(2002) 456 final.

Encl.: SEC(2002) 456 final

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.5.2002
SEC(2002) 456 final

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Recommendation for a

COUNCIL DECISION

**authorising the Commission to negotiate an agreement on scientific
and technological cooperation between the European Community
and the United Mexican States**

(presented by the Commission)

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EXPLANATORY MEMORANDUM

1. The Economic Partnership, Political Coordination and Cooperation Agreement¹ (hereinafter: Global Agreement) between the Community and its Member States of the one part and the United Mexican States (hereinafter: Mexico) of the other part, entered into force on 1/10/2000. Article 29 of this Agreement identified cooperation on science and technology as an area of particular interest and potential and foresees the conclusion of a specific agreement in this sector.
2. In its communication of 19 July 1996 entitled “Promoting RTD cooperation with the world's emerging economies” (COM(96) 344 final) the Commission recommended, inter alia, that the Union should envisage concluding scientific and technological cooperation agreements with selected emerging economies and added that “the implementation of this procedure is not only the ultimate expression of a political will to foster RTD collaboration. It also allows the parties to tailor country-specific RTD cooperation frameworks and orient the scientific communities towards selected RTD themes and technological challenges of common interest”.

The strengthening of scientific and technological cooperation with these countries has been reaffirmed in the Commission’s communication entitled “The international dimension of the European Research Area” (COM/2001/346 final).
3. In its resolution of 14 March 1997² on the Commission communication entitled “Promoting RTD cooperation with the world's emerging economies” the European Parliament “calls on the Commission to envisage mechanisms for cooperation in the fields of advanced scientific and technological research that characterise the emerging economies, while maintaining the mechanisms intended specifically for assisting the developing countries” and “calls on the Commission to negotiate, with due regard for the circumstances in each country, bilateral agreements establishing a legal framework for the promotion of RTD cooperation”.
4. At the last Joint-Committee Meeting of the EU-Mexico Global Agreement, on 2 October 2001, Mexico indicated clearly that it wished science and technology to become the fourth pillar of its cooperation with the Union. This request met with the full agreement of the Commission and Member States.

¹ OJ L 276, 28.10.2000, p. 44

² OJ C 115, 14.4.1997, p. 236

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5. On 22 January 2002, the Ambassador of Mexico to the EU presented an official request to enter into negotiations with the Community with a view to concluding a specific agreement for scientific and technological cooperation.

6. Contacts were established with a number of Mexican authorities responsible for science and technology policy and with representatives of the country's scientific community in order to assess the overall potential for research and development activities in Mexico.

The various exploratory contacts confirmed that increased cooperation with Mexico would be in the mutual interest of both parties in research sectors as diverse as:

- Photonics and optical physics;
- Health-related fields such as virology, immunology and oncology;
- Biotechnology;
- Energy;
- Information society technologies, including the development of ICT's social applications; and,
- Environmental protection, with emphasis on the prevention of water and air pollution and water conservation.

7. Closer collaboration with Mexico on science and technology will also contribute directly to strengthening ties between the two parties and will, in particular, bring substantial benefits for Europeans, by improving the Community's position in Mexico and, consequently, within the Central American region of Latin America; it will be in line with the Global Agreement, the communication from the Commission on a new European Union-Latin American partnership on the eve of the 21st century and with the Rio Declaration by the Heads of State or Government of June 1999.

8. In conclusion, it would be fully in the interests of the Community to respond positively to Mexico's request and an agreement for scientific and technological cooperation would be the appropriate instrument for expanding and supplementing current cooperation under the programme for International Cooperation with Developing Countries (INCO-DEV).

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9. In the light of the above, the Commission recommends :
- that the Council authorise the Commission to negotiate with the United Mexican States, on the basis of the annexed negotiating directives, a sectoral agreement for scientific and technological cooperation covering the first activity of the European Communities multiannual RTD Framework Programme, as provided for in Article 164 of the Treaty establishing the European Community;
 - that, since in accordance with the 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
 - that the Council issue the appended negotiating directives.

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Recommendation for a

COUNCIL DECISION

authorising the Commission to negotiate an agreement on scientific and technological cooperation between the European Community and the United Mexican States

1. The Council authorises the Commission to negotiate an agreement for scientific and technological cooperation between the European Community and the United Mexican States.
2. The Commission will conduct the negotiations with the assistance of the special committee created for this purpose in accordance with Article 300 of the Treaty establishing the European Community.
3. The Council calls on the Commission to conduct these negotiations on the basis of the annexed negotiating directives.
4. The Commission will keep the Council informed of the state of progress of the negotiations.

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DRAFT NEGOTIATING DIRECTIVES

for an agreement on scientific and technological cooperation with the United Mexican States

1. Subject

The aim of the negotiations is to conclude an agreement in accordance with Article 170 in conjunction with the first sentence of Article 300(2) and the first indent of Article 300(3) of the Treaty establishing the European Community, and having regard to the Economic Partnership, Political Coordination and Cooperation Agreement (hereinafter: Global Agreement) between the Community and its Member States of the one part and the United Mexican States (hereinafter: Mexico) of the other part. The purpose of this S&T agreement is to give effect to the Global Agreement with regard to establishing cooperation under the first activity of the European Community multiannual RTD Framework Programme (hereinafter: framework programme), as provided for in Article 164 of the Treaty establishing the European Community. This cooperation should be to the benefit of both parties.

2. Guiding principles

Cooperation under this agreement shall ensure reciprocal access for research bodies from the two parties to their research and development activities and appropriate protection of industrial and intellectual property, with the objective of acting to the mutual benefit of both parties.

3. Scope of the cooperation

The cooperation established by this agreement shall cover the first research activity under the European Community multiannual RTD framework programme, as provided for in Article 164 of the Treaty establishing the European Community.

4. Forms and methods of cooperation

Cooperation shall take the following forms:

- full participation, under the Agreement, of Mexican research bodies¹ in indirect research actions under the Community's framework programme for non-nuclear RTD activities and reciprocal participation by research bodies¹ from the European Community in Mexican research projects in similar sectors. Participation by Mexican bodies in indirect Community research actions shall be subject to 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; joint research and technological development activities by European and

¹ As currently defined in Article 6 of Council Decision 1999/65/EC of 22 December 1998 concerning the rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the fifth framework programme of the European Community (1998-2002) (OJ L 26, 1.2.1999, pp. 46-55).

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Mexican bodies must be approved by both parties in order to come under this agreement;

- visits and exchanges of scientists;
- participation by experts in seminars, symposia and workshops.

5. Duration

The agreement will be concluded for an initial period of five years and may be tacitly renewed after evaluation during the next to last year of each successive period. It may be terminated at any time by either party upon six months' written notice.

6. Dissemination and utilisation of information

Participation of Mexican bodies in indirect Community RTD actions and the dissemination and exploitation of results, including intellectual property rights, shall be subject to the rules adopted by the Council for the Community's research programmes under Article 167 of the Treaty and, where appropriate, to the guiding principles on the allocation of intellectual property rights applicable to scientific and technical 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 Mexican research activities under this agreement shall have the same rights and obligations as Mexican bodies.

7. Financing

As far as the participation of Mexican research bodies in indirect Community research actions under the first activity in the framework programme is concerned, the provisions adopted by the Council under Article 167 of the EC Treaty applicable to bodies from third countries shall apply.

8. Management of the agreement

A Joint Scientific and Technological Cooperation Committee shall be set up to promote, monitor and assess the various activities under the agreement. It shall consist of representatives of the Commission, on the one hand, and representatives of the Republic of Mexico, on the other. The Committee shall normally meet once a year, preferably before the Joint Committee set up under the Global EU-Mexico Agreement, and shall report to the Joint Committee. Extraordinary meetings may be held at the request of either of the parties.

9. Negotiating procedure

The Commission shall be assisted in its negotiations by the special committee appointed by the Council in accordance with Article 300 of the EC Treaty.

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LEGISLATIVE FINANCIAL STATEMENT

Policy area(s): RTD

Activity: International S&T cooperation

TITLE OF ACTION: RECOMMANDATION FOR COUNCIL DECISION AUTHORISING THE COMMISSION TO NEGOTIATE AN AGREEMENT FOR SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION BETWEEN THE EUROPEAN COMMUNITY AND THE UNITED MEXICAN STATES

1. BUDGET LINE(S) + HEADING(S)

1.1 Relevant budget headings

the costs associated with the activities of monitoring and implementing the agreement will be charged to the specific budget headings of the programmes within the Community RTD Framework Programme (chapters B6-61 and B6-62).

2. OVERALL FIGURES

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

- a. **Preparatory activities, review of the co-operation activities:** meetings of the Steering Committee on Science and Technology Cooperation, exchange of information, visits of officials and experts to Mexico 40.000 €
- b. **Scientific and technical workshops/meetings:** 60.000 €

TOTAL : 100.000 €Year

This amount of 100.000 €Year shall be charged as follows: 30% to budget heading B6-6211 and 70% in equal parts to the budget headings of chapter B6-61.

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA contribution	Contribution from applicant Countries	Heading in financial perspectives
Non-comp	Diff	No	Yes	No	Nr. 3

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4. LEGAL BASIS

- With legal basis. -[Multi-annual programme – Codecision (with privileged financial reference)].

4.1 Titles and reference

- Treaty establishing the European Community, in particular Article 170, in conjunction with Article 300.
- Decision Nr. 182/1999/EC of the European Parliament and the Council concerning the fifth framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002).

5. DESCRIPTION AND GROUNDS

5.1. Need for Community intervention

Community budget intervention is indispensable because the planned co-operation comes under the implementation of the Framework Programmes, including the budgetary section : participation by Mexico in certain specific programmes and administrative expenditure on the European side (missions by Community officials, organisation of seminars in the Community and in Mexico).

5.1.1 Objectives pursued

The essential objective is to stimulate RTD co-operation between the EC and Mexico in the areas covered by the Framework Programmes.

- the agreement is designed to enable the Community and Mexico to profit, on the basis of the principle of mutual benefit, from the scientific and technical progress achieved under their reciprocal research programmes, via the participation of the Mexican scientific community and industrial sector in the Community's research projects and via the independent and non subsidised participation of bodies established in the Community in Mexican projects;
- beneficiaries in the EC and Mexico will be scientific communities, the industrial sector 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 may be tacitly renewed after evaluation during the next to last year of each successive period.

5.2. Actions envisaged and budget intervention arrangements

5.2.1 Type of expenditure

100 % subsidy (Missions to Mexico by Commission officials and experts; organisation of workshops, seminars and meetings in the European Community and in Mexico).

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6. FINANCIAL IMPACT

6.1. Operational expenses of administrative and technical type included in Part B (for the whole period)

6.1.1 Expenses for managing the decision (estimate)

Indicative breakdown, amounts (expressed in millions of euros)

	2002	2003	2004	2005	2006
Commitments	0,10	0,10	0,10	0,10	0,10
Payments	0,10	0,10	0,10	0,10	0,10

7. FOLLOW-UP AND EVALUATION

7.1 Follow-up arrangements

The co-operation agreement will be evaluated regularly by the Commission services concerned.

The evaluation will comprise the following elements

- a. Collection of information : on the basis of data from the specific programmes of the Framework Programmes.
- b. Overall evaluation of the operation : an evaluation of all the co-operation activities in the context of this agreement will be made by the Commission's departments at the end of each year.

8. PLANNED ANTI-FRAUD MEASURES

Numerous administrative and financial controls are foreseen at each stage of the cooperation activities in the context of this agreement. This concerns in particular:

- checks on different levels of the cost statements before payment (financial, scientific and technical control)
- internal audit by the audit service
- controls (including inspections done at the place of work) by the audit service of the Commission and by the EU Court of Auditors.