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## DECLASSIFICATION

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Subject: Adoption of a Council Decision authorizing the Commission to negotiate an agreement for scientific and technological cooperation between the European Community and the Russian Federation

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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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11184/97

RESTREINT

RECH 61

**REPORT**

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**from : Research Working Party**

**to : Permanent Representatives Committee**

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**No. Cion prop.:10196/97 RECH 50 : SEC (97) 1424 final**

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**Subject: Adoption of a Council Decision authorizing the Commission to negotiate an agreement for scientific and technological cooperation between the European Community and the Russian Federation**

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1. The Commission submitted to the Council the abovementioned recommendation for a Council Decision authorizing the negotiation of an agreement with the Russian Federation in the field of RTD on 18 July 1997.

The envisaged agreement aims at reinforcing cooperation in science and technology in sectors covered by the Community's research framework programme and at establishing a coherent framework for such cooperation.

The agreement, as proposed by the Commission, should be negotiated on the basis of the draft negotiating directives and subsequently concluded in accordance with Art. 130m under the procedure laid down in Art. 228 of the Treaty establishing the European Community.

2. After examination of the proposal, the Research Working Party reached an agreement on the texts of the draft Council decision together with the annexed negotiating directives and on the draft statement for the Council's minutes as reproduced in Annexes I and II to this Note.

3. The French delegation, however, wished to explicitly exclude from the scope of cooperation all activities relating to space.
4. It is therefore suggested that the Committee of Permanent Representatives examine these negotiating directives with a view to enabling the Council to adopt, as an "A" item at one of its next meetings, the Decision authorizing the Commission to negotiate a scientific and technological agreement with the Russian Federation.

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## ANNEX I

### **DRAFT COUNCIL DECISION AUTHORIZING THE COMMISSION TO NEGOTIATE AN AGREEMENT FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN THE EUROPEAN COMMUNITY AND THE RUSSIAN FEDERATION**

1. The Council authorizes the Commission to negotiate an agreement for scientific and technological cooperation between the European Community and the Russian Federation.
  2. The Commission shall conduct the negotiations with the assistance of the special Committee set up for this task in accordance with Article 228 of the EC Treaty.
  3. The Council invites the Commission to conduct these negotiations in accordance with the attached 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 a scientific and technological cooperation agreement**  
**with the Russian Federation**

**1. Objectives**

The aim of the negotiations is to conclude an agreement for cooperation in a number of sectors covered by the fifth European Community's multi-annual Framework Programme for RDT (1998-2002). Such cooperation should be of mutual benefit and will exclude all technical assistance measures.

**2. Forms and means of cooperation**

Cooperation should take the following forms:

- participation of Russian research entities<sup>1</sup> in research projects under the Community's non-nuclear Framework Programme for RTD and a reciprocal participation of research entities<sup>1</sup> of the European Union in Russian projects in similar areas of research. As regards Russian 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;
- visits and exchanges of scientists;
- participation by experts in seminars, symposia and workshops;

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<sup>1</sup> At present 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 research, technological development and demonstration activities of the European Community (OJ nr L306 of 30.11.94, p8)

- active scientific and technological information exchange through existing and future information means (including on-line access to scientific publications).

### **3. Scope of the agreement**

Cooperation under this agreement may cover all research activities covered by the 5th Community's multi-annual Framework Programme for RTD (1998-2002).

### **4. Duration**

The agreement shall be concluded for the duration of the 5th Framework Programme (1998-2002) and will be renewable by common agreement between the parties (tacit renewal) for all the specific programmes implementing subsequent Framework Programmes.

### **5. Dissemination and utilization of information**

Participation of Russian entities in Community RTD projects and the dissemination and optimization of results, including intellectual property rights, will be subject to the rules applicable to Community's research programmes, at present specified in the Council Decision of 21 November 1994, concerning the rules for dissemination of the research results from the specific programmes of research, technological development and demonstration of the European Community and, where appropriate, to the guiding principles of 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 the 26 June 1992.

Mutatis mutandis, entities from the Community participating in Russian research activities under this agreement shall have the same rights and obligations as the entities from Russia under the activity in question.

## **6. Financing**

As far as the participation of Russian research bodies in Community research projects is concerned, the provisions concerning the rules for the participation of undertakings, research centres and universities in research, technological development and demonstration activities of the European Community (at present defined in Art. 3 of the Council Decision of 21 November 1994) shall apply.

The agreement should facilitate such exemption from taxes and other duties (import duties, VAT, etc.) as is necessary for the proper implementation of this cooperation.

## **7. Management of the agreement**

A Joint Service 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. Extraordinary meetings will be held at the request of either party. The current EU-Russia Committee on Science and Technology Cooperation will be dissolved.

**DRAFT STATEMENT FOR THE COUNCIL MINUTES**

The Council and the Commission agree that at the moment of signing the Agreement they will enter a joint statement into the minutes along the following lines:

"The Council and the Commission declare that this Agreement and any activities entered into under it will in no way affect the powers vested in the Member States to undertake bilateral activities with the Russian Federation in the field of science, technology and research and development and to conclude agreements to that end, where appropriate. They therefore agree that, when the Agreement is being signed, the person empowered by the President of the Council to sign will communicate the contents of this statement to the Russian Federation authorities."

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