



Council of the
European Union

Brussels, 8 November 2017
(OR. en)

11902/07
DCL 1

RECH 211
NZ 10

DECLASSIFICATION

of document: ST11902/07 RESTREINT UE/EU RESTRICTED

dated: 24 July 2007

new status: Public

Subject: Adoption of a Council Decision authorising the Commission to negotiate an agreement on scientific and technological cooperation between the European Community and the Government of New Zealand

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



COUNCIL OF
THE EUROPEAN UNION

Brussels, 24 July 2007

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"I/A" ITEM NOTE

from : General Secretariat of the Council
to : Permanent Representatives Committee/Council

No. Cion prop. : 11432/07 RECH 203 NZ 8 **RESTREINT UE**

Subject : Adoption of a Council Decision authorising the Commission to negotiate an agreement on scientific and technological cooperation between the European Community and the Government of New Zealand

1. On 27 June 2007, the Commission submitted to the Council its recommendation for the above-mentioned decision. The Commission's recommendation is based on Articles 170 and 300 of the Treaty establishing the European Community.
2. The Research Working Party has reached agreement on the text of the decision authorising the Commission to negotiate the agreement (Annex I), as well as on the negotiating directives (Annex II), subject to a Parliamentary scrutiny reservation by the UK.
3. It is suggested, therefore, that - subject to the lifting of the Parliamentary scrutiny reservation of the UK - the Permanent Representatives Committee recommends the Council, at one of its future sessions, to adopt as an "A" item this Decision and the negotiating directives as annexed to this note.

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ANNEX I

DRAFT COUNCIL DECISION

authorising the Commission to negotiate an agreement on scientific and technological cooperation between the European Community and the Government of New Zealand

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

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NEGOTIATING DIRECTIVES

For the agreement on scientific and technological cooperation between the European Community and the Government of New Zealand

1. Subject

The aim of the negotiations is to conclude an agreement on scientific and technological cooperation, 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. The purpose of this agreement is to establish cooperation under the framework programmes of the European Community for research, technological development and demonstration activities, hereinafter referred to as "the framework programme" and under research programmes or projects of the Government of New Zealand in science and technology fields similar to those covered by the framework programme. This cooperation should be to the benefit of both parties.

2. Information for the Council

The Commission shall inform the Council about the outcome of the negotiations and, where appropriate, about any problem that may arise during the negotiations.

3. Guiding principles

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

4. Scope of the cooperation

The cooperation established by this agreement shall cover the activities of the framework programme subject to the conditions and limitations laid down in the Regulation of the European Parliament and of the Council concerning 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 of the European Community.

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5. Forms and methods of cooperation

Cooperation shall take the following forms:

- full participation, under the agreement, of New Zealand research and development bodies in indirect research action under the framework programme of the European Community and reciprocal participation by research bodies from the European Community in New Zealand research projects in similar sectors. Participation by New Zealand bodies in indirect Community research action 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;
- visits and exchanges of scientists, organisation of scientific and technical events;
- studies and evaluations aiming to strengthen and structure cooperation between the two parties;
- promotion of any other activity aimed at facilitating the implementation of this agreement, particularly the exchange of scientific and technical information and coordination activities.

6. Duration

The agreement shall be concluded for an unlimited period. It may be terminated at any time by either party upon six months' written notice.

7. Dissemination and utilisation of information

Participation of New Zealand bodies in indirect Community RTD action and the dissemination and exploitation of results, including intellectual property rights, shall be subject to the rules adopted by the European Parliament and 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 technological 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 New Zealand research activities under this agreement shall have the same rights and obligations as New Zealand bodies.

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8. Financing

As far as the participation of New Zealand research bodies in indirect Community research action in the framework programme is concerned, the provisions adopted by the European Parliament and the Council under Article 167 of the EC Treaty applicable to bodies from third countries shall apply.

9. 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 part and representatives of the Government of New Zealand on the other. The Committee shall normally meet once a year. Extraordinary meetings may be held at the request of either of the parties.

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