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Subject: Adoption of a Council decision authorising the Commission to negotiate an agreement on scientific and technological cooperation between the European Community and Japan

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, 23 May 2003

9733/03

RESTREINT UE

RECH 95
ASIE 21

"I/A" ITEM NOTE

From : General Secretariat of the Council
To : Permanent Representatives Committee/Council

No. Cion prop. : 9352/03 RECH 89 ASIE 19 RESTREINT

Subject : Adoption of a Council decision authorising the Commission to negotiate an agreement on scientific and technological cooperation between the European Community and Japan

1. On 14 May 2003, 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, at its meeting on 23 May 2003, reached agreement on the attached negotiating directives.
3. It is suggested, therefore, that the Permanent Representatives Committee recommends that the Council, as an "A" item at one of its future sessions:
 - authorise the Commission to negotiate an agreement for scientific and technological cooperation between the European Community and Japan;
 - call on the Commission to conduct these negotiations on the basis of the attached negotiating directives.

DRAFT NEGOTIATING DIRECTIVES

for an agreement on scientific and technological cooperation between the European Community and Japan

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". This cooperation should be to the benefit of both parties. It will also make it possible to develop indirect cooperation actions aimed in particular at the developing countries, since the agreement will not necessarily be solely for the benefit of the two parties.

2. Information for the Council

The Commission will 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 will 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 will 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

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for the implementation of the framework programme of the European Community.

5. Forms and methods of cooperation

Cooperation will take the following forms:

- full participation, under the agreement, of Japanese research bodies¹ in indirect research actions under the Community's framework programme for non-nuclear RTD and reciprocal participation by research bodies from the European Community in Japanese research projects in similar sectors. Participation by Japanese bodies in indirect Community research actions will 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 Japanese 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.

6. Duration

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

7. Dissemination and utilisation of information

Participation of Japanese bodies in indirect Community RTD action and the dissemination and exploitation of results, including intellectual property rights, will 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

¹ As currently defined in Article 2(8) of Council and Parliament Decision 2321/2002/EC of 16 December 2002 concerning the rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the sixth framework programme of the European Community (2002-2006) (OJ L 355, 30.12.2002, p. 23).

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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 Japanese research activities under this agreement will have the same rights and obligations as Japanese bodies.

8. Financing

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

9. Management of the agreement

A Joint Scientific and Technological Cooperation Committee will be set up to promote, monitor and assess the various activities under the agreement. It will consist of representatives of the Commission, on the one hand, and representatives of the Government of Japan, on the other. The Committee will normally meet once a year, preferably before the meeting of the High-level EU-Japan Consultations, and will report on the occasion of that meeting. Extraordinary meetings may be held at the request of one of the parties.