



Council of the  
European Union

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REV 1 DCL 1

RECH 113  
ATO 109  
PECOS 125  
CY 10

## DECLASSIFICATION

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of document: ST 11170/1/98 REV 1 RESTREINT

dated: 1 October 1998

new status: Public

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Subject: Adoption of a Council Decision authorizing the Commission to negotiate with the candidate countries a series of Additional Protocols to their respective Association Agreements with a view to associating them with the Fifth Framework Programme of the European Community for Research, Technological Development and Demonstration Activities (1998 - 2002) and of the European Atomic Energy Community (Euratom) for Research and Training Activities (1998 - 2002)

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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.

11170/1/98

REV 1

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**"I/A" ITEM NOTE**

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from : GENERAL SECRETARIAT OF THE COUNCIL

to : Committee of Permanent Representatives/Council

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No. Cion prop.: 10807/98 RECH 103 ATO 100

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Subject: Adoption of a Council Decision authorizing the Commission to negotiate with the candidate countries a series of Additional Protocols to their respective Association Agreements with a view to associating them with the Fifth Framework Programme of the European Community for Research, Technological Development and Demonstration Activities (1998 - 2002) and of the European Atomic Energy Community (Euratom) for Research and Training Activities (1998 - 2002)

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1. The Commission submitted to the Council the above recommendation for a decision on 31 July 1998.
  2. After examination of the proposal in the Research, Central Europe and South-East Europe Working Parties, an agreement has been reached on the text of this Council Decision together with the negotiating directives as reproduced in Annex to this Note.
  3. It is therefore suggested that the Committee of Permanent Representatives recommend to the Council to adopt, as an "A" item at one of its next meetings, the attached Council Decision authorizing the Commission to negotiate scientific and technical additional protocols to the association agreements with the candidate countries, together with the negotiating directives.
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**DRAFT COUNCIL DECISION**  
**AUTHORIZING THE COMMISSION**  
**TO NEGOTIATE SCIENTIFIC AND TECHNICAL ADDITIONAL PROTOCOLS**  
**TO THE ASSOCIATION AGREEMENTS WITH THE CANDIDATE COUNTRIES**

The Council authorizes the Commission to negotiate with the candidate countries Additional Protocols to their respective Association Agreements with a view to their being associated with the Fifth Framework Programme of the European Community for Research, Technological Development and Demonstration Activities (1998 - 2002) and with the Fifth Framework Programme of the European Atomic Energy Community (Euratom) for Research and Training Activities (1998 - 2002), on the basis of the attached negotiating directives.

The Commission shall conduct the negotiations with the assistance of the Special Committees set up for this task.

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NEGOTIATING DIRECTIVES

1. Objective

The conclusion of a series of Additional Protocols to the corresponding Association Agreements establishing an association of candidate countries with the Fifth Framework Programme of the European Community for Research, Technological Development and Demonstration Activities (1998 - 2002) and with the Fifth Framework Programme of the European Atomic Energy Community (Euratom) for Research and Training Activities (1998 - 2002)<sup>(1)</sup>, in accordance with the provisions of Articles 130m and 228 of the Treaty establishing the European Community and of Article 101(2), Euratom.

2. Forms and means of association covered by each Protocol

Association may take the following forms in each country's case:

- participation of research entities of this country in the RTD programmes adopted for the implementation of the Fifth Framework Programme;
- financial contribution by this country to the budgets of the RTD Programmes adopted for the implementation of the Fifth Framework Programme based on the ratio of this country's GDP to the sum of the GDP of the Union and that of the country, taking into account that the country's capacity to contribute to and to take advantage of the programme will be limited initially; hence a diminishing reduction is applied over the first years and offered to those candidate countries which wish to fully associate themselves with the whole EC Fifth Framework Programme and, as the case may be, to the whole Fifth Framework Programme of Euratom.

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<sup>(1)</sup> Only for candidate countries which wish to fully associate themselves with the Fifth Framework Programme of the European Atomic Energy Community (Euratom) for Research and Training Activities (1998 - 2002).

- participation of representatives of this country, as observers without voting rights, and for the points which concern it, in the programme committees of the programmes to which they contribute financially;
- participation of research entities from the Member States in this country's research activities, so as to stimulate additional cooperation links with EU entities;
- regular exchanges of views on guidelines and priorities for research policy and planning in this country and in the Union;
- exchanges of views on the prospects for and development of scientific and technological cooperation;
- availability of documentation and communication of the results of work undertaken within the association framework.

### 3. Management of the Protocol

In the case of the CEECs, this protocol, as an additional protocol to the corresponding Europe Agreement, will be governed by its institutional provisions, notably those on the Association Committee and its multi-disciplinary sub-committees. The sub-committee which covers Research and Development will promote and monitor the various activities in the field of research envisaged under the Protocol.

In accordance with Article 14 of the Association Agreement with Cyprus, its Association Council may decide to set up a specific committee which can assist it in the discharge of the tasks related to the association of Cyprus with the Fifth Framework Programme.

### 4. Dissemination and exploitation of information

The participation of legal entities of each candidate country in indirect community RTD actions, as well as the dissemination and exploitation of information, including intellectual property rights, resulting from projects under this Protocol will be subject to the rules applicable to the Community's research programmes, taking account where appropriate of the principles concerning intellectual property rights applicable to scientific and technical cooperation with third countries, as established by the Joint Declaration of the Council and the Commission of 30 June 1992.

Legal entities of the Community participating, under the present protocol, in research activities of a candidate country should have, *mutatis mutandis*, the same rights and obligations as the entities from the candidate country concerned for the activities under consideration.

## 5. Duration

The duration of the Protocol will correspond to the duration of the Fifth Framework Programme. Either side will be able to end the Protocol at any time subject to 12 months' notice being given.

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