



Council of the  
European Union

Brussels, 4 June 2019  
(OR. en)

9352/03  
DCL 1

RECH 89  
ASIE 19

### DECLASSIFICATION<sup>1</sup>

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of document: ST 9352/03 RESTREINT UE

dated: 15 May 2003

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

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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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<sup>1</sup> Document declassified by the European Commission on 24 May 2019.

# RESTREINT UE



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 15 May 2003  
(OR. en)**

**9352/03**

**RESTREINT UE**

**RECH 89  
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## **COVER NOTE**

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from : the Secretary-General of the European Commission  
signed by Mme Patricia BUGNOT, Director

date of receipt : 14 May 2003

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

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

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Delegations will find attached Commission document SEC(2003) 540 final.

Encl.: SEC(2003) 540 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.05.2003  
SEC(2003)540 final

RESTREINT UE

Recommendation for a

**COUNCIL DECISION**

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

(presented by the Commission)

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## **A. EXPLANATORY MEMORANDUM**

1. The Community and Japan have been cooperating for many years in various fields of science and technology. For example, scientific cooperation with Japan has, over the years, grown and diversified (including in the field of the mobility of researchers) in such varied fields as the environment, climate change, seismic hazards, nuclear energy, thermonuclear fusion (ITER), information technologies, and Japan's participation in the Moscow-based International Science and Technology Centre and the IMS (multilateral cooperation in the field of intelligent manufacturing systems), etc.
2. In January 2002, Japan sounded out the Commission's opinion about the possibility of negotiating a scientific and technological cooperation agreement in order to supplement and strengthen the cooperation so far and, following the decision taken at the EU-Japan Summit in December 2001, implementing an action plan for EU-Japan cooperation "Determining our common future". Mr Busquin and the Japanese Science Minister, Mrs Toyama, decided to launch informal discussions in order to examine whether such an agreement should be negotiated. Informal discussions took place from 20 to 22 June 2002, and it transpired that the conditions were met for the negotiation of an agreement. On 2 July 2002, the Embassy of Japan to the European Union informed the Commission's Services of Japan's desire to open negotiations on a scientific and technological cooperation agreement; this request was reiterated on the occasion of the EU-Japan Summit on 8 July 2002 and mentioned in the joint press release.
3. Various exploratory contracts have confirmed that strengthened cooperation with Japan would be in the mutual interest of both parties in such varied research sectors as, for example:
  - life sciences and technologies (biomedicine, biodiversity, bioinformatics, medicinal products);
  - sustainable development, climate change, renewable energy sources;
  - space; Earth observation, monitoring, management of natural resources, sonography, etc.;
  - industrial and materials technologies (in the environment and use of materials, energy and sustainable development);
  - information society technologies and telecommunications.

Closer cooperation with Japan on science and technology will also contribute directly to strengthening ties between the two parties and will, in particular, bring substantial benefits for European players by improving the Community's position in Japan and, consequently, within Asia as a whole.

In conclusion, it would be fully in the interest of the Community to respond positively to Japan's request, and an agreement on scientific and technological cooperation to be concluded in accordance with Article 170 of

the EC Treaty, would be the appropriate instrument for closer relations with this country in these fields.

## **B. RECOMMENDATION**

In the light of the above, the Commission recommends that:

- the Council authorise the Commission to open and conduct negotiations with Japan on an agreement on scientific and technological cooperation covering the activities of the European Community's framework programmes for research, technological development and demonstration activities;
- since, in accordance with Article 300 of the EC 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
- the Council adopt the negotiating directives in the Annex.

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## ANNEX

### **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 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 bodies<sup>2</sup> in indirect research actions under the Community's framework programme for non-nuclear RTD and reciprocal participation by research bodies from the European

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2 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).

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 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.

## LEGISLATIVE FINANCIAL STATEMENT

**Policy area(s): RTD**

**Activity: International S&T cooperation**

**TITLE OF ACTION: RECOMMENDATION FOR A COUNCIL DECISION AUTHORISING THE COMMISSION TO NEGOTIATE AN AGREEMENT ON SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN THE EUROPEAN COMMUNITY AND JAPAN**

### **1. BUDGET HEADING(S) + TITLE(S)**

#### **1.1 Relevant budget heading(s)**

The costs associated with the activities of monitoring and implementing the agreement will be charged to the specific budget headings of the programmes under the Community RTD framework programme (Chapter B6-6013).

### **2. OVERALL FIGURES**

#### **2.1 Method of calculating the total cost of the operation (estimate)**

- a. Preparatory activities and review of cooperation activities:** meetings of the steering committee on S&T cooperation, exchanges of information, coordination activities, visits to Japan by officials and experts 50 000 €
- b. Scientific and technical workshops/meetings:** 60 000 €

TOTAL : 110 000 €/year

### **3. BUDGET CHARACTERISTICS**

Type of expenditure		New	EFTA contribution	Contribution from candidate countries	Heading in financial perspective
NCE	DA	NO	YES	YES	No 3

### **4. LEGAL BASIS**

- Articles 170 and 300 of the EC Treaty

#### **4.1 Titles and reference**

- Treaty establishing the European Community, in particular Article 170, in conjunction with Article 300.



- Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006).

## **5. DESCRIPTION AND GROUNDS**

### **5.1. Need for Community intervention**

Community funding is necessary as the cooperation envisaged is part of the implementation of the framework programme, including the budget heading covering administrative expenditure borne by the Community (missions by experts and EU officials), organisation of workshops, seminars and meetings in the European Community and Japan.

#### *5.1.1 Objectives pursued*

The main objective is to stimulate cooperation between the European Community and Japan in the areas covered by the RTD framework programmes:

- the agreement is designed to enable the Community and Japan to profit, on the basis of the principle of mutual benefit, from the scientific and technical progress achieved under their respective research programmes, by means of participation by the Japanese scientific community and Japanese industry in Community research projects and independent participation, without funding, by bodies established in the Community in Japanese projects;
- beneficiaries in the EC and Japan will be the scientific communities, industry 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 renewed by mutual agreement of the parties after evaluation of its impact. It may be terminated at any time by either party upon six months' written notice.

### **5.2. Actions envisaged and budget intervention arrangements**

#### *5.2.1 Type of expenditure*

100% financing (missions to Japan by Commission officials; organisation of workshops, seminars and meetings in Europe and Japan).

## 6. FINANCIAL IMPACT

### 6.1. Total financial impact on Part B (over the entire programming period)

### 6.2. Calculation of costs by measure envisaged in Part B (over the entire programming period)

#### 6.2.1 Expenditure on management of the Decision (estimate)

Indicative schedule of appropriations (amounts expressed in millions of euros)

	2003	2004	2005	2006
Commitments	0.11	0.11	0.11	0.11
Payments	0.11	0.1	0.11	0.11

#### Follow-up arrangements

The cooperation agreement will be regularly assessed by the relevant Commission departments.

The assessment will cover the following:

- a. Compilation of available information: based on the data from the specific programmes of the framework programmes.
- b. General assessment of the operation: an evaluation of all the cooperation activities under this agreement will be made by the Commission's departments.

## 8. ANTI-FRAUD MEASURES

Numerous administrative and financial audits are provided for at each stage of the cooperation activities in the context of this agreement. These include in particular:

- verification, at various levels, of the statements of expenditure before payment;
- audit by the internal audit service;
- audit (including on-the-spot inspections) by the Commission's audit service and by the Court of Auditors of the EU.