



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.10.2003
COM(2003) 569 final

2003/0223 (CNS)

Proposal for a

COUNCIL DECISION

**concerning the conclusion of an Agreement aimed at renewing the Agreement
for scientific and technological cooperation between the European Community
and the Government of the United States of America**

(SEC(2003) 1048)

(presented by the Commission)

EXPLANATORY MEMORANDUM

Subject: Proposal for a Council Decision concerning the conclusion of an Agreement aimed at renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America

1. By its Decision of 13 October 1998, the Council approved the conclusion of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America¹. The Agreement entered into force on 14 October 1998.

Article 12(b) of the Agreement provides as follows: "This Agreement is concluded for an initial period of five years. Subject to review by the Parties in the final year of each successive period, the Agreement may be extended with possible amendments, thereafter for additional periods of five years by mutual written agreement by the Parties".

2. Such a review was carried out by an independent Panel of experts.

The thorough analysis of the impact of the above-mentioned Agreement on the development of transatlantic research cooperation draws an overall positive picture although much more can still be achieved.

The different recommendations made by the Panel are acceptable by the Commission, which intends to put them into practice.

Of special interest are the recommendations, which will be followed up during the preparation and the implementation phase of the agreement:

- "to raise the awareness of the Agreement in the Member States of the European Union in order to increase its relevance and the involvement of the Member States in relation to the European Research Area and the conclusions of the Lisbon Council, including to identify target areas for communication in relevant sectors (science, industry, government)";
- "that the Joint Consultative Group of the Agreement be better exploited as a communication vehicle so that scientific and other relevant communities are aware of its agenda and the outcomes of its deliberations. The Joint Consultative Group should encourage input to these deliberations from a wider audience so that it is able to sample a range of opinion";
- "as part of the renewal process, to establish a strategy that will build effectively on the foundation in the first five years and better exploit the potential of the Agreement".

¹ OJ L 284, 22.10.1998, p. 35.

In addition, the Commission will pay particular attention to the recommendations concerning the balance of reciprocity, a general framework for the question of funding, and to ensure good direct communication with the relevant US government institutions

In conclusion "the Agreement for scientific and technological cooperation constitutes a platform with significant potential. It is recommended that the Agreement should be renewed".

3. The authorities of the United States of America have informed the services of the Commission that they would favour the renewal of the above-mentioned Agreement for five more years.

The United States want a straightforward renewal, without changing the text of the current Agreement so as to maintain continuity in the scientific and technological relations between the USA and the European Community.

Rapid renewal would therefore be in the best interest of both parties.

4. Since the material content of the Agreement which will soon expire would remain unchanged, following the normal procedures for negotiating this renewal (Article 300(1) of the EC Treaty) would serve no useful purpose. In addition, given the resulting advantages, for both parties, of rapid renewal, a one-step procedure is suggested (a single procedure and a single act concerning signature and conclusion).

In the light of the above considerations, the Commission requests the Council:

- to approve, on behalf of the Community, after consulting the European Parliament, the conclusion of an Agreement aimed at renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America;
- to authorise the President of the Council to designate the person empowered to sign the Agreement in order to express the consent of the Community to be bound thereby.

Proposal for a

COUNCIL DECISION

concerning the conclusion of an Agreement aimed at renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second paragraph of Article 170, in conjunction with the first sentence of the first subparagraph of Article 300(2), and the first subparagraph of Article 300(3),

Having regard to the proposal from the Commission²,

Having regard to the opinion of the European Parliament³,

Whereas:

- (1) By its Decision of 13 October 1998⁴, the Council approved the conclusion of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America;
- (2) Article 12(b) of the Agreement provides as follows: "This Agreement is concluded for an initial period ending of five years. Subject to review by the Parties in the final year of each successive period, the Agreement may be extended with possible amendments, thereafter for additional periods of five years by mutual written agreement by the Parties";
- (3) The authorities of the United States of America have informed the services of the Commission that they would favour the renewal of the above-mentioned Agreement for five more years. Rapid renewal would therefore be in the best interest of both parties;
- (4) The material content of the renewed Agreement will be identical to the material content of the Agreement, which will expire on 13 October 2003;
- (5) The Agreement aimed at renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America should be approved on behalf of the Community,

² OJ C ...

³ ...

⁴ OJ L 284, 22.10.1998, p. 35

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement aimed at renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America for an additional period of five years is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement in order to express the consent of the Community to be bound thereby.

Done at Brussels,

For the Council
The President

AGREEMENT
**RENEWING THE AGREEMENT FOR SCIENTIFIC AND TECHNOLOGICAL
COOPERATION BETWEEN THE EUROPEAN COMMUNITY AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA**

THE EUROPEAN COMMUNITY (hereinafter "the Community"), of the one part,

And

THE GOVERNMENT OF THE UNITED STATES OF AMERICA, of the other part,

hereinafter referred as the "Parties",

CONSIDERING the importance of science and technology for their economic and social development;

RECOGNISING that the Community and the United States of America are pursuing research and technological activities in a number of areas of common interest, and that participation in each other's research and development activities on a basis of reciprocity will provide mutual benefits;

HAVING REGARD to the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America, which was signed in Washington on 5 December 1997 and which will expire on 13 October 2003;

DESIRING to pursue their cooperation in science and technology in the formal framework established by the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America, which was signed in Washington on 5 December 1997 and will expire on 13 October 2003, is hereby renewed for an additional period of five years.

Article 2

This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

Article 3

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

For the European Community For the Government of the United States of America

LEGISLATIVE FINANCIAL STATEMENT

Policy area(s): RTD

Activit(y/ies): International scientific and technological cooperation

TITLE OF ACTION: PROPOSAL FOR A COUNCIL DECISION CONCERNING THE CONCLUSION OF AN AGREEMENT AIMED AT RENEWING THE AGREEMENT FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN THE EUROPEAN COMMUNITY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

1. BUDGET LINE(S) + HEADING(S)

1.1. Budget lines concerned

The costs incurred in monitoring and implementing the Agreement will be charged to the specific budget headings of the programmes within the Community's RTD Framework Programme (Chapter B6-6013).

2. OVERALL FIGURES

2.1. Method of calculating the total annual cost of the action (estimate)

- a. Preparatory activities, review of the cooperation:** meetings of the Joint Consultative-Group, exchange of information, visits of officials and experts to the United States of America **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 applicant Countries	Heading in financial perspectives
Non-comp	Diff	No	Yes	Yes	No 3

4. LEGAL BASIS

– With legal basis. - [Multiannual programme - Co-decision (with principal financial reference)].

4.1. Titles and references

– Treaty establishing the European Community, and in particular Article 170(2) thereof, in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3).

- Decision No 1513/2002/EC of the European Parliament and 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 (2002-2006).

5. DESCRIPTION AND GROUNDS

5.1. Need for Community intervention

Community budget intervention is indispensable because the planned cooperation comes under the implementation of the Framework Programmes, including the budgetary section: participation by the United States of America in certain specific programmes and administrative expenditure on the European side (missions by Community officials, organisation of seminars in the Community and in the USA).

5.1.1. Objectives pursued

The essential objective is to stimulate RTD cooperation between the European Community and the United States of America in the areas covered by the Framework Programmes.

- The Agreement is designed to enable the Community and the USA 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 United States scientific community and industrial sector in Community research projects and independent, non-subsidised participation by bodies established in the Community in US projects.
- The beneficiaries in the EC and the USA will be the scientific community, the private sector and the general public, thanks to the direct and indirect effects of cooperation.

5.1.2. Duration

The Agreement will be renewed for an additional period of five years and will be renewable by common agreement for further periods of five years.

5.2. Actions envisaged and budget intervention arrangements

5.2.1. Type of expenditure

100% grant (missions to the USA by Commission officials and experts; organisation of workshops, seminars and meetings in the European Community and in the USA).

6. FINANCIAL IMPACT

6.1. Administrative and technical operating expenditure included in Part B (for the whole programming period)

6.1.1. Expenditure on the management of the Decision (estimate)

Indicative breakdown, amounts (expressed in millions of euros)

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

7. FOLLOW-UP AND EVALUATION

7.1. Follow-up arrangements

The activities in the context of the Cooperation Agreement will be regularly evaluated by the relevant Commission departments.

This evaluation will cover the following:

- a. Collection of information: on the basis of data from the specific programmes of the Framework Programmes.
- b. Overall evaluation: an evaluation of all the cooperation activities in the context of this Agreement will be made by the Commission's departments at the end of each year.

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 by the Court of Auditors.