EC/Japan Agreement: cooperation in science and technology

2009/0081(NLE) - 29/07/2009 - Preparatory document

PURPOSE: to conclude an agreement between the European Community and Japan on cooperation in science and technology.

PROPOSED ACT: Council Decision.

BACKGROUND: the EU and Japan are confronted with similar challenges concerning economic growth, industrial competitiveness, employment, regional and social cohesion, sustainable development, and perhaps the most important, socio-economic adjustments to deal with ageing societies and the current financial crisis. The European Community and Japan have similar research priorities, such as life sciences, information and communication, manufacturing technologies, environment, including climate change and renewable energies, and both are also members of ITER – the International Thermonuclear Experimental Reactor.

Japan is already one of the leading countries in terms of investment in research, which reached 3.61% of GDP in 2008, with more than 81.6% originating from the private sector. Therefore, Japan is a very important partner for Europe to cooperate with in the area of science and technology.

However, S&T cooperation potential remains under-exploited between the EU and Japan. That is why both parties expressed the desire to upgrade and intensify their cooperation in areas of common interest and at the EU-Japan Summit held in Athens on 1 and 2 May 2003.

Therefore, on 5 June 2003, the Council authorised the European Commission to negotiate an Agreement for scientific and technological cooperation between the European Community and Japan, resulting in this proposal and the attached draft agreement text, initialled on 19 February 2009.

CONTENT: the purpose of the proposal for a Decision is to **conclude and approve**, on behalf of the European Community, an agreement on cooperation in science and technology with Japan.

The agreement is similar to other cooperation agreements of this kind concluded with a number of third countries and is based on the following principles:

- mutual benefit;
- reciprocal opportunities for access to each other's programmes and activities relevant to the purpose of the Agreement;
- non-discrimination;
- the effective protection of intellectual property;
- equitable sharing of intellectual property rights.

Moreover, the agreement will help to structure and enhance the EC-Japan scientific and technological cooperation, notably through regular meetings of the **Joint Committee**, in which specific cooperative activities (such as coordinated calls) could be planned.

Planned cooperative activities: two types of cooperation are envisaged:

a) **direct** cooperative activities which may include: (i) meetings of experts to discuss and exchange information on scientific and technological aspects and to identify research and development programmes and projects that may be usefully undertaken on a cooperative basis; (ii) exchange of information on activities, policies, practices, and laws and regulations concerning research and development; (iii) visits and exchanges of scientists; (iv) implementation of any other forms of cooperative activities as may be identified, proposed and decided at the Joint Committee.

b) **indirect** cooperative activities enabling any person of a Party to participate in research and development programmes and projects, operated by the other Party, its agencies or official institutions.

Intellectual property rights: scientific and technological information of a non-proprietary nature resulting from direct cooperative activities may be made available to the public by either Party through customary channels and in accordance with the normal procedures of the participating agencies. Intellectual property rights and **undisclosed information** resulting from, introduced in the course of, or obtained through the cooperative activities under this Agreement shall be treated in accordance with the provisions of Annex II of this Agreement.

Annexes: the Agreement contains two annexes. The first concerns the terms and conditions for the participation of persons in research and development programmes and projects whereas the second concerns intellectual property rights and undisclosed information.

Duration of the Agreement: duration of five years initially, and to be continued unless terminated by either Party at the end of this initial five year period, or any time thereafter. In any event, each Party may evaluate the impact of the agreement and the activities covered by it every five years.

IMPACT ASSESSMENT: not applicable.

FINANCIAL IMPLICATIONS: the management of the Agreement by the European Commission shall mobilise EUR 110 000 per year for five years between 2009 and 2013 (i.e. EUR 550 000). For the most part, the expenses are for technical and administrative assistance.