EC/Japan Agreement: cooperation in science and technology

2009/0081(NLE) - 22/10/2009 - Document attached to the procedure

This document sets out the contents of the Agreement between the European Community and the Government of Japan on cooperation in science and technology. The draft agreement was initialled on 19 February 2009.

Scope and principles: the agreements aims to encourage develop and facilitate cooperative activities in the areas of science and technology for peaceful purposes. The cooperative activities shall be conducted on the basis of the following principles:

- mutual and equitable contributions and benefits;
- reciprocal access to research and development programmes and projects and facilities for visiting researchers;
- non-discrimination,
- the effective protection of intellectual property and
- equitable sharing of intellectual property rights.

Forms of cooperation : two types of cooperation are provided for :

(a) **direct** cooperative activities may include the following: (i) meetings of experts, to discuss and exchange information on scientific and technological aspects of general or specific subjects 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, where any person of a Party can participate in research and development programmes and projects, operated by the other Party, its agencies or official institutions, in accordance with the laws and regulations of the other Party.

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 the Agreement.

Funding: implementation of the Agreement shall be subject to the availability of appropriated funds and to the applicable laws and regulations of each Party.

Free movement of researchers: the Agreement makes provision for according to the persons carrying out the cooperative activities all possible facilities with a view to facilitating the free movement and stay of researchers participating in those cooperative activities and to facilitating the entry into and exit from its territory of materials, data or equipment intended for use in those cooperative activities.

Committee: for the purpose of effective implementation of the Agreement, the Parties shall establish a Joint Committee on Scientific and Technological which shall identify, propose and decide the cooperative activities under the Agreement.

Annexes : the Agreement includes two Annexes:

- Annex I deals with the terms and conditions for the participation of persons in research and development;
- Annex II deals with intellectual property rights and undisclosed information.

Duration: the Agreement shall remain in force for five years and shall continue in force thereafter unless terminated by either Party at the end of the initial five-year period or at any time thereafter by giving to the other Party at least six months' written advance notice of its intention to terminate the Agreement. It may be amended by mutual consent of the Parties through diplomatic notes exchanged between them.