Basic information

2009/0081(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EC/Japan Agreement: cooperation in science and technology **Subject** 3.50.20 Scientific and technological cooperation and agreements **Geographical area** Japan	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	REUL Herbert (PPE)	29/09/2010

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2979	2009-11-30
Competitiveness (Internal Market, Industry, Research and Space)	3074	2011-03-09

European Commission

Commission DG	Commissioner
Research and Innovation	GEOGHEGAN-QUINN Máire

Key events

Date	Event	Reference	Summary
29/07/2009	Preparatory document	COM(2009)0298	Summary
02/12/2009	Additional information		Summary
02/07/2010	Legislative proposal published	11363/2010	Summary
07/09/2010	Committee referral announced in Parliament		
26/10/2010	Vote in committee		Summary
09/11/2010	Committee report tabled for plenary, 1st reading/single reading	A7-0302/2010	
23/11/2010	Decision by Parliament	T7-0414/2010	Summary
23/11/2010	Results of vote in Parliament		
09/03/2011	Act adopted by Council after consultation of Parliament		

09/03/2011	End of procedure in Parliament		
06/04/2011	Final act published in Official Journal		

Technical information

Procedure reference	2009/0081(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 186-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/00529

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE428.155	11/10/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0302/2010	09/11/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0414/2010	23/11/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	13753/2009	22/10/2009	Summary
Legislative proposal	11363/2010	02/07/2010	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2009)0297	29/07/2009	Summary
Preparatory document	COM(2009)0298	29/07/2009	Summary

Additional information

Source	Document	Date

National parliaments	IPEX	
European Commission	EUR-Lex	

Final act
Decision 2011/0213 OJ L 090 06.04.2011, p. 0001

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.

EC/Japan Agreement: cooperation in science and technology

2009/0081(NLE) - 29/07/2009 - Document attached to the procedure

On 29 July 2009, the European Commission presented a proposal for a Decision aimed at **concluding**, on behalf of the European Community, an agreement between the European Community and Japan on cooperation in science and technology (please refer to the summary of the initial proposal for the content of the agreement).

That same day, the Commission presented a proposal for a Decision on the signature on behalf of the European Community of that agreement. The material content of that proposal is identical to that of the initial proposal in question.

Therefore, the Commission requests the Council to authorise the **signature**, on behalf of the European Community, of the Agreement between the European Community and the Government of Japan.

EC/Japan Agreement: cooperation in science and technology

2009/0081(NLE) - 02/07/2010 - Legislative proposal

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

PROPOSED ACT: Council Decision.

BACKGROUND: the Commission has negotiated, on behalf of the Community, an Agreement on cooperation in science and technology with the Government of Japan. This Agreement was signed by the representatives of the Parties on 30 November 2009 subject to its conclusion at a later date.

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community. Consequently, the Agreement should be concluded on behalf of the Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASE: Article 186, in conjunction with point (v) of Article 218(6)(a) of the Treaty on the Functioning of the European Union.

CONTENT: this Decision aims to approve the Agreement between the European Community and the Government of Japan on cooperation in science and technology on behalf of the European Union. For details of the content of the Agreement, please see the summary of the document annexed to the procedure dated 22/10/2009.

The proposal also states that as a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the text of the Agreement are, where appropriate, to be read as "the European Union".

FINANCIAL IMPLICATIONS: the proposal has no implications for the EU budget.

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.

EC/Japan Agreement: cooperation in science and technology

2009/0081(NLE) - 23/11/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution in which it gives its consent to the conclusion of the Agreement between the European Community and the Government of Japan on cooperation in science and technology.