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## **REPORT**

on the draft Council decision concerning the conclusion of an Agreement renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India (16681/2007 – C6-0073/2008 – 2007/0207(CNS))

Committee on Industry, Research and Energy

Rapporteur: Christian Ehler

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

## CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	5
EXPLANATORY STATEMENT .....	12
PROCEDURE.....	14



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a Council decision concerning the conclusion of an Agreement renewing the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India (16681/2007 – C6-0073/2008 – 2007/0207(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2007)0576),
  - having regard to the draft Council decision (16681/2007),
  - having regard to Articles 170(2) and 300(2), first subparagraph of the EC Treaty,
  - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0073/2008),
  - having regard to Rules 51 and 83(7) of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy (A6-0254/2008),
1. Approves the draft Council decision as amended and approves the conclusion of the agreement;
  2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Government of the Republic of India.

### **Amendment 1**

#### **Proposal for a decision**

#### **Recital 3 a (new)**

*Text proposed by the Council*

*Amendment*

***(3a) The Agreement is a key element in seeking to achieve the aims of the EU-India Strategic Partnership of 2004 and pursuing broader political goals.***

## **Amendment 2**

### **Proposal for a decision Recital 3 b (new)**

*Text proposed by the Council*

*Amendment*

***(3b) Responsibility for the efficient coordination and facilitation of cooperative activities under the Agreement rests with the EC-India S & T Steering Committee and it is desirable that the committee meet annually to review the work programme and that its rules of procedure be based on the principles of transparency and accountability.***

*Justification*

*The impact assessment of the Agreement suggests that the Steering Committee did not meet often enough, and more regular meetings could improve coordination.*

## **Amendment 3**

### **Proposal for a decision Recital 3 c (new)**

*Text proposed by the Council*

*Amendment*

***(3c) Priority objectives of the joint research activities to be carried out under the Agreement should be to produce comparable information and to improve the body of data.***

*Justification*

*To enable the outcome of cooperation to be assessed, it is essential to have readily available comparable data.*

## **Amendment 4**

**Proposal for a decision**  
**Recital 3 d (new)**

*Text proposed by the Council*

*Amendment*

***(3d) In the implementation of the Agreement, efforts should be made by both parties to increase the participation of the Community and India in each other's research programmes, to boost the number of exchanges of researchers between the Community and India and to improve the mobility of researchers generally.***

*Justification*

*The impact assessment of scientific cooperation between EU and India revealed that EU participation in Indian research programmes is particularly low. Therefore, both parties need to jointly take action to reduce this imbalance. Joint calls for proposals could be one possibility for addressing this. A second problem revealed is the low number of exchanges of scientists. There is a large potential for this to be increased through building on programmes such as Marie Curie Actions. The second part is inspired by the recommendations of the Impact Assessment undertaken by an independent expert. It states: "Some scheme for mobility of scientists should be put in place; for example an "India window" similar to Erasmus Mundus model".*

**Amendment 5**

**Proposal for a decision**  
**Recital 3 e (new)**

*Text proposed by the Council*

*Amendment*

***(3e) In the implementation of the Agreement, priority attention should also be given to energy and environment policies and to the necessary development of innovative energy technologies. Joint efforts and initiatives, for instance with a view to developing economical carbon capture and storage and renewable technologies, which are in the interest of both partners, should be undertaken.***

## **Amendment 6**

### **Proposal for a decision Recital 3 f (new)**

*Text proposed by the Council*

*Amendment*

***(3f) In the implementation of the Agreement, special attention should also be given to the principle of reciprocity.***

## **Amendment 7**

### **Proposal for a decision Recital 3 g (new)**

*Text proposed by the Council*

*Amendment*

***(3g) It is desirable that a mid-term evaluation of the implementation of the Agreement be carried out.***



## EXPLANATORY STATEMENT

### Introduction

The legal basis chosen for this proposal for a Council Decision to renew the Agreement concluded between the EC and India for a scientific and technological cooperation between the two parties to the 2002 Agreement is dual. First, the basic article of the EC Treaty making provision for international cooperation is Article 170. Second, cooperation between the EC and third countries of international organisations is governed by the provisions of Article 300, for both opening negotiations and for concluding the agreed text.

The Commission in this instance - as it was also in the case of the 2002 Agreement - chose to propose the consultation procedure for the European Parliament, foreseen in the first subparagraph of Article 300 (3).

However, given the fact that the text of the Agreement attached to the proposal is identical to the **material content** of the 2002 Agreement and that both Parties have expressed an **interest in renewing** the Agreement as it is, the Commission is of the view to use a **one-step procedure** for it. That is to be interpreted that a Single procedure and a Single Act for Signature and Conclusion.

### Material content of the renewed Agreement

The underlying logic of the said proposal is the following. By enlarging and facilitating the cooperative effort in scientific and technological research in areas of common interest to both the EC and India, it is claimed by the Commission proposal that it will both strengthen the cooperative activities and encourage the application of the results of such cooperation to the two Parties to the Agreement. In this case, it will result in a win-win situation. Under these circumstances, this situation is claimed to be a win-win case for another reason. The end result is the combination of economic and social dynamics, resulting in a mutually beneficial outcome.

The same logic was used for the 2002 Agreement. Furthermore, the Impact Assessment carried out by an independent expert in October 2006 was positive. It arrived at the conclusion recommending the renewal of the 2002 Agreement for an additional period of five years.

There are four principles constituting the basis for the renewal: balanced mutual benefits; reciprocal access to all research activities; exchange of information; protection of intellectual property rights.

However, the efficiency of this common approach to a joint cooperative activity in research and technological development rest with the institutional structure. The Commission proposal is of the view that a **Steering Committee on S and T**, consisting of an equal number of officials of each Party, established under the 2002 Agreement, should be responsible for the management of the renewed agreement.

Yet experience with this kind of Steering Committees has shown that two principles governing the proper management, namely, Transparency and Accountability are not meticulously followed. Hence your Rapporteur proposes an Amendment to the Recitals of the proposal, which is intended to clarify this point and asks to be taken into account when establishing the Steering Committee's Own Rules of Procedure.

Equally, two other amendments, one on comparable statistics and the other on the mobility of researchers are inspired from the Impact Assessment undertaken by an independent expert.

Funding of this joint endeavour will be equally shared by the EC and India. According to the proposal's Financial Statement, the EC budget, for the period 2007 to 2011, will bear an indicative cost of intervention (operational and administrative expenditure) of 0.8425 million euros.

The dissemination and utilisation of information is an important element of this Agreement. An annex on Intellectual Property Rights (IPR) is attached to the Agreement, as an integral part of it. The said annex contains all standard provisions governing ownership, allocation and exercise of rights as well as specific rules on copyright works and scientific literary works, and criteria for the "undisclosed information".

In conclusion, your rapporteur proposes the approval of this Proposal subject to his Amendments.

## PROCEDURE

<b>Title</b>	Renewal of the Agreement for scientific and technological cooperation between the EC and India		
<b>References</b>	16681/2007 – C6-0073/2008 – COM(2007)0576 – 2007/0207(CNS)		
<b>Date of consulting Parliament</b>	14.11.2007		
<b>Committee responsible</b> Date announced in plenary	ITRE 21.2.2008		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	AFET 21.2.2008	BUDG 21.2.2008	
<b>Not delivering opinions</b> Date of decision	AFET 27.11.2007	BUDG 14.11.2007	
<b>Rapporteur(s)</b> Date appointed	Christian Ehler 27.2.2008		
<b>Discussed in committee</b>	8.4.2008	21.4.2008	27.5.2008
<b>Date adopted</b>	5.6.2008		
<b>Result of final vote</b>	+: –: 0:	45 0 0	
<b>Members present for the final vote</b>	Šarūnas Birutis, Jan Březina, Jerzy Buzek, Jorgo Chatzimarkakis, Dragoș Florin David, Den Dover, Lena Ek, Norbert Glante, Fiona Hall, Rebecca Harms, Erna Hennicot-Schoepges, Mary Honeyball, Romana Jordan Cizelj, Werner Langen, Anne Laperrouze, Eluned Morgan, Angelika Niebler, Atanas Paparizov, Aldo Patriciello, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Mechtild Rothe, Paul Rübig, Britta Thomsen, Patrizia Toia, Nikolaos Vakalis, Adina-Ioana Vălean, Alejo Vidal-Quadras		
<b>Substitute(s) present for the final vote</b>	Christian Ehler, Göran Färm, Juan Fraile Cantón, Robert Goebbels, Françoise Grossetête, Satu Hassi, Gunnar Hökmark, Mieczysław Edmund Janowski, Eija-Riitta Korhola, Esko Seppänen, Hannes Swoboda, Silvia-Adriana Țicău, Lambert van Nistelrooij		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Giovanna Corda, Catherine Neris, Antolín Sánchez Presedo		