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ATO 116
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DECLASSIFICATION¹

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Subject: Recommendation for a Council Decision authorising the Commission to negotiate the renewal of the agreement on scientific and technical cooperation between the European Community and the European Atomic Energy Community, on the one part, and the Swiss Confederation, on the other part

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

¹ Document declassified by the European Commission on 6 February 2017.

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**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 October 2006

14322/06

RESTREINT UE

**RECH 267
ATO 116
CH 45**

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 4 October 2006

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: Recommendation for a Council Decision authorising the Commission to
negotiate the renewal of the agreement on scientific and technical cooperation
between the European Community and the European Atomic Energy
Community, on the one part, and the Swiss Confederation, on the other part

Delegations will find attached Commission document SEC(2006) 1240 final.

Encl.: SEC(2006) 1240 final



RESTREINT UE
COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 3.10.2006
SEC(2006) 1240 final

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Recommendation for a

COUNCIL DECISION

authorising the Commission to negotiate the renewal of the agreement on scientific and technical cooperation between the European Community and the European Atomic Energy Community, on the one part, and the Swiss Confederation, on the other part

(presented by the Commission)

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EXPLANATORY MEMORANDUM

1. On 8 January 1986 the Council and the Commission concluded a Framework Agreement for scientific and technical cooperation (hereafter Framework agreement) between the European Community and the European Atomic Energy Community, on the one part, and the Swiss Confederation (hereafter Switzerland), on the other part. Article 6 of the Framework Agreement states that the scientific and technical co-operation is to be carried out through appropriate agreements.
2. By their joint decision of 4 April 2002 the Council and the Commission concluded the Agreement on Scientific and Technical Cooperation between the European Community and the European Atomic Energy Community on the one part, and the Swiss Confederation on the other part. This Agreement entered into force on 1 June 2002.
3. This Agreement associated the Swiss Confederation to the specific programmes of the Fifth (EC and Euratom) Framework Programmes (FP). Article 9(2) thereof provided for renewal of the Agreement should the Community adopt new Framework Programmes.
4. On 16 January 2004 the Community and Switzerland signed a renewal of the association agreement which entered provisionally and retroactively into force on 1 January 2004. In consequence Switzerland is associated to FP6 and contributes to its budget.
5. It is in the interest of the Communities to renegotiate this Agreement in order to associate the Swiss Confederation to the Seventh EC and Euratom Framework Programmes² and thereby expand the European Research Area.
6. In the light of the above, the Commission recommends that:
 - the Council authorises the Commission according to Article 300, paragraph 1, of the EC Treaty to open and conduct negotiations with Switzerland on the renewal under mutually agreed conditions of the agreement on scientific and technical cooperation covering the activities of the European Community's framework programme for research, technological development and demonstration activities;
 - since, in accordance with Article 300, paragraph 1, of the EC Treaty, the Commission will conduct these negotiations on behalf of the European Community, the Council appoints a special committee to assist it in this task;
 - the Council authorises the Commission in accordance with Article 101, paragraph 2, of the Euratom Treaty, to open and conduct negotiations with Switzerland on the renewal under mutually agreed conditions of the agreement on scientific and technical cooperation covering the activities

² COM/2005/119 final.

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of the European Atomic Energy Community 's framework programme for research, technological development and demonstration activities and

- the Council adopts the negotiating directives in the Annex.

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Recommendation for a

COUNCIL DECISION

authorising the Commission to negotiate the renewal of the agreement on scientific and technical cooperation between the European Community and the European Atomic Energy Community, on the one part, and the Swiss Confederation, on the other part

- 1) The Council authorises the Commission to negotiate the renewal of the agreement for scientific and technical cooperation between the European Community and the European Atomic Energy Community, on the one part, and the Swiss Confederation, on the other part.
- 2) The Commission will conduct the negotiations covering the activities of the European Community's framework programme for research, technological development and demonstration activities with the assistance of the special committee created for this purpose in accordance with Article 300, paragraph 1, of the Treaty establishing the European Community.
- 3) The Council calls on the Commission to conduct these negotiations on the basis of the negotiating directives in the Annex.
- 4) The Commission will keep the Council informed of the state of progress of the negotiations.

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ANNEX

DRAFT NEGOTIATING DIRECTIVES

For renewing the Agreement for scientific and technical cooperation between the European Community and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part

The aim of the negotiations is to renew under mutually agreed conditions the above-mentioned Agreement for the duration of the Seventh Framework Programmes (EC - 2007-2013 - and Euratom -2007-2011)³, and this in accordance with the procedure foreseen under Article 9, paragraph 2 of the Agreement.

The terms and conditions of the present Agreement will be adapted to the rules applicable to the Seventh Framework Programmes, once it is adopted. It would be appropriate to foresee the provisional application of the renewed agreement so as to allow Swiss entities to participate in the first calls under the Seventh Framework Programmes.

The renewed agreement should provide for adequate protection of the financial interests of the European Communities covering the communication of financial data, audits and administrative anti-fraud investigations on the spot, administrative assistance and the recovery of money. Insofar as necessary, the renewed agreement should also envisage elimination of obstacles in relation to taxation and social security resulting from the cross border participation of researchers in research projects under the agreement, in particular for the personnel of the Joint Research Centres governed by the EC staff regulations.

³

COM(2005)119 final

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LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL:

Recommendation for a Council decision authorising the Commission to negotiate the renewal of the agreement on scientific and technical cooperation between the European Community and the European Atomic Energy Community, on one part, and the Swiss Confederation for the duration of the Seventh EC and Euratom Framework Programmes.

2. ABM / ABB FRAMEWORK

Policy strategy and coordination of in particular the Directorates General RTD, JRC, ENTR, INFSO and TREN.

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines)) including headings:

Administrative budget lines for the specific programmes of the Framework Programme of the European Community (08.01.05.03).

3.2. Duration of the action and of the financial impact:

Six months from start of negotiations.

3.3. Budgetary characteristics (add rows if necessary):

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
08.01.05.03	Non-comp	Non-diff ¹	NO	YES	NO	No 3

¹ Non-differentiated appropriations hereafter referred to as NDA

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4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		Year 2006	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
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Operational expenditure¹

Commitment Appropriations (CA)	8.1.	a	0						
Payment Appropriations (PA)		b	0						

Administrative expenditure within reference amount²

Technical & administrative assistance (NDA)	8.2.4.	c	0.100						0.100
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TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c	0.100						0.100
Payment Appropriations		b+c	0.100						0.100

Administrative expenditure not included in reference amount³

Human resources and associated expenditure (NDA)	8.2.5.	d	0						0.000
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6.	e	0						

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+c +d+ e	0.100						0.100
TOTAL PA including cost of Human Resources		b+c +d+ e	0.100						0.100

¹ Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

² Expenditure within article xx 01 04 of Title xx.

³ Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

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Co-financing details

No co-financing required

4.1.2. *Compatibility with Financial Programming*

✗ Proposal is compatible with existing financial programming.

4.1.3. *Financial impact on Revenue*

✗ Proposal has no financial implications on revenue

4.2. **Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.**

Use of existing human resources. The Commission is not requesting additional staff to negotiate the agreement.

5. **CHARACTERISTICS AND OBJECTIVES**

5.1. **Need to be met in the short or long term**

This legislative proposal is the first stage of the procedure aiming at the full association of Switzerland in the activities of the Seventh Framework Programmes. It will allow the Commission representatives to negotiate the text, with the Swiss counterparts, for the agreement associating Switzerland to the Framework Programmes with the objective to have an agreement in place at the start of the new Framework Programmes.

5.2. **Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy**

Once the Seventh Framework Programmes have been adopted and the agreement associating Switzerland to these has been negotiated and initialled, a legislative financial statement comprising the Swiss contribution to the EC budget and possible other expenses linked to this activity will be annexed to the decision on the signature of the agreement.

5.3. **Objectives, expected results and related indicators of the proposal in the context of the ABM framework**

Related objectives in Annual Management Plan 2006 RTD:

- To prepare for the successful launch of the Seventh Framework Programme in all domains and horizontal issues (gender mainstreaming, ethics, SMEs, international scientific co-operation, socio-economic aspects and foresight);

Indicator: Signature of S&T association agreements (FP7) with Switzerland and Israel, if requested by the countries concerned.

5.4. **Method of Implementation (indicative)**

✗ *Centralised Management*

✗ directly by the Commission

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6. MONITORING AND EVALUATION

6.1. Monitoring system

NA

6.2. Evaluation

NA

7. ANTI-FRAUD MEASURES

NA

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost

No impact on operational expenditures.

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Use of existing human resources.

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		Year 2006	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5
Officials or temporary staff ¹ (XX 01 01)	A*/AD						
	B*, C*/AST						
Staff financed ² by art. XX 01 02							
Other staff ³ financed by art. XX 01 04/05							
TOTAL							

8.2.2. Description of tasks deriving from the action

Expenses expected in connection with the negotiation of the Agreement are for workshops and meetings as well as missions by EU experts and officials to Switzerland.

Meetings and workshops	50.000 Euros
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¹ Cost of which is NOT covered by the reference amount

² Cost of which is NOT covered by the reference amount

³ Cost of which is included within the reference amount

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Missions	50.000 Euros
Total	100.000 Euros

8.2.3. Sources of human resources (statutory)

- ✕ Posts currently allocated to the management of the programme to be replaced or extended

8.2.4. Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)

EUR million (to 3 decimal places)

Budget line	Year 2006	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 010503 01							
1 Technical and administrative assistance (including related staff costs)							
Executive agencies ¹							
Other technical and administrative assistance	0.100						0.100
- <i>intra muros</i>	0.100						0.100
- <i>extra muros</i>							
Total Technical and administrative assistance	0.100						0.100

¹ Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

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8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

As per section 8.2.1.

EUR million (to 3 decimal places)

Type of human resources	Year 2006	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)						
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)						

8.2.6. *Other administrative expenditure not included in reference amount*

NA