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RECH 71
ATO 27
CH 10

DECLASSIFICATION

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Subject: Recommendation for a Council Decision authorising the opening of negotiations on an agreement for scientific and technological cooperation between the European Atomic Energy Community of the one part, and the Swiss Confederation, of the other part, associating the Swiss Confederation to the Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2012-2013)

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

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



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 February 2012

7094/12

RESTREINT UE/EU RESTRICTED

**RECH 71
ATO 27
CH 10**

COVER NOTE

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

date of receipt: 28 February 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc. COM(2012) 67 final

Subject: Recommendation for a Council Decision authorising the opening of
negotiations on an agreement for scientific and technological cooperation
between the European Atomic Energy Community of the one part, and the
Swiss Confederation, of the other part, associating the Swiss Confederation to
the Framework Programme of the European Atomic Energy Community
(Euratom) for nuclear research and training activities (2012-2013)

Delegations will find attached Commission document COM(2012) 67 final.

Encl.: COM(2012) 67 final



EUROPEAN COMMISSION

Brussels, 28.2.2012
COM(2012) 67 final

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations on an agreement for scientific and technological cooperation between the European Atomic Energy Community of the one part, and the Swiss Confederation, of the other part, associating the Swiss Confederation to the Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2012-2013)

DECLASSIFIED

EXPLANATORY MEMORANDUM

1. By letter of 14 March 2011 Switzerland expressed its interest to become associated to the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012-2013)¹.
2. The Swiss Confederation (hereafter Switzerland) has been associated to the fusion thematic area of the Euratom framework programmes since 1979 on the basis of the Cooperation Agreement between the European Atomic Energy Community and the Swiss Confederation in the field of controlled thermonuclear fusion and plasma physics of 1978².
3. On 8 January 1986, the Council and the Commission concluded a Framework Agreement for scientific and technical cooperation between the European Community and the European Atomic Energy Community and the Swiss Confederation (hereafter Framework Agreement)³. Article 6 of the Framework Agreement states that scientific and technical co-operation is to be carried out through appropriate agreements.
4. Switzerland became associated to the Seventh Framework Programme of the European Atomic Energy Community (Euratom) on nuclear research and training activities (2007-2011)⁴ on the basis of a scientific and technological cooperation agreement which was signed on 25 June 2007, with effect from 1 January 2007. This agreement was without prejudice to the terms of the Cooperation Agreement between the Swiss Confederation and the European Atomic Energy Community in the field of controlled thermonuclear fusion and plasma physics of 1978.
5. On 7 March 2011, the Commission submitted a proposal on a legislative package concerning the Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2012-2013)⁵.
6. With respect to the Euratom energy research activities, exploratory discussions have taken place to identify the research potential and mutual interest in associating Switzerland to the Euratom research framework programme (2012-2013).
7. In the light of the above, the Commission recommends that the Council authorises the Commission to negotiate, in accordance with Article 101, paragraph 2 of the Euratom Treaty, with the Swiss Confederation the agreement for scientific and technological cooperation between the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, associating the Swiss Confederation to the Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2012-2013).

¹ OJ L

² OJ L 242 04.09.1978, p.2

³ OJ L 313 22.11.1985, p. 6

⁴ Council Decision 2006/970/Euratom OJ L 400, 30.12.2006, p. 60

⁵ COM(2011)71, COM(2011)72, COM(2011)73, COM(2011)74

RESTREINT UE

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations on an agreement for scientific and technological cooperation between the European Atomic Energy Community of the one part, and the Swiss Confederation, of the other part, associating the Swiss Confederation to the Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2012-2013)

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof;

Having regard to Council Decision of 19 December 2011 concerning the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012 - 2013)⁶;

Having regard to Council Decision of 19 December 2011 concerning the specific programme, to be carried out by means of indirect actions, implementing the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012 - 2013)⁷;

Having regard to Council Decision of 19 December 2011 concerning the specific programme, to be carried out by means of direct actions by the Joint Research Centre, implementing the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012 - 2013)⁸;

Having regard to Council Regulation of 19 December 2011 laying down the rules for the participation of undertakings, research centres and universities in indirect actions under the Framework Programme of the European Atomic Energy Community and for the dissemination of research results (2012 - 2013)⁹;

Having regard to the recommendation from the Commission;

WHEREAS

⁶ Ref. Council 17503/11 – to be published in the OJ
⁷ Ref. Council 17504/11 – to be published in the OJ
⁸ Ref. Council 17505/11 – to be published in the OJ
⁹ Ref. Council 17506/11 – to be published in the OJ

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- (1) The Swiss Confederation expressed its interest to become associated to the Framework Programme of the European Atomic Energy Community on nuclear research and training activities (2012 - 2013);
- (2) It is in the interest of the Community to associate the Swiss Confederation to the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012-2013);

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate on behalf of the European Atomic Energy Community an agreement for scientific and technological cooperation between the European Atomic Energy Community of the one part, and the Swiss Confederation, of the other part, associating the Swiss Confederation to the Framework Programme of the European Atomic Energy Community for nuclear research and training activities (2012-2013).

Article 2

The negotiations shall be conducted on the basis of the negotiating directives set out in the Annex.

Article 3

The Commission shall keep the Council informed of the state of progress of the negotiations.

Article 4

This decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*

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ANNEX

NEGOTIATING DIRECTIVES

1. The agreement for scientific and technological cooperation between the European Atomic Energy Community (hereinafter "Euratom"), of the one part, and the Swiss Confederation, of the other part (hereinafter "the Agreement"), will provide for association of the Swiss Confederation to the whole of the Framework programme of Euratom for nuclear research and training activities (2012-2013)¹⁰, without prejudice to the terms of the 1978 Fusion Agreement.
2. In order to allow the Swiss Confederation to participate, as soon as possible, in the whole Euratom Framework Programme as an associated country, the Agreement should provide for provisional and retroactive application as of 1 January 2012. The Agreement will contain a provision concerning reimbursement of funds and legal consequences for projects and activities in progress started during the provisional application, in the event of lack of conclusion by one of the sides.
3. The terms and conditions of the Agreement with regard to the protection of the financial interests of Euratom should be fully in line with the provisions for the protection of the financial interests of the EU set out in the Agreement on scientific and technological cooperation between the European Community and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part¹¹.
4. The terms and conditions of the Agreement will be coherent with Council Regulation of 19 December 2011 laying down the Rules for Participation of undertakings, research centres and universities in indirect actions under the Framework Programme of the European Atomic Energy Community and for the dissemination of research results (2012-2013)¹².
5. The Agreement should provide for adequate protection of the financial interests of Euratom covering the communication of financial data, audits and administrative anti-fraud on-the-spot investigations, administrative assistance and the recovery of money. Insofar as necessary, the 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 Centre governed by the staff regulations of the European Union.

¹⁰ Ref. Council 17503/11 – to be published in the OJ

¹¹ OJ L 189, 20.07.2007, p.24-39

¹² Ref. Council 17506/11 – to be published in the OJ