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ATO 41
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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)
	- Adoption

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, 11 April 2012

8268/12

RESTREINT UE/EU RESTRICTED

**RECH 103
ATO 41
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"I/A" ITEM NOTE

From : General Secretariat of the Council
To : Permanent Representatives Committee/Council
No. prev. doc. : 8225/12 RECH 109 ATO 51 CH 14 OC 179 UE RESTREINT
No. Cion prop. : 7094/12 RECH 71 ATO 27 CH 10 UE RESTREINT - 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)
- Adoption

1. On 28 February 2012, the Commission submitted to the Council its recommendation for the above-mentioned decision. The Commission's recommendation is based on Article 101, paragraph 2, of the Treaty establishing the European Atomic Energy Community.
2. The Joint Research/Atomic Questions Working Party, at its meeting on 2 April 2012, reached agreement on the attached negotiating directives.
3. The procedure for consultation of Croatia for the above-mentioned decision has followed Common Guidelines in document 8225/12, with the consultation deadline of 17 April 2012.

4. It is suggested, therefore, that the Permanent Representatives Committee recommends that the Council, as an "A" item at one of its future sessions:

- authorise the Commission to negotiate an agreement for scientific and technological cooperation between the European Atomic Energy Community and the Swiss Confederation, associating the Swiss Confederation to the Framework Programme of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2012-2013);
- call on the Commission to conduct these negotiations on the basis of the attached negotiating directives.

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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)¹;

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)²;

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)³;

¹ OJ L 47, 18.2.2012, p. 25–32

² OJ L 47, 18.2.2012, p. 33–39

³ OJ L 47, 18.2.2012, p. 40–46

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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)⁴;

Having regard to the recommendation from the Commission;

WHEREAS

- (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).

⁴ OJ L 47, 18.2.2012, p. 1–17

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

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)⁵, 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 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 part⁶.
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)⁷.

⁵ OJ L 47, 18.2.2012, p. 25–32

⁶ OJ L 189, 20.07.2007, p.24-39

⁷ OJ L 47, 18.2.2012, p. 1–17

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.

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