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European Union

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RECH 10
ATO 9
AELE 2

DECLASSIFICATION

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Subject:	Adoption of a Council Decision authorising the Commission to negotiate the renewal of 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 part.
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Delegations will find attached the declassified version of the above document.

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

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 February 2003

5718/03

RESTREINT UE

**RECH 10
ATO 9
AELE 2**

"I/A" ITEM NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council
No. Cion prop. : 15033/02 RECH 189 ATO 141 AELE 44 - SEC(2002) 1236 final
Subject : Adoption of a Council Decision authorising the Commission to negotiate the renewal of 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 part.

1. On 27 November 2002, the Commission submitted to the Council its recommendation for the above-mentioned decision.
2. The current agreement, which associates the Swiss Confederation to all the specific programmes of the Fifth Framework Programmes (EC and Euratom) was concluded by the Decision (2002/309/EC, Euratom) of the Council and of the Commission of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation, and entered into force on 1 June 2002.¹

¹ OJ L114, 30.4.2002, p. 1-5 and 468-480.

RESTREINT UE

3. Article 9(2) of the Agreement on Scientific and Technological Cooperation between the European Communities and the Swiss Confederation in force provides that “should the European Communities adopt new multiannual framework programmes for research and technological development, this Agreement may be renewed or renegotiated under mutually agreed conditions”.
4. On 3 June 2002 the Council adopted its decision concerning the 6th Framework Programme (Euratom). On 27 June 2002 the European Parliament and Council Decision concerning the 6th Framework Programme was adopted.
5. Following a formal request by the Swiss Confederation to the Commission on 7 June 2002 to renew the S/T Cooperation Agreement, the Commission submitted its recommendation for a Council decision authorising the Commission to negotiate the renewal of the agreement in accordance with Article 300 of the Treaty establishing the European Community.
6. The Research Working Party has reached agreement on the text of the Council Decision.
7. It is suggested, therefore, that the Permanent Representatives Committee authorising the Commission to negotiate the renewal of the agreement recommend that the Council adopt, as an “A” item at a forthcoming meeting, the Decision and the negotiating directives, as set out at annex to this note.

DRAFT

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, of the one part, and the Swiss Confederation, of 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, of the one part, and the Swiss Confederation, of the other part.
2. The Commission will conduct the negotiations with the assistance of the special committee created for this purpose in accordance with Article 300 of the Treaty establishing the European Community.
3. The Council calls on the Commission to conduct these negotiations on the basis of the annexed negotiating directives.
4. The Commission will keep the Council informed of the state of progress of the negotiations.

DECLASSIFIED

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 the above-mentioned Agreement for the duration of the Sixth Framework Programmes (EC and Euratom) (2002-2006), 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 Sixth Framework Programmes. 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 sixth 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.