

EC-Euratom/Switzerland agreement: Scientific and Technological Cooperation

2007/0106(CNS) - 01/06/2007 - Legislative proposal

PURPOSE: to conclude the “Agreement on Scientific and Technical Co-operation” between the Community and the Swiss Confederation.

PROPOSED ACT: Decision of the Council and of the Commission.

BACKGROUND: the association of Switzerland to the Communities’ Framework Programmes for Research and Development (FP) was launched by 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 of 21 June 1999 (see [AVC/1999/0106](#)). Due to the late entry into force of the agreement on 1 June 2002, the full association of Switzerland to FP 5 could not be achieved.

The 1999 Agreement was renewed for the participation of Switzerland in FP 6. The renewed agreement was signed on 16 January 2004 entered into force on 16 May 2006 ([CNS/2005/0135](#)). This time the provisional application of the agreement, which started upon signature with legal effect as of 1 January 2004, made it possible that Swiss research entities could fully participate in the

specific programmes and actions throughout the entire operation of FP 6.

Article 9(2) of this agreement provided for a renewal of the agreement should the Communities adopt new Framework Programmes. On 30 March 2006 the Swiss Confederation officially requested the Commission to renew the abovementioned agreement with a view to being associated to the 7th (EC and Euratom) Framework Programmes for Research and Development (FP7).

These negotiations were completed on 27 February 2007.

CONTENT: the purpose of this Regulation, therefore, is to conclude an “Agreement on Scientific and Technological Co-operation between the European Communities and the Swiss Confederation”. The draft Agreement is based on the principles of:

- mutual benefit;
- reciprocal opportunities for participating in each party’s programme and activities in areas covered by the Agreement;
- non-discrimination;
- effective protection of intellectual property; and
- the equitable sharing of intellectual property rights.

The renewed Agreement is based on the same principles as those set out in the previous Agreement. For example, Switzerland’s contribution to the budget of the 7th Framework Programme is calculated using

the same methodology as applied under the Agreement covering the 6th Framework Programme. At the same time any new features of the 7th Framework Programme have been taken into account and incorporated into the revised Agreement. In other measures, the new Agreement provides:

- for the possible participation of Switzerland in the legal structures created by Article 169 and 171 of the TEU, subject to the same rules that are to be adopted for the establishment of these legal structures and provided that these rules apply in Switzerland;
- that the Swiss/European Research Committee be allowed to decide on the applicability of these rules in Switzerland;
- that the Swiss/ European Research Committee be the appropriate body to identify, on request, those regions of Switzerland that fulfil the criteria for “eligible regions” benefiting from research actions under the work programme “research potential” linked to the Capacities specific programme;
- that the Agreement will apply provisionally from 1 January 2007 so that it coincides with the application of the 7th Research Programme;
- for a Joint Declaration of the contracting parties on a close dialogue on the new structures implementing Article 169 and 171 of the EC Treaty.

In addition, a number of Annexes are attached concerning:

- principles on the allocation of IPR;
- financial rules governing the contribution of Switzerland; and
- financial Control of Swiss participation in the Community Programme.

Bearing the above in mind, the Commission proposes that the Council firstly approve, on behalf of the European Community both Decisions on the new Agreement and that it notify the Swiss authorities that the Community has completed the procedures necessary for the entry into force of the Agreement.

It should be noted that the financial statement attached provides for:

- a total reference amount of EUR 1 099 million;
- a specific method of calculation to establish the amount of the financial contribution from Switzerland for its participation in the 7th Framework Programme (EUR 150.741 million in 2007).