

COMMISSION OF THE EUROPEAN COMMUNITIES

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Draft

COUNCIL DECISION

instructing the Commission to negotiate an agreement for co-operation between the European Atomic Energy Community and Switzerland in the field of controlled thermonuclear fusion and plasma physics

(submitted to the Council by the Commission)

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

Subject : Request from the Swiss Government to open negotiations with the Community with the aim of concluding an agreement for co-operation on research in the field of controlled thermonuclear fusion and plasma physics

1. When, on 17 and 18 December 1973, the Council approved the revised version of the European Atomic Energy Community's five-year research and training programme in the field of controlled thermonuclear fusion and plasma physics, the following declaration was made, which was recorded in the minutes of the meeting and was announced in a press communiqué :

"The Council is willing to take an open and positive attitude to any requests for participation in the present programme from non-member countries, in particular European countries".
2. The Commission has negotiated, on instructions of the Council adopted on November 12, 1974, a co-operation agreement with Sweden in the field of controlled thermonuclear fusion and plasma physics. The draft agreement, result of these negotiations, has been approved by the Council ("A" point) at its session of 10/11 November 1975.
3. On October 14, 1975, His Excellency Ambassador Mr. Claude CAILLAT, Head of the Swiss Mission to the European Communities, informed the Commission of his Government's decision to request that negotiations be opened with the European Community with the aim of concluding an agreement for co-operation in research on controlled thermonuclear fusion and plasma physics. The primary aim of the Swiss request is to become associate with the EAEC programme in this branch of research.

His Excellency the Swiss Ambassador delivered to the Commission the enclosed aide-mémoire (Annex I) which the Commission forwarded to the Council on 27 October 1975 (SEC(75)3442).

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4. The Commission believes that it is in the Community's interest to enter into the proposed negotiation with the Swiss Government. Although her research programme in this field is necessarily limited, Switzerland has a good centre for research in plasma physics and, moreover, possesses technological know-how which is likely to be very useful in the future for the continuation of the Community's joint research programme.

5. The negotiations will be conducted in close collaboration with the Community's associates.

6. In conclusion, the Commission herewith forwards to the Council, as Annex II to this communication, a draft decision containing directives for the negotiation of an agreement for co-operation between the European Atomic Energy Community and Switzerland concerning research in the field of controlled thermonuclear fusion and plasma physics.

The text of the draft decision of the Council, attached to this document (Annex) is identical with the text of the instructions adopted by the Council for the negotiation of the co-operation agreement with Sweden (cf. point 2 above).

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DRAFT COUNCIL DECISION
INSTRUCTING THE COMMISSION TO NEGOTIATE
AN AGREEMENT FOR CO-OPERATION BETWEEN
THE EUROPEAN ATOMIC ENERGY COMMUNITY
AND SWITZERLAND IN THE FIELD OF CONTROLLED
THERMONUCLEAR FUSION AND PLASMA PHYSICS

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission;

Whereas by its Decisions of 21 June 1971, 14 May and 17 December 1973 the Council adopted a 5-year research and training programme for the European Atomic Energy Community in the field of fusion and plasma physics;

Whereas the Commission transmitted to the Council, on July 1975, a proposition for a fourth 5-year programme in this field, covering the period 1976-1980 and ensuring the long term continuity of the Community's programme.

Whereas, when the Decision concerning the programme was taken on 17 December 1973, the Council declared its willingness to take an open and positive attitude towards any requests from non-member countries, in particular European countries, to participate in the programme;

Whereas, bearing in mind the effort which is still required to reach the application stage of controlled thermonuclear fusion, steps should be taken to institute all such co-operation with non-member States, selected in particular for the value of their research programmes in this field, as may avoid unnecessary duplication of effort and accelerate progress of Community programmes in this field.

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Whereas the Community might benefit in the long term from the application of controlled thermonuclear fusion to meet its energy requirements;

Having taken note of the aide-mémoire which the Swiss Government sent to the Commission on 9 October 1975 proposing the opening of negotiations with the European Communities with a view to concluding an agreement for co-operation in research in the field of controlled thermonuclear fusion,

HAS DECIDED AS FOLLOWS :

1. The Commission will, on the basis of the second paragraph of Article 101 of the Treaty establishing the European Atomic Energy Community, negotiate with the Swiss Government an agreement for co-operation between the Community and Switzerland concerning research into controlled thermonuclear fusion and plasma physics. The agreement will establish the framework and set the general conditions for the fullest possible participation by Switzerland in the joint Community research and training programme in the above-mentioned field. The agreement will ensure that, as far as is appropriate, the co-operation includes all Swiss activity in the field of controlled thermonuclear fusion. The Commission will conduct negotiations in close collaboration with the Member States' research bodies associated in the programme. The agreement will provide for the conclusion of one or more contracts of association between the Community and Swiss research bodies, on the basis of the aims of the co-operation.
2. The rights and obligations, as a whole, resulting from the agreement and the contracts of association concluded pursuant thereto, particularly in respect of financial matters, must not have the effect of putting Switzerland in a more favourable situation than that of the Member States.

Switzerland's financial contribution will be established on the basis of its gross national product, as compared with that of the Community.

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3. The agreement will be negotiated in such a way that Swiss's participation in the joint programme does not in any way hinder the normal functioning of the Community decision making machinery as regards the joint programme on fusion and plasma physics.
4. The agreement will contain the provisions necessary to allow Switzerland to assert her legitimate interests at a sufficiently early stage. Provision will be made for adequate Swiss participation at all levels of the advisory technical committees involved in the joint programme.

Moreover, the contracting parties will, at the request of either side, meet from time to time at the appropriate level to discuss the general operation of the agreement and study any measures likely to improve the co-operation procedure within the framework of the agreement.

5. The agreement will contain clauses relating to the system of patents and information in accordance with the principle set out in the first paragraph of point 2 of these instructions and with the Community's policy in this regard.

With this in mind and in accordance with procedures to be drawn up subsequently, all the parties and all the research bodies concerned must make available to each other all such information and patents in their possession as may be required for the achievement of the objectives of the agreement.

6. The agreement will be concluded for the duration of the Community programme which is to be determined by the Council and, unless notice is served six months before this period expires, will be tacitly extended in keeping with any subsequent programme decisions which the Council may take on the matter.

The contracting parties will also be able to terminate the agreement by giving six months' notice, particularly in the event of the research programmes of either of the two parties no longer being pursued in the field covered by the agreement.

SWISS MISSION
TO THE
EUROPEAN COMMUNITIES

APPENDIX I

The Swiss Mission to the European Communities presents its compliments to the Commission of the European Communities and is pleased to notify it of the following information :

When on 17 December 1973 the decision was taken concerning the EAEC five-year research and training programme, the Council of the European Communities stated that it was prepared to give full and careful consideration to any requests from non-member countries to participate in this programme. The Swiss authorities were very interested to learn of this attitude on the part of the Council.

In order to clarify the possibilities for collaboration between Switzerland and the EAEC in this field, meetings have taken place between experts at the Plasma Physics Research Centre in Lausanne and at the Commission headquarters. Since the results of these discussions proved to be very encouraging, the Federal Council has authorized a delegation to negotiate a framework Treaty with the EAEC concerning participation by Switzerland in the research programme on controlled thermonuclear fusion and plasma physics.

The aim of these negotiations would be to work out a draft agreement governing the general conditions for participation by Switzerland in the above-mentioned EAEC programme. This draft agreement should enable the Swiss Government and the Commission of the European Communities to take a final decision in full knowledge of all the scientific, financial, legal and political implications which might arise from Swiss-EAEC collaboration in this field.

Commission of the European Communities

B r u s s e l s

The Swiss Mission therefore proposes to the Commission that negotiations be started with a view to drawing up such a draft agreement.

The Swiss Mission to the European Communities would like to take this opportunity to express once again to the Commission of the European Communities the assurance of its highest consideration.

Brussels, 9 October 1975.