

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 23 June 1989

Proposal for a
COUNCIL DECISION

concerning the conclusion of a Cooperation Agreement between the European Economic Community and the Swiss Confederation on a programme plan to stimulate the international cooperation and interchange needed by European research scientists (SCIENCE).

(presented by the Commission)

EXPLANATORY MEMORANDUM

Subject: Proposal for a Council Decision concerning the conclusion of a Cooperation Agreement between the European Economic Community and the Swiss Confederation on a programme plan to stimulate the international cooperation and interchange needed by the European research scientists (SCIENCE).

1. By its Decision of 29 June 1988, the Council adopted a programme plan to stimulate the international cooperation and interchange needed by European research scientists (SCIENCE, 1988 to 1992). Article 5 of this Decision authorises the Commission to negotiate agreements with third countries and in particular with those European countries having concluded framework agreements for scientific and technical cooperation with the Community with a view to associate them wholly or partly with the programme plan.
2. In the context of the implementation of the Framework Agreement for scientific and technical cooperation between the European Communities and the Swiss Confederation, the conclusion of which on behalf of the EEC was approved by the Council Decision of 9 February 1987, Switzerland has expressed an interest in cooperating in the implementation of the above-mentioned programme plan.
3. Considering that the association of Switzerland with the implementation of the Community programme plan can be of mutual advantage and help to improve the efficacy of Europe's scientific and technical potential, the Commission has negotiated a draft cooperation agreement with Switzerland.
4. The draft agreement, which is annexed to the attached proposal for a Council decision, provides for:
 - the association of Switzerland with the implementation of the Community programme;
 - a financial contribution from Switzerland for the funding of the work to be carried out in the framework of research contracts and of the management and administrative operating expenditure for the Community programme plan; this financial contribution is proportional to Switzerland's gross domestic product;
 - the entitlement of Swiss persons and research bodies to submit research proposals and to conclude the related research contracts with the Commission;
 - the enlargement of the Committee for the European development of science and technology (CODEST) to include a Swiss representative.

5. In view of the nature of the cooperation, any additional expenditure paid from the Community budget (relevant budget heading 7381) resulting from the implementation of this draft agreement will be covered by Switzerland's financial contribution.

The funds paid by Switzerland will be credited to the Community budget (relevant budget article 602).

Proposal for a

COUNCIL DECISION

concerning the conclusion of a Cooperation Agreement between the European Economic Community and the Swiss Confederation on a programme plan to stimulate the international cooperation and interchange needed by European research scientists (SCIENCE).

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130 Q (2) thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

WHEREAS by Decision 88/419/EEC (4), the Council adopted a programme plan to stimulate the international cooperation and interchange needed by European research scientists (SCIENCE, 1988 to 1992); whereas Article 5 of this Decision authorises the Commission to negotiate agreements with third countries and in particular with those European countries having concluded framework agreements for scientific and technical cooperation with the Community with a view to associate them wholly or partly with the programme plan,

(1) O.J. N° C

(2) O.J. N° C

(3) O.J. N° C

(4) O.J. N° L 206, 30.07.1988, p. 34

WHEREAS by Decision 87/177/EEC (1), the Council approved the conclusion on behalf of the European Economic Community of the the Framework Agreement for scientific and technical cooperation between the European Communities and, among others, the Swiss Confederation,

WHEREAS the cooperation Agreement between the European Economic Community and the Swiss Confederation on a programme plan to stimulate the international cooperation and interchange needed by European research scientists (SCIENCE) should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Cooperation Agreement between the European Economic Community and the Swiss Confederation on a programme plan to stimulate the international cooperation and interchange needed by European research scientists (SCIENCE), is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall carry out the notification as provided for in Article 11 of this Agreement.

Article 3

The present Decision shall enter force on the day following its publication in the Official Journal of the European Communities.

Done at

For the Council

The President

(1) O.J. N° L 71, 14.03.1987, p. 29

COOPERATION AGREEMENT

BETWEEN

THE EUROPEAN ECONOMIC COMMUNITY

AND

THE SWISS CONFEDERATION

ON

A PROGRAMME PLAN TO STIMULATE

THE INTERNATIONAL COOPERATION AND INTERCHANGE NEEDED BY

EUROPEAN RESEARCH SCIENTISTS (SCIENCE)

COOPERATION AGREEMENT
BETWEEN
THE EUROPEAN ECONOMIC COMMUNITY
AND
THE SWISS CONFEDERATION
ON
A PROGRAMME PLAN TO STIMULATE
THE INTERNATIONAL COOPERATION AND INTERCHANGE NEEDED BY
EUROPEAN RESEARCH SCIENTISTS (SCIENCE)

THE EUROPEAN ECONOMIC COMMUNITY, hereinafter called "the Community",

and

THE SWISS CONFEDERATION, hereinafter called "Switzerland",

both hereinafter called the "Contracting Parties",

WHEREAS, by its Decision of 29 June 1988, the Council of the European Communities, hereinafter called "the Council", adopted a programme plan to stimulate the international cooperation and interchange needed by European research scientists, - 1988 to 1992 - (SCIENCE), hereinafter called "the Stimulation Plan";

WHEREAS the Contracting Parties concluded a framework agreement for scientific and technical cooperation which entered into force on 17 July 1987;

WHEREAS the association of Switzerland with the Stimulation Plan can help to improve the efficacy of Europe's scientific and technical potential;

WHEREAS the Contracting Parties expect to obtain mutual benefit from Switzerland's association with the Stimulation Plan;

HAVE AGREED AS FOLLOWS :

Article 1

Switzerland is hereby associated with the implementation of the Stimulation Plan. The summary of the Stimulation Plan and its objectives are set out in Annex A.

Switzerland shall take part in a range of measures to promote training and improve the mobility of research scientists of the Contracting Parties, to develop, support and promote intra-European scientific and technical cooperation and interchange networks in all fields relevant to exact and natural sciences.

Article 2

The financial contribution of Switzerland, deriving from its association with the implementation of the Stimulation Plan shall be established in proportion to the amount available each year in the general budget of the European Communities for appropriations covering commitments to meet financial obligations of the Commission of the European Communities, hereinafter referred to as "the Commission", resulting from work to be carried out in the framework of research contracts necessary to the implementation of the Stimulation Plan and from management and administrative operating expenditure for the Stimulation Plan.

The proportionality factor governing Switzerland's contribution shall be given by the ratio between Switzerland's gross domestic product (GDP), at market prices, and the sum of gross domestic products, at market prices, of the Member States of the Community and of Switzerland. This ratio shall be calculated on the basis of the latest available OECD statistical data.

The funds estimated as necessary for the execution of the Stimulation Plan, the amount of Switzerland's contribution and the timetable of the commitment estimates are set out in Annex B.

The rules governing Switzerland's financial contribution to the execution of the Stimulation Plan are set out in Annex C.

Article 3

For Swiss research and development bodies and persons, the terms and conditions for the submission and evaluation of proposals and the terms and conditions for the granting and conclusion of contracts under the Stimulation Plan shall be the same as those applicable to research and development bodies and persons in the Community.

The contracts, drawn up by the Commission, shall show the rights and obligations of Swiss research and development bodies and persons, and in particular the methods of disseminating, protecting and exploiting the research results.

Article 4

In the implementation of the Stimulation Plan, the Commission shall be assisted by the Committee for the European Development of Science and Technology (CODEST), set up by Commission Decision 82/835 (1), and by consultants.

From a list submitted to it by the Swiss authorities, the Commission shall appoint a Swiss delegate to CODEST. He shall participate in the definition of outline plans for the stimulation of the international cooperation and interchange needed by European research scientists and in the examination of applications submitted under the Stimulation Plan.

Article 5

After 30 months from the beginning of the implementation of the Stimulation Plan, the Commission shall address a report to the Council and to the European Parliament on the basis of an evaluation of the results so far achieved. This report shall be accompanied by suggestions for changes which may be necessary in the light of these results. A copy of the report shall be transmitted to Switzerland which, in addition, shall be informed of any possible suggestions for changes.

Article 6

Each Contracting Party undertakes, in accordance with its respective rules and regulations, to facilitate the movement and residence of research workers participating in Switzerland and in the Community in the activities covered by this agreement.

Article 7

The Commission and the Swiss Federal Council shall ensure the implementation of this Agreement.

Article 8

This agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Swiss Confederation.

Article 9

1. This agreement is concluded for the duration of the Stimulation Plan.

Should the Community revise the Stimulation Plan, the agreement may be renegotiated or terminated. Switzerland shall be notified of the exact

(1) OJ N° L 350 of 10.12.1982, p. 45

content of the revised plan within one week after its adoption by the Community. Any Contracting Party may give notice of denunciation of this agreement within three months after the Community decision has been adopted. Denunciation shall take effect three months from the date of receipt of the notification.

2. This agreement shall be renewed by tacit agreement when the Community adopts a new Stimulation Plan, for the duration of the new plan, unless it is terminated by one Contracting Party by written notification to the other Contracting Party within six months following the adoption of the new plan. The provisions of the second subparagraph of paragraph 1 above remain applicable.
3. Whenever a decision on a Stimulation Plan is taken by the Community, Annexes A and B shall be amended in accordance with the Community's decision, unless otherwise agreed upon by the Contracting Parties.
4. This agreement shall not be regarded as having expired merely because there is a delay in the adoption of a future Stimulation Plan.
5. Excepted as provided in paragraphs 1 and 2 of this article, either Contracting Party may at any time terminate the agreement with 6 months' notice. The projects and work in progress at the time of termination and/or expiry of this agreement shall be continued until they are completed under the conditions laid down in the contracts referred to in Article 3 of this agreement.

Article 10

The Annexes A, B and C to this Agreement shall be an integral part thereof.

Article 11

This agreement shall be approved by the Contracting Parties in accordance with their existing procedures. It shall enter into force on the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose. The Contracting Parties shall apply this agreement (including Article 9) provisionally, with effect from 1st July 1989.

Article 12

This agreement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic.

Done at

For the Council of the
European Communities

For the Swiss Confederation

ANNEX A

OBJECTIVES AND SUMMARY OF THE STIMULATION PLAN (1988 to 1992)

1. The Stimulation Plan consists of a range of activities selected on the basis of their scientific and technical quality, which have as their aim the establishment of a network of scientific and technical cooperation and interchange at European level which will gradually be extended. The overall objective is to improve the efficacy of scientific and technological research in all the Member States and to contribute thereby to the reduction of scientific and technical disparities between the different Member States of the European Community. It covers all fields of science and technology (the exact and natural sciences).

Whilst the Stimulation Plan therefore aims to improve the overall scientific and technical quality of research and development in all Member States of the Community, its specific objectives are to:

- promote training through research and, by means of cooperation, the better use of high level researchers in the Community,
- improve the mobility of research scientists of the Member States of the Community,
- develop and support intra-European scientific and technical cooperation on high quality projects,
- promote the setting-up of intra-European cooperation and interchange networks with a view to reinforcing the overall scientific and technical competitiveness of the Community and thereby strengthening its economic and social cohesion.

2. The objectives set out above will be achieved by means of support measures for research scientists, teams of research and development organisations to ensure the harmonious scientific and technical development of the Community. These will take the following forms:

- Research bursaries

Financial support granted to scientists to enable them to acquire additional training by participating in a research project in a laboratory in a Community country other than their own for a period of at least one year and at most two years.

- Research grants

These cover the cost to the laboratories concerned of the transfer or secondment of a research scientist from one Community country to another, either to allow a scientist to be taken on in a team in a country other than his own or to enable a science graduate to specialise before joining a university or industrial research laboratory.

Depending on the type of scientist and the purpose of the research allocation, it may take different forms:

- funding to enable a research scientist to make short stays (from 15 days to 2 months) in a foreign country within the Community to carry out specific experiments in a particular scientific or technical facility not available in his own country;
- funding to cover the costs associated with mobility (travel, subsistence, insurance, removal, etc.), the research work and possibly the salary of a scientist seconded to or incorporated in a research team in a country (in the Community) other than his own, for a period of at least six months and at most three years;
- funding to cover the costs associated with the mobility and research work of a scientist taken on in industry, who goes to follow a lengthy training course (from one to three years) in a public sector laboratory in a foreign country (within the Community);
- subsidies for high-level training courses: financial support granted to a body offering a specialised high-level course held within a Member State so that it can accept scientists from different Community Member States to give them additional training or enable them to retrain for other functions.

- Twining of laboratories in different countries

This enables researchers who are working in isolation in an advanced field in several Community countries to bring their efforts together, without coming into one laboratory, and thus encouraging the formation of a research team exceeding the necessary "critical size". Funding is granted to allow the researchers to meet, to carry out joint experiments, to exchange results, to add to their equipment or to strengthen their teams by temporarily taking on other scientists, preferably from a different country.

- Development of multidisciplinary, multinational operations

This would, by virtue of the financial resources made available, enable the associated research teams to have enough resources (including equipment) and be able to bring together the best expertise available in different countries and disciplines, in order to achieve a pre-determined objective or to undertake jointly a pre-determined scientific task in the framework of a S/T cooperation "network".

In addition, the Plan will be complemented by sectoral incentive measures: research bursaries, research grants and subsidies financed in the framework of each of the Community research and development programmes following the agreement of the appropriate Management and Coordination Committee (CGC).

3. Measures to stimulate interchange and cooperation apply to all fields relevant to the exact and natural sciences, such as:
 - mathematics
 - physics
 - chemistry
 - life sciences
 - earth sciences and ocean sciences
 - scientific instrumentation
 - engineering sciences.

4. In the fields in which support will be granted, multinational projects to benefit from the Community support measures will be chosen essentially on the basis of their quality, the extent to which they are multidisciplinary in content, their innovative aspects and their value in terms of breaking down barriers between different forms of research and development in all parts of the Community. Where scientific and technical quality is comparable, particular attention will be given to projects likely to reduce scientific and technical development disparities between Member States and thereby to contribute to economic and social cohesion within the European Community.

5. The choice of stimulation incentive measures and the teams concerned will be made by the Commission which, with the help of the Committee for the European Development of Science and Technology (CODEST), will make use of a peer review system. The Commission will see to it that there is consistency between the stimulation activity and programmed Community R & D activities.

6. The Commission will at the same time undertake a series of consultations, surveys and seminars with the cooperation of Community scientific and technical circles in order to analyse and evaluate scientific and technical needs and opportunities, with the aim of providing more detail to the content of the Stimulation Plan.

The Commission will cooperate closely with the national authorities to ensure consistency between these activities and national policies on research stimulation.

7. In order to evaluate the scientific and/or technical quality of requests for support, as well as to analyse scientific and technical opportunities and needs or to assess projects which have been financed or the activity itself, the Commission may call upon expertise from outside its own staff.

ANNEX B

FINANCIAL PROVISIONS

Article 1

The funds estimated as necessary for the execution of the Stimulation Plan amount to 167,000,000 Ecu.

Article 2

Switzerland's financial contribution to the execution of the Stimulation Plan is estimated to be 4,600,200 Ecu.

Article 3

The timetable of the commitment estimates and of Switzerland's financial contribution is given in the following page.

**TIMETABLE OF THE COMMITMENTS ESTIMATED AS
NECESSARY FOR THE EXECUTION OF THE STIMULATION
PLAN (COMMITMENT APPROPRIATIONS)
AND OF SWITZERLAND'S CONTRIBUTION (ECU)**

YEAR	COMMITMENTS FOR			SWITZERLAND'S CONTRIBUTION		
	MANAGEMENT AND ADMINISTRATIVE OPERATION	CONTRACTS	TOTAL	MANAGEMENT AND ADMINISTRATIVE OPERATION	CONTRACTS	TOTAL
1988	220,000	28,780,000	29,000,000	-	-	-
1989	1,930,000	28,070,000	30,000,000	36,091*	524,909*	561,000*
1990	2,120,000	32,880,000	35,000,000	79,288	1,229,712	1,309,000
1991	2,250,000	32,750,000	35,000,000	84,150	1,224,850	1,309,000
1992	2,380,000	35,620,000	38,000,000	89,012	1,332,188	1,421,200
GRAND TOTAL	8,900,000	158,100,000	167,000,000	288,541	4,311,659	4,600,200

* contribution for the period 1st July to 31st December 1989

ANNEX C

FINANCING RULES

Article 1

These provisions lay down the financing rules for Switzerland referred to in Article 2 of the agreement.

Article 2

At the beginning of each year, or whenever the Stimulation Plan is revised so as to involve an increase in the amount estimated as necessary for its implementation, the Commission shall send to Switzerland a call for funds corresponding to its contribution to the costs under the agreement.

This contribution shall be expressed both in Ecu and in the Swiss currency, the composition of the Ecu being defined in the Council Regulation 3180/78 (1). The value in Swiss currency of the contribution in Ecu shall be determined on the date of the call for funds.

Switzerland shall pay its contribution to the annual costs under the agreement at the beginning of each year and at the latest three months after the call for funds is sent. Any delay in the payment of the contribution shall give rise to the payment of interest by Switzerland at a rate equal to the highest discount rate in force in the Member States of the Community on the due date. The rate shall be increased by 0.25 of a percentage point for each month of delay.

The increased rate shall be applied to the entire period of delay. However, this interest shall be payable only if the contribution is paid more than three months after a call for funds has been made by the Commission.

Article 3

The funds paid by Switzerland shall be credited to the Stimulation Plan as budget receipts allocated to its appropriate heading in the statement of revenue of the general budget of the European Communities.

Article 4

The Financial Regulation in force applicable to the general budget of the European Communities shall apply to the management of the appropriations.

Article 5

The travel and subsistence costs of the Swiss delegate to CODEST deriving from his participation in the meetings of this committee, shall be reimbursed by the Commission in accordance with the procedures currently in force for the delegates of the Member States of the Community.

Article 6

At the end of each year, a statement of appropriations for the Stimulation Plan shall be prepared and transmitted to Switzerland for information.

(1) OJ N° L 379 of 30.12.1978, p.1

Commission of the European Communities

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(submitted by the Commission)

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