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Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 - the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020; and regulating Switzerland's participation in the ITER activities carried out by Fusion for Energy

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On 15 November 2013 the Council authorised the Commission to open negotiations, on behalf of the European Union and the European Atomic Energy Community, with the Swiss Confederation in order to conclude an Agreement between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 - the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020; and regulating Switzerland's participation in the ITER activities carried out by Fusion for Energy.

Negotiations were completed on 24 July 2014. The text of the Agreement is attached in annex.

The Commission proposes that the Council decides on the conclusion of the Agreement on behalf of the European Union.

Conclusion of the Agreement on behalf of the European Atomic Energy Community is subject to a separate proposal, pursuant to the second paragraph of Article 101 of the Treaty establishing the EAEC.

The attached proposal is for a Council decision on the conclusion of the Agreement on behalf of the European Union. The Commission proposes that the Council:

- concludes the Agreement on behalf of the European Union.

2. LEGAL ELEMENTS OF THE PROPOSAL

The proposal for a Council decision is based on Article 186, Article 218(6)(a), Article 218(7) and Article 218(8) of the Treaty on the Functioning of the European Union.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186 in conjunction with Article 218(6)(a), Article 218(7) and the first subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 - the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020; and regulating Switzerland's participation in the ITER activities carried out by Fusion for Energy, was signed on behalf of the European Union on [xx.xx.201x] in accordance with Council Decision No [xxx] ¹.
- (2) The Agreement was concluded by the European Atomic Energy Community on [xx.xx.201x] in accordance with Council Decision No [xxx] ².
- (3) The Agreement should be concluded by the European Union.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 - the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020; and regulating Switzerland's participation in the ITER activities carried out by Fusion for Energy is hereby concluded on behalf of the European Union.

¹ OJ L [...], [...], p. [...].

² OJ L [...], [...], p. [...].

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall designate the person empowered to make, on behalf of the European Union, the notification of the entry into force of the Agreement provided for in Article 15(1) of the Agreement in order to express the consent of the European Union to be bound by the Agreement.

Article 3

The Commission shall adopt the position of the European Union to be taken in the Switzerland/Communities Research Committee with regard to Committee's decisions taken pursuant to Article 5(2) of the Agreement.

Done at Brussels,

*For the Council
The President*