COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.7.2007
COM(2007) 457 final

Proposal for a

DECISION OF THE COUNCIL AND OF THE COMMISSION

on the position to be taken by the Communities in the Governing Board of the International Science and Technology Centre as regards the accession of the Swiss Confederation to the Agreement establishing an International Science and Technology Centre, concluded between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. On 27 November 1992, the European Economic Community and the European Atomic Energy Community, acting as one party (hereinafter "the Communities"), signed with the United States of America, Japan and the Russian Federation an Agreement setting up an International Science and Technology Centre (hereinafter "the Agreement"). The Communities concluded this Agreement through Council Regulation (EEC) No 3955/92 and Commission Regulation (Euratom) No 3956/92 of 21 December 1992. In 2004, Canada joined ISTC as a full Governing Board member.

2. The International Science and Technology Centre (hereinafter "the Centre") acts as an intergovernmental organisation with its own legal capacity, in accordance with the laws and regulations of the Parties. The objectives of the Centre are to give weapons scientists and engineers, particularly those who possess knowledge and skills related to weapons of mass destruction or missile delivery systems, in Russia and other CIS States, opportunities to redirect their talents to peaceful activities and contribute to the solution of national or international technical problems and to the wider goals of the transition to a market-based economy responsive to civil needs.

3. On 27 February 2007, the Swiss Confederation notified the Governing Board of the Centre of its intention to become a Party to the Agreement. It expressed its will to support the Centre's effort aimed at the non-proliferation of expertise and knowledge relating to weapons of mass destruction. For this purpose, it stated its intention to favour collaborative projects and synergies between the Swiss scientific communities, in particular the Federal Polytechnic Schools, and the network of Recipient institutes and partner organisations from all Parties to the Agreement. Projects involving Swiss organisations would serve peaceful and civilian research objectives, in various scientific fields.

4. The accession of the Swiss Confederation will further promote the Centre's objectives and also fits in with the concern of the Parties to see their numbers enlarged, in the awareness that the success of the Centre necessitates solid support from the governments, foundations, academic and scientific institutions and other intergovernmental and non-governmental organisations.

5. In accordance with Article XIII of the Agreement, it is the responsibility of the Governing Board of the Centre to approve this accession. Within the Board, the representatives of the European Community and the European Atomic Energy Community (acting as a single Party) have to approve the accession. Although both Communities are considered as a single Party in the framework of this Agreement, there are, however, different procedures to follow in the area of international Agreements under the Treaties establishing each one of the Communities. Therefore, in order for the two Communities to express their position in the Centre's Governing Board concerning Switzerland's accession, a decision of the Council and of the Commission is needed.

6. Having regard to the above, the Commission proposes that the Council

   – approves the enclosed draft decision on behalf of the European Community;

   – authorises the representative of the Presidency of the Council in the Centre's Governing Board to approve the accession of the Swiss Confederation to the Agreement establishing the Centre;

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THE COUNCIL OF THE EUROPEAN UNION AND THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 300 (2) thereof,

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

Having regard to Council Regulation (EEC) No 3955/92 of 21 December 1992 on the conclusion, on behalf of the European Economic Community of an Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community[1], and in particular Article 3(1), (3) and (4) thereof, and to Commission Regulation (Euratom) No 3956/92 of 21 December 1992 on the conclusion by the European Atomic Energy Community of an Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation, and, acting as one Party, the European Atomic Energy Community and the European Economic Community, and in particular Article 3 thereof[2],

Having regard to the proposal from the Commission[3],

Whereas:

(1) The European Atomic Energy Community and the European Economic Community, acting as one party (hereinafter "the Communities") concluded on 21 December 1992 the Agreement establishing an International Science and Technology Centre (hereinafter "the Agreement"),

(2) On 27 February 2007, the Swiss Confederation notified the Governing Board of the International Science and Technology Centre (hereafter "the Centre") of its intention to become a Party to the Agreement.

(3) In accordance with Article XIII of the Agreement, it is the responsibility of the Governing Board of the Centre to approve this accession.

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1 OJ L 409, 31.12.1992, p.1.
2 OJ L 409, 31.12.1992, p.10.
3 OJ C XXX, p.X.

(4) The Communities are represented on the Board of the Centre by the Presidency of the Council and by the Commission.

HAVE DECIDED AS FOLLOWS:

Article 1

The accession of the Swiss Confederation to the Agreement establishing an International Science and Technology Centre, concluded between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community, is hereby approved on behalf of the Communities.

Article 2

The representatives of the Council Presidency and of the Commission in the Governing Board of the International Science and Technology Centre are authorised to approve the accession of the Swiss Confederation to the Agreement establishing the Centre.

Done at Brussels,

For the Council
The President

For the Commission
The President