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EUROPEAN COMMISSION

Brussels, 9.8.2010  
COM(2010) 426 final

2010/0231 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the conclusion of an Agreement between the European Union and the Swiss  
Confederation establishing the terms and conditions for  
the participation of the Swiss Confederation in the 'Youth in Action' programme and in  
the action programme in the field of lifelong learning (2007-2013)**

## EXPLANATORY MEMORANDUM

Following the results of the 1992 referendum, rejecting Switzerland's participation in the EEA Agreement, Switzerland showed continued interest in closer cooperation with the EU in the education, training and youth sector. In a joint declaration on future negotiations attached to the seven agreements signed on 21 June 1999 by the European Community and Switzerland, the two parties stated that preparatory work for negotiations on Swiss participation in training and youth programmes should proceed rapidly after conclusion of the seven agreements.

This area of cooperation was indeed broached during the next cycle of bilateral negotiations. Since the legal basis for the education, training and youth programmes which were in force in the 2000-2006 period (Socrates, Leonardo da Vinci and Youth) did not provide for the participation of Switzerland, it was agreed to postpone the negotiation of a participation agreement until after the adoption of the programmes succeeding them.

The Decisions of the European Parliament and of the Council of 15 November 2006 establishing the 'Youth in Action'<sup>1</sup> programme and the action programme in the field of lifelong learning<sup>2</sup> for the period 2007 to 2013 provided for the possible participation of Switzerland.

In February 2008 the Council authorised the opening of negotiations with Switzerland with a view to concluding an agreement laying down the terms and conditions for its participation in the two programmes. Negotiations were completed in August 2009, and on 25 January 2010 the Council adopted a Decision approving the signing of the Agreement and its provisional application from 2011.

The main issues addressed in the Agreement, signed on 15 February 2010, are the following:

- Projects and initiatives submitted by participants from Switzerland will be subject to the same conditions, rules and procedures pertaining to these programmes as are applied to Member States, regarding in particular the submission, assessment and selection of applications and projects, the responsibilities of the national structures in the implementation of the programmes, and the activities related to the monitoring of their participation in the programmes.
- Switzerland will make an annual financial contribution to each programme, as established in Annex II to the Agreement.
- As regards financial control and audit matters, Switzerland will conform to European Union provisions, including controls by European Union bodies and controls carried out by the Swiss authorities, as established in Annex III.
- The Agreement will apply until the programmes come to an end, or until one of the parties notifies the other party of its wish to terminate the Agreement. The Agreement may be extended automatically if the programmes are extended without change.

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<sup>1</sup> Decision No 1719/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing the 'Youth in Action' programme for the period 2007 to 2013 (OJ L 327, 24.11.2006, p. 30).

<sup>2</sup> Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning for the period 2007 to 2013 (OJ L 327, 24.11.2006, p. 45).

- The Agreement reflects a political link with the Agreement on the free movement of persons signed on 21 June 1999 by ruling out an extension in the event of the termination of the Agreement on the free movement of persons.

In accordance with the arrangements made for agreements previously concluded on Switzerland's participation in other European Union programmes, a Council Declaration covers questions concerning the attendance of Swiss representatives at programme committee meetings, as observers, for the points which concern Switzerland.

The Commission therefore hereby submits to the Council a proposal for a Decision on the conclusion of the Agreement between the European Union and the Swiss Confederation establishing the terms and conditions for the participation of the Swiss Confederation in the 'Youth in Action' programme and in the action programme in the field of education and lifelong learning (2007-2013).

The Council is invited to adopt the following proposal for a Decision.

Proposal for a

## COUNCIL DECISION

**concerning the conclusion of an Agreement between the European Union and the Swiss Confederation establishing the terms and conditions for the participation of the Swiss Confederation in the 'Youth in Action' programme and in the action programme in the field of lifelong learning (2007-2013)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 165(4) and Article 166 (4), in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>3</sup>,

Whereas:

- (1) The Commission has negotiated, on behalf of the European Union, an Agreement allowing the Swiss Confederation to participate in the "Youth in Action" programme and in the action programme in the field of lifelong learning (2007-2013), established respectively by Decision No 1719/2006/EC<sup>4</sup> and Decision No 1720/2006/EC<sup>5</sup> of the European Parliament and of the Council of 15 November 2006.
- (2) The Agreement was signed, on behalf of the European Union, on 15 February 2010, subject to its possible conclusion at a later date, in accordance with the Council Decision of .../.... 2010<sup>6</sup>.
- (3) The Agreement should be concluded,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Agreement between the European Union and the Swiss Confederation adopting the terms and conditions for the participation of the Swiss Confederation in the 'Youth in Action' programme and the action programme in the field of lifelong learning (2007-2013) is hereby

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<sup>3</sup> OJ C ....., p....

<sup>4</sup> OJ L 327, 24.11.2006, p. 30.

<sup>5</sup> OJ L 327, 24.11.2006, p. 45.

<sup>6</sup> OJ L ... of ..., p....

approved on behalf of the European Union, as is the Declaration of the Council on Swiss participation in committees.

The texts referred to in the first paragraph are attached to this Decision.

#### *Article 2*

The President of the Council shall, on behalf of the European Union, give the notifications provided for in Article 3 and Article 5 of the Agreement.

#### *Article 3*

This Agreement is linked to the Agreement of 21 June 1999 between the European Union and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons, concluded by Council Decision of 4 April 2002.

This Agreement shall not be renewed in accordance with its Article 3 in the event of termination or denunciation of the Agreement referred to in the first paragraph.

#### *Article 4*

In the event of denunciation of this Agreement, the Commission shall be authorised to settle with Switzerland the consequences of such denunciation in accordance with Article 3 of the Agreement.

#### *Article 5*

The Union's position regarding the decisions of the Joint Committee of the Agreement on the Free Movement of Persons referred to in Article 4 of this Agreement shall be decided by the Commission when amendments are to be made to the Annexes to adapt them to the amendments of the acts of the Union referred to in the Agreement. For all other decisions of the Joint Committee referred to in Article 4 of this Agreement, the Union's position shall be decided by the Commission after consulting the committees of the Youth in Action programme and the action programme in the field of lifelong learning, in accordance with the procedure referred to in Article 9(2) of the Decision of the European Parliament and of the Council establishing the 'Youth in Action' programme and Article 10(2) of the Decision of the European Parliament and of the Council establishing an action programme in the field of lifelong learning.

*Article 6*

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council  
The President*