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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

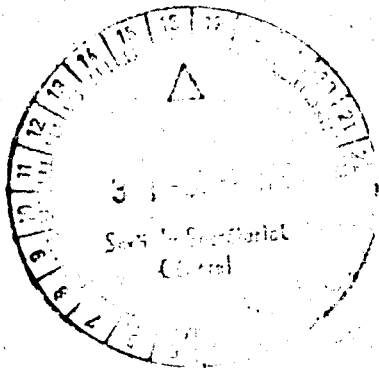
COM(79) 284 final.

Brussels, 29 May 1979

Proposal for a
COUNCIL DECISION

concerning the conclusion of an agreement on the extension
of the Community network for data transmission (EURONET)
to the territory of the Swiss Confederation

(submitted to the Council by the Commission)



COM(79) 284 final.

Communication from the Commission to the Council

re: Agreement between the EEC and Switzerland on the extension of the EURONET telecommunications network to the territory of the Helvetic Confederation

In its "note verbale" of 8 August 1977, Switzerland expressed the desire to see the Community telecommunications network EURONET extended to Swiss territory.

On 9 October 1978, the Council adopted the second plan of action in the field of scientific and technical information and documentation, and provision was made under Article 3 of its Decision for the conclusion of cooperation agreements between the Community and third countries participating in the European Conference of Postal and Telecommunications Administrations (CEPT). In principle, such agreements were to be concerned solely with the extension of EURONET and were to determine the conditions for the connection of the terminals and host computers of this network and the related technical arrangements. Exceptionally, the agreements might also be concerned with other aspects of the plan of action.

By the same Council Decision, the Commission was authorized to negotiate the cooperation agreements after seeking the opinion of CIDST for this purpose.

Concurrently with the Decision of 9 October 1978, it was specified, in the statement annexed to the Council minutes, that during the initial stage of the action plan, efforts should focus chiefly on implementing and consolidating EURONET, thereby implying that the extension of EURONET should not, in principle, be carried out before EURONET became operational.

The Scientific and Technical Research Committee (CREST) also requested that once the network had been set up priority should be given to scientific and technical information and documentation traffic over traffic of all other types.

Outcome of the negotiations

The agreement will be concluded in the form of an exchange of letters and the first letter will be signed by the Head of the Swiss Mission to the European Communities in view of the fact that it was Switzerland which requested participation.

The provisions of Article 3 of the Council Decision of 9 October 1978 have been observed.

In view of the delivery dates for equipment (approximately 14 months), it will not be possible to extend EURONET to Switzerland until a year after its inauguration. This therefore satisfies the points raised by CREST.

Switzerland does not intend to connect data banks or bases to EURONET for at least three years and is therefore, at present, as far as the Community is concerned, a user - and not a supplier - of data.

In addition to fulfilling the conditions stated above, the exchange of letters given in the Annex states that the principle of reciprocity is to apply in a non-discriminatory manner to the host computers and terminals located in Switzerland.

The provisions of a "joint declaration of intent" annexed to the exchange of letters, which forms a code of conduct to safeguard the interests of users, also apply to Switzerland.

The agreement also allows for the participation of Swiss experts in work to develop additional technical specifications, establish new general provisions for the network and train users.

Finally, there are provisions to safeguard the interests (rights and obligations) of Switzerland should other third countries participate in EURONET.

On 8 March, CIDST delivered a unanimous opinion in favour of the extension of EURONET to the territory of the Helvetian Confederation.

Conclusion

The Commission requests the Council to adopt the attached draft Decision on the conclusion of an agreement by exchange of letters regarding the extension of the Community telecommunications network EURONET to the territory of the Helvetian Confederation.

Proposal for a
COUNCIL DECISION

concerning the conclusion of an agreement on the extension of the Community network for data transmission (EURONET) to the territory of the Swiss Confederation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 78/887/EEC of 9 October 1978 adopting a second three-year plan of action in the field of scientific and technical information and documentation¹, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has, pursuant to Article 3 of the above-mentioned Decision, negotiated an agreement with a non-member country participating in the European Conference of Postal and Telecommunications Administrations (CEPT) with a view to extending EURONET,

Whereas, therefore, such agreement should be concluded,

HAS DECIDED AS FOLLOWS:

./.

¹OJ No L 311, 4.11.1978, P. 1.

Article 1

An agreement between the Community and Switzerland for the extension of EURONET to the territory of the Swiss Confederation is hereby concluded on behalf of the European Economic Community.

The text of the Agreement, in the form of an exchange of letters, is annexed hereto.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement and to confer on them the necessary powers to bind the Community.

Done at

Date

For the Council,
The President

Brussels,

Sir,

Over the past few years, considerable efforts have been made in Europe, especially by the European Communities, both in the field of data transmission by packet-switching and in the field of scientific and technical information and documentation. This is illustrated by the following, given in chronological order:

- The conclusion, on 23 November 1973, of the Agreement on the implementation of a European information network (COST 11 project) between the European Atomic Energy Community, the Federal Republic of Germany, France, Italy, Norway, Portugal, Sweden, Switzerland, the United Kingdom and Yugoslavia to transmit data using packet-switching technology;
- The Resolution of the Council of the European Communities of 14 January 1974 concerning an initial general programme of the European Economic Community (hereinafter called the Community) in the field of science and technology in which the Council stressed that third countries, especially European countries, should be given the opportunity of taking part in the project concerned whenever it was found necessary or desirable;
- The Decisions of the Council of the European Communities of 18 March 1975 and 9 October 1973 adopting three-year action plans on scientific and technical information and documentation and providing for the setting up of a telecommunications network (hereinafter called EURONET) to provide Community users with reliable, rapid and economic access to the scientific, technical, economic and social documentation and data available;

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- The formation, by the telecommunications administrations of the Member States of the Community, of a consortium by a multilateral convention (hereinafter called the Convention) signed on 11 December 1975, to set up and run EURONET and to instruct France to conclude a contract to this effect with the Community (hereinafter called the Contract), which was signed on 15 December 1975;
- The Decision of the Council of the European Communities of 9 October 1978 adopting a second three-year plan of action in the field of scientific and technical information and documentation and providing the possibility for the Community to conclude cooperation agreements with third countries participating in the European Conference of Postal and Telecommunications Administrations (CEPT).

Taking account of the above, representatives of the Federal Council and of the Commission met on several occasions between 1 December 1977 and 26 March 1979 to study the extension of EURONET to Switzerland so as to give Swiss users access to information services in the Community, and Community users access to information services in Switzerland. A further aim of the meetings was to carry out a joint analysis of the arrangements which would provide the information services in Switzerland or the Community with mutual access to the information sources of both Parties.

For the purpose of achieving this cooperation, I have the honour of making the following proposals:

1. EURONET shall be extended to Swiss territory under an agreement between the Swiss PTT administrations and the telecommunications administrations represented in the EURONET consortium. This extension will take place under the conditions laid down for the whole network, taking into account the Convention, the Contract, the addenda thereto and the new addendum to the Contract which will be concluded between the Community and France with a view to Swiss participation.

2. The Swiss PTT undertaking and the telecommunications administrations of the Member States of the Community will settle jointly the technical questions relating to the connection of the terminals and hosts, and the financial problems arising from the extension of EURONET to Switzerland.
3. The terminals installed in Switzerland or in the Community will be guaranteed, in a non-discriminatory manner and on a reciprocal basis, connection and access to EURONET within the framework of the international and national provisions in force.
4. The hosts located in Switzerland or in the Community will be guaranteed, in a non-discriminatory manner and on a reciprocal basis, the possibility of connection and access to EURONET within the framework of the international and national provisions in force.
5. Each Party shall endeavour, in a spirit of healthy and fair competition and with the aim of safeguarding the interests of the users and ensuring the efficient and economic operation of the network, to enforce - under the current provisions - the observance by the hosts connected to EURONET of a code of conduct as closely as possible in line with the joint declaration of intent given in the Annex. Swiss hosts may participate in the EURONET Host Committee.
6. The right of the Swiss PTT undertaking to use for third-party traffic all EURONET capacity not required for the scientific and technical information and documentation network is not affected, given that the principle of non-discrimination does not apply to third-party traffic.
7. Swiss experts may participate as equal partners in work to develop additional technical specifications, establish new general provisions for EURONET and train users.

8. The Parties will take all appropriate measures to arrive at a joint solution to the problems relating to the setting up, management and possible extension of EURONET not covered by 1 and 2. The Parties will hold consultations through diplomatic channels for this purpose.
9. Should EURONET be extended to other states which are members of CEPT, relations both between Switzerland and the Community and those with the states in question will be subject to prior consultation through diplomatic channels.
10. The possible connection to EURONET
 - of hosts established in the states which are members of CEPT and to which the network has not been extended,
 - of hosts established in states which are not members of CEPT,
 - of foreign networks,can be effected only with the agreement of the Parties and of the telecommunications administrations in question.
11. The Parties will inform each other regularly on the progress made in the aforementioned sphere. In particular, they will exchange, as far in advance as possible, all relevant information relating to projects to connect hosts and data bases or banks. Such exchanges of information will be made through diplomatic channels.
12. The cooperation provided for will lapse on 31 December 1983, but may be terminated before that date by either Party subject to one year's notice.

If you are able to confirm in writing your agreement to the aforesaid, the two Parties will consider this exchange of letters as a statement of their aims and of the forms of their cooperation concerning EURONET. This exchange of letters will enter into force on the date on which your reply is signed.

Please accept, Sir, the assurance of my highest consideration.

The Swiss Ambassador
to the European Communities

Joint declaration of intent on hosts, referred to under point 5 of this letter, which will be connected to EURONET

1. The host alone shall be responsible for the operation of his services via the network.
2. The host shall declare that he will not make distinctions based on nationality between the users of EURONET. If existing contracts or international agreements contain discriminatory provisions, the host will notify the competent authorities in his country and endeavour to have the provisions amended.
3. The host shall declare that he will abstain from all unfair competition. If necessary, he may be invited to provide explanations on this subject by the competent authorities in his own country within the framework of the national provisions in force.
4. The host will observe the principle of maintaining at the lowest possible level the fees relating to scientific and technical information (IST) services. He will apply this principle as far as possible in his tariff policy.
5. The host shall declare that he will participate in efforts towards a gradual harmonization of services. In particular, he will examine:
 - the application, to his information retrieval system, of the standardized instructions given in the "EURONET Guidelines: standard commands for information retrieval systems";
 - the gradual harmonization of the general conditions of sale, which will be undertaken jointly;

- the gradual rationalisation of instruction manuals;
 - the simplification of access methods for users and of invoicing.
6. The host will examine the possibility of cooperating in the preparation of measures to market his services efficiently at EURONET level and to train the users of these services.
 7. In order to achieve the appropriate level of cooperation within EURONET, the host may take part in the work of a committee which will meet at regular intervals, express his opinion on all questions relating to the network and assist in the preparation of appropriate recommendations to the competent authorities of the states participating in EURONET. Each host will bear the costs of his representation at such meetings.
 8. The host will designate to the competent authorities in his country his representative on this committee within three months following the conclusion of the agreement required for his connection to EURONET. Within the same period, he may also designate a person responsible for all other questions relating to EURONET and specify his powers.
 9. Within the same period the host will provide the competent authorities in his country with a provisional description of the data bases and related services which he intends to offer. This description should follow as closely as possible the example shown in the "EURONET Guidelines for cooperation between data base suppliers and host organizations". In particular, the description will cover in detail the data bases, the services which they offer and the tariffs applicable. The competent authorities should be provided with a definitive description of these services no later than three months before the commencement of operation.
 10. The host shall do everything in his power to announce three months in advance any major changes to the services described and to inform the competent authorities in his country of such changes.

11. The host shall inform the competent authority in his country if he intends to use his EURONET link for purposes other than scientific and technical information.

12. In order to permit the competent authority to adapt the network to requirements, the host shall provide the competent authority at least once a year with statistics on the use of EURONET via his services, including traffic statistics, number of subscribers, etc.

Secretariat

CIDST

ANNEX 5

Opinion of CIDST
of 8 March 1979

Extension of EURONET to the territory of the Helvetian Confederation

The Committee for Information and Documentation on Science and Technology (CIDST) having examined documents n° CIDST/337/77, 394/78 and 400/78 prepared by the Commission, and discussed, at its 24th, 25th, 26th, 27th and 28th meetings, the matter of the extension of EURONET to third countries,

Having adopted an opinion at its 27th meeting (doc. CIDST 396/78 final of 24.11.78) in which it notably "recommends that the Commission resume the negotiations with the Swiss authorities with a view to the extension of EURONET to Switzerland, in accordance with the Council decision of 9th October 1978",

Having been invited by the Commission, in accordance with Annex II, point 3 c) of the above-mentioned Council decision, to give an opinion on the conditions of an agreement for the extension of the Community network for data telecommunications (EURONET) to the territory of the Helvetian Confederation,

Notes that the proposed agreement corresponds to the conditions laid down in article 3 of the Council decision of 9th October 1978,

Recommends that the Commission implement them by means of an exchange of letters with the appropriate Swiss authorities,

Wishes to be kept regularly informed of the implementation of the agreement with the Helvetian Confederation.

The Secretary of the CIDST is asked to transmit this opinion to the Commission and to CREST, and to address a copy to the Council.