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European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, on the participation of the Swiss Confederation in Union Programmes

COUNCIL DECISION (EU) 2025/ ...

of ...

**on the signing, on behalf of the Union,
and provisional application
of the Agreement between the European Union
and the European Atomic Energy Community, of the one part,
and the Swiss Confederation, of the other part,
on the participation of the Swiss Confederation in Union Programmes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(5) and the second subparagraph of Article 218(8), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 12 March 2024, by means of Decision (EU, Euratom) 2024/995¹, the Council authorised the Commission to open negotiations with the Swiss Confederation for a broad package of measures related to bilateral relations between the Union and the Swiss Confederation. Those measures were to comprise institutional and State aid provisions in, and, where necessary, specific adaptations to, agreements between the European Union and the Swiss Confederation in fields related to the internal market, an agreement on Switzerland's participation in Union programmes, and an agreement forming the basis for Switzerland's permanent contribution towards reducing economic and social disparities between regions. The Council had previously authorised the Commission to open negotiations with the Swiss Confederation on new agreements on electricity, health and food safety, on the participation of Switzerland in the European Union Agencies for the Union Space Programme and for Railways, and on the amendment of the Agreement between the European Community and the Swiss Confederation on air transport to allow for cabotage.

¹ Council Decision (EU, Euratom) 2024/995 of 12 March 2024 authorising the opening of negotiations with the Swiss Confederation on institutional provisions in agreements between the European Union and the Swiss Confederation related to the internal market, on an agreement on the Swiss Confederation's participation in Union programmes and on an agreement that forms the basis for the Swiss Confederation's permanent contribution to the Union's cohesion (OJ L, 2024/995, 26.3.2024, ELI: <http://data.europa.eu/eli/dec/2024/995/oj>).

- (2) The Commission has negotiated, on behalf of the Union, a broad package of agreements and protocols (the ‘package’) which includes an Agreement between the European Union and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, on the participation of the Swiss Confederation in Union Programmes (the ‘Agreement’); Protocols on institutional, State aid and amending provisions for agreements between the European Community and the Swiss Confederation in fields related to the internal market in which Switzerland participates; an Agreement between the European Union and the Swiss Confederation on Switzerland’s regular financial contribution towards reducing economic and social disparities in the European Union; an Agreement between the European Union and the Swiss Confederation on health, an Agreement between the European Union and the Swiss Confederation on electricity; a Protocol to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products establishing a Common Food Safety Area, and an Agreement between the European Union and the Swiss Confederation on the terms and conditions for the participation of the Swiss Confederation in the European Union Agency for the Space Programme.
- (3) The Agreement establishes the rules applicable to the participation of Switzerland in any Union programme, activity or service, or parts thereof, which is open to its participation, and covers a wide range of areas, notably in research and innovation, nuclear fusion and fission, and education, training, youth, sport and culture, as well as other areas of common interest such as digital transformation and action in the field of health.

- (4) The Agreement is intrinsically linked to the other instruments of the package. In that respect, the Agreement provides for Switzerland's participation in the Programme for the Union's action in the field of health which is closely linked to the Agreement on Health. Compensatory measures could be taken under the Agreement in cases of non-compliance with the obligations stemming from the Agreement on Switzerland's regular financial contribution towards reducing economic and social disparities in the European Union.
- (5) Negotiations on the Agreement were opened and have been finalised at the same time as those on the other instruments of the package. Article 17 of the Agreement provides that its entry into force is linked to the entry into force of the other instruments of the package.
- (6) The Agreement is to be concluded at the same time as the other instruments of the package and as an integral part thereof.
- (7) The Agreement should be signed on behalf of the Union as regards matters falling under the TFEU, subject to its conclusion at a later date.

- (8) With the aim of increasing the breadth of their cooperation, Article 18(1) of the Agreement provides that the Parties are to apply it provisionally, in accordance with their respective internal procedures and legislation, from 1 January 2025, unless the date of its signature is after 15 November 2025, in which case the Parties are to apply the Agreement provisionally from 1 January 2026.
- (9) The Agreement should therefore be applied provisionally by the Union as regards matters falling under the TFEU.
- (10) Pursuant to Article 18(2) of the Agreement, its provisional application is to cease at the latest on 31 December 2028 if Switzerland, by that date, has not completed its internal procedures necessary for the entry into force of the other instruments of the package.
- (11) The signing and provisional application of the Agreement as regards matters falling under the Treaty establishing the European Atomic Energy Community is subject to a separate procedure under that Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Agreement between the European Union and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, on the participation of the Swiss Confederation in Union Programmes (the ‘Agreement’), as regards matters other than those falling under the Treaty establishing the European Atomic Energy Community (the ‘Euratom Treaty’) is hereby authorised, subject to the conclusion of the said Agreement².

Article 2

Subject to reciprocity, the Agreement, as regards matters other than those falling under the Euratom Treaty, shall be applied provisionally in accordance with Article 18 of the Agreement, pending its entry into force.

² The text of the Agreement is published in OJ L, ..., ELI: ...

Article 3

This Decision shall enter into force on the date of its adoption³.

Done at ..., ...

For the Council

The President

³ The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.