EUROPEAN
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ANNEX

ANNEX

to the

Proposal for a COUNCIL DECISION

establishing the position to be taken on behalf of the Union concerning the adoption of the Rules of Procedure of the Joint Committee established by 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

ATTACHMENT

DRAFT DECISION _/____ OF THE JOINT COMMITTEE

of […]

THE JOINT COMMITTEE,

Having regard to 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"), and in particular Article 16 thereof,

Whereas:

(1) The Agreement establishes a Joint Committee to ensure its proper functioning and effective implementation;

(2) Pursuant to Article 16(8), the Agreement provides that the Joint Committee shall adopt its rules of procedure at its first meeting;

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Joint Committee, as set out in the Annex to this Decision are adopted.

Article 2

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

Done at [Brussels], […].

For the Joint Committee

The co-chairs

[…]

Annex

RULES OF PROCEDURE OF THE JOINT COMMITTEE ON PARTICIPATION IN UNION PROGRAMMES

Rule 1

Tasks and duties

The Joint Committee shall perform the tasks and duties referred to the Agreement between the European Union and the European Atomic Energy Community, of the one part (hereinafter referred to as "Union"), and the Swiss Confederation, of the other part (hereinafter referred to as "Switzerland"), hereinafter jointly referred to as "the Parties", on the participation of the Swiss Confederation in Union programmes (hereinafter referred to as "the Agreement"), in particular in its Articles 3(2) and 16.

Rule 2

Chair

(1) The Union and Switzerland shall notify each other of the name, position and contact details of the official who is the co-chair of the Joint Committee for the Union and Switzerland, respectively. This official is deemed to continue acting as the co-chair for the Union and for Switzerland, respectively, until the date either the Union or Switzerland has notified the other Party of a new co-chair.

(2) A co-chair is deemed to have the authorisation for representing, respectively, the Union and Switzerland until the date a new co-chair has been notified to the other Party.

Rule 3

Secretariat

(1) The secretariat of the Joint Committee (the "secretariat") shall be composed of an official of the Union and an official of Switzerland ("the secretaries").

(2) The Union and Switzerland shall notify each other of the names, positions and contact details of their respective secretaries. They shall notify each other of changes of their respective secretaries.

(3) The secretariat shall be in charge of, *i.a.*:

(a) assisting the co-chairs;

(b) coordinating and exchanging information between the two Parties;

(c) preparing the drafts of decisions, recommendations, minutes and official communication and other documents for adoption by the Joint Committee;

(d) ensuring that these documents are correctly recorded and filed, in accordance with the respective applicable rules of the Union and Switzerland;

(e) […].

(4) Within a given year, the co-chair of the side hosting the meetings of Joint Committee in that year ("hosting co-chair"), supported by the corresponding secretary ("hosting secretary") shall take the lead in overseeing the proceedings of the Joint Committee during that year.

Rule 4

Meetings

(1) In line with Article 16(7) of the Agreement, the co-chairs shall aim to agree on the date, location and format of the meetings at least three months before the meeting, unless they agree on a shorter timeframe.

(2) Prior to each meeting of the Joint Committee, the co-chairs shall inform each other of the intended composition of their delegations for the meeting.

(3) Unless otherwise agreed by the co-chairs, the meetings shall not be public.

(4) If so agreed by the co-chairs, the Joint Committee may invite other experts or interested parties to attend meetings of the Joint Committee in order to provide information on a specific subject and only for the parts of the meeting where such specific subjects are discussed.

Rule 5

Agenda

(1) The co-chairs shall jointly establish the provisional agenda of each meeting of the Joint Committee.

(2) The hosting secretary shall submit a first draft agenda for comments to the other secretary at least one month before the date of the meeting. The co-chairs shall aim to agree on the draft agenda at least five working days before each meeting.

(3) The agenda shall be adopted by the Joint Committee at the beginning of each meeting. Items may be included, deleted, deferred or amended if the co-chairs so agree.

(4) The co-chairs may agree to shorten the time limits mentioned in paragraph 2 in order to take account of the requirements or urgency of a particular matter.

Rule 6

Exchange and handling of classified information and sensitive non-classified information

(1) Classified information or material provided by or exchanged between the Contracting Parties within the Joint Committee shall be handled and protected in compliance with the Agreement between the Swiss Confederation and the European Union on the security procedures for the exchange of classified information, done at Brussels on 28 April 2008, and any security arrangement implementing it.

(2) The Joint Committee shall adopt, by means of a decision, handling and storage instructions to ensure the protection of sensitive non-classified information exchanged between the Parties.

Rule 7

Professional secrecy

Representatives, experts and other agents of the Parties shall be required, even after their duties have ceased, not to disclose information acquired within the Joint Committee which is of the kind covered by the obligation of professional secrecy.

Rule 8

Minutes

(1) Minutes of each Joint Committee meeting shall be drawn up in a timely manner after each meeting. They shall indicate the items discussed, recommendations made and decisions adopted.

(2) The hosting secretary shall transmit a first draft of those minutes for comments to the other secretary.

(3) The minutes shall include an attendance list with names, titles and capacity of all participants to the meeting.

(4) The final minutes shall be approved by the Joint Committee via written procedure or, at the latest, at the subsequent meeting of the Joint Committee. They shall be signed in duplicate by the co-chairs. The co-chairs may decide that signing via electronic signature and exchanging electronic copies satisfy this requirement.

Rule 9

Decisions and recommendations

(1) The secretariat shall prepare the draft decisions and recommendations to be adopted by the Joint Committee.

(2) The decisions and recommendations of the Joint Committee shall be entitled respectively "Decision" or "Recommendation", and followed by a serial number, the date of their adoption and a description of their subject matter.

(3) They may be adopted via written procedure or at a meeting of the Joint Committee. They shall be signed in duplicate by the co-chairs and the secretaries of the Joint Committee. The co-chairs may decide that signing via electronic signature and exchanging electronic copies satisfy this requirement.

(4) Each side shall file one original copy of the decisions and recommendations of the Joint Committee.

(5) Each Party is responsible for the publication of the decisions and recommendations of the Joint Committee in its respective official publication and/or online in accordance with their respective laws and regulations.

Rule 10

Cooperation with the Joint Committee established by the Agreement on Health (the "Joint Committee on Health")

(1) The secretariat will establish a contact point with the secretariat of the Joint Committee on Health.

(2) The secretariat will share the information received from the Joint Committee on Health to the Joint Committee in accordance with Article 19(3)(d) of the Agreement between the European Union and the Swiss Confederation on health (hereinafter referred to as "the Agreement on health").

(3) When matters relating to a programme for the European Union's action in the field of health are included on the draft agenda, the hosting secretary will inform the Joint Committee on Health and will share the relevant documents ahead of the relevant meeting as soon as possible.

(4) When the Joint Committee on Health provides information in accordance with Article 19(3)(d) of the Agreement on Health, the Joint Committee will include an item in this regard on the agenda of the following meeting.

(5) When decisions concern the protocol(s) covering the participation of Switzerland to a programme for the European Union's action in the field of health, the Joint Committee will consult the Joint Committee on Health in a timely manner.

(6) When the minutes relate to a programme for the European Union's action in the field of health, the hosting secretary will share the minutes with the Joint Committee on Health as soon as possible.

Rule 11

Protection of personal data

The publication and handling of documents referred to in Rules 5, 8, 9 and 10 shall be made in compliance with both Parties' applicable data protection rules, including the protection of personal data.

Rule 12

Access to documents and Transparency

Each Party shall handle requests for access to the Joint Committee documents in accordance with its relevant laws and regulations and with the consent of the other Party.

Rule 13

Working parties/advisory bodies

(1) When setting up a working party or advisory body to assist it in carrying out its duties in accordance with Article 16(4) of the Agreement, the Joint Committee may adopt terms of reference which, among others, specify the duration of this working party or advisory body, which it shall attach to the decision setting up the working party or advisory body.

(2) The working party or advisory body shall be composed of representatives of the Union and Switzerland and shall work under the authority of the Joint Committee, to which it shall report.

(3) The Joint Committee may at any time decide to end the mandate of the working parties or advisory bodies or modify the terms of reference of existing working parties or advisory bodies.

Rule 14

Expenses

Each party shall bear any expenses it incurs relating to its participation in the meetings of the Joint Committee and of the working parties or advisory bodies.

Rule 15

Amendment

These Rules of Procedure may be amended by a decision of the Joint Committee in accordance with Rule 9.