FINANCE COMMITTEE

Sixty-fifth Meeting

Geneva – 10 February, 1965

ADMINISTRATIVE ARRANGEMENTS FOR THE CONSTRUCTION
OF THE INTERSECTING STORAGE RINGS

This document summarizes the proposals made in documents CERN/538 and CERN/FC/709, and the discussions which have taken place upon them so far, concerning the special arrangements which might be necessary for the administration of a supplementary programme at Meyrin such as the construction of intersecting storage rings. It also proposes a timetable for the outstanding work to be done on this subject by the Finance Committee.
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OF THE INTERSECTING STORAGE RINGS

Section I of document CERN/538 put forward for consideration in relation to the Convention a number of points concerning such a supplementary programme as the construction of intersecting storage rings at Meyrin. These points were:

(a) Application of the 25% rule

After discussion in Finance Committee and Council, the conclusion was reached that a decision should be made in each case as to whether the rule should be applied or not. A unanimous decision by the Council to apply the rule in any particular case would not be contrary to Article VII 2 of the Convention.

(b) Special contributions by Member States joining a supplementary programme after its start

This point has not been discussed, but there seems no reason why the terms of Article VII 3(a) should not also be applied, mutatis mutandis, to a supplementary programme.

(c) Withdrawal from a supplementary programme after its start

Two possibilities exist:

(i) that for a certain defined period no State should be allowed to withdraw;

(ii) that States withdrawing from a supplementary programme before its completion should make a special contribution towards outstanding costs.

For the reasons given in the original paper, the first proposition presents certain difficulties. The second, however, is feasible, and financially has the same effect as the first. The Finance Committee will want to consider whether either proposition is admissible under the Convention, and, if so, which it would recommend to Council.
The procedures set out in sections II and III of CERN/538 were found in principle acceptable by the Finance Committee. Some doubts were expressed at the last meeting of the Committee, however, about the validity of the proposed overhead charge as opposed to the concept of charging a supplementary programme for services at marginal extra cost only. This question is discussed at somewhat greater length in CERN/20/109, and the Finance Committee will no doubt now want to take a final decision.

There remains to be considered whether any special procedures should be introduced in Council or its subordinate bodies to handle such a supplementary programme. Reference to this is made in section IV of CERN/538.

As to Council procedures, the provisions of the Convention seem to protect the interest of all parties, and there seems no need to set up any special bodies to deal specifically with such a supplementary programme. Nevertheless, the Finance Committee will no doubt wish to discuss this point.

The need for an instrument of adhesion to the supplementary programme should also be discussed. This might take the form of a letter, a Council resolution or perhaps an additional protocol to the Convention. This latter would be the most formal method, but might be held to constitute an amendment to the Convention, or for other reasons require ratification. The Finance Committee will want to express a view about this.

Some of these constitutional questions will call for more detailed examination than is practicable in full Finance Committee. For this purpose, the Finance Committee might set up a small working party of Finance Committee delegates, CERN staff and one or two legal experts. One specific task which the working party might undertake would be to draft the instrument of adhesion. The working party might aim to make a report to the Finance Committee at its meeting on 23 March. Approval of the principles involved could then be sought from the President of Council's steering committee so that the Finance Committee, at its meeting on 4 May, could consider the draft of its report to Council. This report should be submitted to the June session of Council. This time-table would permit consultation if necessary with Council at its session on 25 March or with Committee of Council at its meeting on 5 May.