

Nationalrat
Conseil national
Consiglio nazionale
Cussegl naziunal
[National Council]

[Name and Address of Recipient]

Control Committee
CH-3003 Bern

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9 June 2011

Supervisory request concerning the heavy ion collisions at CERN's Large Hadron Collider and the related misinformation of the Federal Assembly

Dear [Name of Recipient]

By letters dated 31 January and 3 February 2011, as well as your electronic submissions of 16 and 17 February 2011, you have addressed the Control Committees (CC) of the Federal Councils. In your submissions you call on the Committees on the other hand, to conduct an investigation into whether the heavy ion collisions at the Large Hadron Collider (LHC) of the Organisation Européenne pour la Recherche Nucléaire (CERN) could create tiny black holes which could pose a threat to Switzerland and the world, and, on the other hand, check whether the Federal Assembly was misinformed about the independence of the expert committee responsible for the safety evaluation of the LHC.

According to Article 169 paragraph 1 of the Federal Constitution (FC; SR 101) in conjunction with Articles 26 and 52 of the Parliament Act (ParlA SR 171.10), the CC exercise supervision over the Federal Council, the Federal Administration, the Federal Courts and the other bodies entrusted with the tasks of the Confederation. CERN, the European Organisation for Nuclear Research, with its headquarters in Meyrin, Switzerland, is not, however, subject to the supervision of the CC. With regard to issues related to the safety of scientific research at CERN, the CC can therefore not deal with your submission.

The CC examine citizens' submissions from the standpoint of parliamentary supervision in accordance with Art. 129 of the Parliament Act insofar as they contain evidence of any possible systemic shortcomings or dysfunctioning in the implementation of laws or in the management of federal authorities or other bodies entrusted with the tasks of the Confederation. According to their operational principles, the CC deal with individual cases only insofar as they have a systematic significance.

Indeed, the Federal Council seems to assume in its answer of 26 November 2008 to the interpellation of National Council member Daniel Vischer (08.3621) that the experts who were commissioned in the year 2008 to update the safety report of 2003 concerning heavy ion collisions at the LHC were explicitly independent of CERN. To what extent this assumption is wrong or what would have been the justified way, within the mandate of the Safety Assessment Group, to update the analysis of 2003 in the light of new experimental results collected at CERN, can in our opinion remain an open question. There is no documented evidence whatsoever that the Federal Council had intentionally misinformed the Federal Assembly, or that the – apparently – inadequate information of the Federal Assembly and the allegation, related to the facts described by you, of breach of official duty by the Federal Council constitutes a systemic problem which would justify an intervention of parliamentary supervision. Therefore, we have come to the conclusion that for us no action is required.

We regret that we cannot assist you in this matter, and remain yours sincerely

CONTROL COMMITTEE
Subcommittee DFI/DETEC
The President:

The Secretary:

[Signature]

[Signature]

Max Binder
National Council

Philipp Mäder