COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.10.2004
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2004/0227 (CNS)

Proposal for a

**COUNCIL DECISION**

**concerning the signature of the Agreement between the European Community and the Swiss Confederation in the field of statistics**

Proposal for a

**COUNCIL DECISION**

**on the conclusion of the Agreement between the European Community and the Swiss Confederation in the field of statistics**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

The very close relations between the European Union and Switzerland in all economical, social and political matters make it desirable to intensify the statistical cooperation. In fact, Eurostat has been co-operating with the Swiss Federal Statistical Office for many years. Such cooperation should have been implemented through the Agreement on the European Economic Area (EEA). Switzerland was signatory party to this agreement but, after a negative referendum in 1992 was unable to ratify. Also, the Swiss request for accession of 20 May 1992 was put on hold.

Since the non-ratification of the EEA by Switzerland there have been informal arrangements under which Switzerland has been invited to attend various low profile (mainly technical) meetings as an observer; these exclude the top level meetings such as the Statistical Programme Committee to which the EEA-EFTA countries participate as full members for EEA relevant items.

Following the negative EEA referendum Switzerland has suggested developing relations with the European Union on a basis of sectoral bilateral agreements. This included an agreement on statistical cooperation. At the occasion of the signature of seven bilateral agreements between the European Community and Switzerland on 21 June 1999 both parties declared jointly their intention to undertake negotiations with view to conclude an agreement on the Swiss participation in certain statistical programmes of the Community.

In 2000 the Council authorised the Commission to start negotiations with Switzerland. In the guidelines for negotiation it was specified that the agreement should be based on the multi-annual Community Statistical Programme and work towards harmonisation of data collection, nomenclatures, definitions and statistical methodologies. Exchanges of staff were foreseen. The agreement would be overseen by a joint committee.

The negotiations between the Commission and Switzerland took place over the next years and were concluded on 25 June 2004 with the initialling of the agreement by the Directors-General of Eurostat and the Swiss Federal Statistical Office.

This agreement is in the interests of both parties. From the EU point of view, Switzerland already could be said to be participating in many aspects of the Community Statistical Programme (attendance at certain technical meetings, publication of data on Switzerland in EU publications, etc.) without making a financial contribution. Under this agreement, relations would be formalised. Switzerland would gain participation in the European Statistical System and adopt a large proportion of the statistical *acquis communautaire*. The cost of participation being proposed exceeds the cost that Switzerland would have paid under the EEA; the benefits to Switzerland would be marginally less that those afforded to EEA-EFTA countries.

Whilst Switzerland would be permitted to participate in the Community Statistical Programme, no Swiss participants would be eligible for Community financing. Thus it was not necessary to include in the agreement provisions on financial control.

The extent of the *acquis communautaire* that Switzerland is to adopt is comparable to that contained in Annex XXI of the EEA Agreement; there are technical adaptations and some temporary derogations which are necessary to give Switzerland the opportunity to adapt its statistical system.

Proposal for a

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THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) in conjunction with Article 300 (2) thereof,

Having regard to the proposal from the Commission[1],

Whereas:

(1) The Council authorised the Commission on 20 July 2000 to negotiate with the Swiss Confederation on behalf of the Community an agreement in the field of statistics.

(2) The result of the negotiations reflects duly the negotiating directives issued by the Council.

(3) Subject to its conclusion at a later date, it is desirable to sign the Agreement that was initialled on 25 June 2004.

HAS DECIDED AS FOLLOWS:

*Sole Article*

Subject to its conclusion at a later date, the President of the Council is hereby authorized to designate the person empowered to sign on behalf of the European Community the Agreement between the European Community and the Swiss Confederation in the field of statistics including the accompanying Final Act.

Done at Brussels,

*For the Council*
*The President*

[1] OJ C , , p. .

2004/0227 (CNS)

Proposal for a

**COUNCIL DECISION**

**on the conclusion of the Agreement between the European Community and the Swiss Confederation in the field of statistics**

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) in conjunction with Article 300(2), first sentence, and Article 300(3), first sub-paragraph thereof,

Having regard to the proposal from the Commission[2],

Having regard to the opinion of the European Parliament[3],

Whereas:

(1) On 20 July 2000, the Council authorised the Commission to negotiate with the Swiss Confederation an agreement in the field of statistics.

(2) According to Council Decision …./…./CE of ……2004, and subject to its conclusion at a later date, the Agreement was signed on behalf of the European Community on ….2004.

(3) The Agreement should be approved.

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Community and the Swiss Confederation in the field of statistics is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The Community shall be represented on the Joint Committee set up under Article 3 of the Agreement by the Commission assisted by representatives of the Member States.

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2 OJ C , , p. .
3 OJ C , , p. .

The position to be taken by the Community as regards decisions of the Joint Committee shall be adopted by the Council, acting by qualified majority on a proposal from the Commission, for matters relating to the financial contribution of Switzerland and for substantial derogations regarding the extension of acts of Community legislation to Switzerland. For all other decisions of the Joint Committee and for recommendations the Community position shall be adopted by the Commission.

*Article 3*

The President of the Council shall effect the notification provided for in Article 13 of the Agreement on behalf of the European Community[4].

*Article 4*

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council*
*The President*

[4] The date of entry into force of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.

**ANNEX**

**AGREEMENT**

**between the European Community and the Swiss Confederation on cooperation in the field of statistics**

THE EUROPEAN COMMUNITY, hereinafter referred to as "the Community", and

THE SWISS CONFEDERATION, hereinafter referred to as "Switzerland",

hereinafter together referred to as the "Contracting Parties",

DESIRING to improve the co-operation between the Community and Switzerland in the field of statistics and, to that end, to define through this Agreement the principles and conditions governing that co-operation;

CONSIDERING that appropriate measures should be established in order to realise a gradual harmonisation and ensure the coherent evolution of the legal framework for the collection of data, the classifications, the definitions and the methodologies in statistics;

WHEREAS common rules for the production of statistics within the area covered by the Community and Switzerland are to be set out;

AGREEING that it is appropriate to base those rules on the legislation which is in force within the Community;

HAVE AGREED AS FOLLOWS:

*Article 1*

**Subject matter**

1. This Agreement applies to the cooperation in the field of statistics between the Contracting Parties in order to ensure the production and dissemination of coherent and comparable statistical information for describing and monitoring all economic, social and environmental policies relevant for the bilateral cooperation.

2. To this end, the Contracting Parties shall develop and use harmonised methods, definitions and classifications as well as common programmes and procedures organising statistical work at appropriate administrative levels and in accordance with the provisions laid down in this Agreement.

3. The production of Contracting Parties' statistics shall conform to impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality; it shall not entail excessive burdens on economic operators.

*Article 2*

**Legal acts in the field of statistics**

The Acts referred to in Annex A, as adapted by this Agreement, shall be binding upon the Contracting Parties.

*Article 3*

**Joint Committee**

1. A Committee composed of representatives of the Contracting Parties, to be known as the "Community/Switzerland Statistical Committee" (hereinafter referred to as the Joint Committee), is hereby established.

   It shall be responsible for the administration of this Agreement and shall ensure its proper implementation. For this purpose it shall make recommendations and take decisions in the cases provided for in this Agreement. The Joint Committee shall act by mutual agreement. A decision of the Joint Committee shall be binding upon the Contracting Parties.

2. The Joint Committee and the Statistical Programme Committee (SPC) instituted by Council Decision 89/382 (EEC/Euratom) of 19 June 1989 shall organise their tasks for the purposes of this Agreement in combined meetings.

3. The Joint Committee shall adopt, by a decision, its rules of procedure which shall include, among other provisions, the procedures for convening meetings, appointing the Chair and laying down the Chair's terms of reference.

4. The Joint Committee shall meet as and when necessary. Either Contracting Party may request the convening of a meeting. The Joint Committee may decide to set up any subcommittee or working party that can assist it in carrying out its tasks.

5. A Contracting Party may at any time raise a matter of concern at the level of the Joint Committee.

6. Each decision shall state the date of its implementation. The decisions shall be submitted if necessary for ratification or approval by the Contracting Parties in accordance with their own procedures and shall be put into effect by the Contracting Parties in accordance with their own rules.

*Article 4*

**New legislation**

1. The Agreement shall be without prejudice to the right of each Contracting Party, subject to compliance with the provisions of this Agreement, to amend unilaterally its legislation on a point regulated by this Agreement.

2. During the period preceding the formal adoption of new legislation, the Contracting Parties shall inform and consult each other as closely as possible. At the request of either Contracting Party, a preliminary exchange of views may take place in the Joint Committee.

3. As soon as a Contracting Party has adopted an amendment of its legislation, it shall inform the other Contracting Party.

4. The Joint Committee shall:

– either adopt a decision revising Annex A and/or Annex B or, if necessary, propose a revision of the provisions of this Agreement, so as to incorporate therein, if necessary on a basis of reciprocity, the amendments made to the legislation in question;

– or adopt a decision to the effect that the amendments to the legislation in question shall be regarded as being in accordance with the proper functioning of this Agreement;

– or decide any other measure to ensure the proper functioning of this Agreement.

*Article 5*

**Statistical cooperation**

1. The Community statistical programme referred to in Chapter II of Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics, as from time to time adopted by European Parliament and Council Decisions, shall constitute the framework for the statistical actions to be carried out by Switzerland for the relevant time periods covered by each programme. All main fields and statistical themes of the Community statistical programme shall be considered to be relevant for the Community/Switzerland statistical cooperation and shall be open for full participation by Switzerland.

2. A specific Community/Switzerland annual statistical programme shall be developed every year as a subset of, and in parallel with, the annual work programme elaborated by the Commission in accordance with the European Parliament and Council Decision establishing the specific relevant Community statistical programme. Each Community/Switzerland annual statistical programme shall be submitted for examination and approval to the Joint Committee. It shall indicate in particular those actions within the themes of the programme which are relevant and have priority for the Community/Switzerland statistical cooperation during the programme period.

3. Statistical information from Switzerland shall be transmitted to Eurostat for storage, processing and dissemination. To this end, the Swiss Federal Statistical Office shall work in close cooperation with Eurostat in order to ensure that data from Switzerland are transmitted properly and disseminated to the various user groups through the normal dissemination channels as part of the Community/Switzerland statistics.

The handling of statistics from Switzerland shall be governed by Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics.

4. The Joint Committee shall examine the progress made in the framework for Community/Switzerland statistical actions. It shall in particular assess whether the objectives, priorities and actions planned during the first three years of application of the agreement have been achieved. It shall also assess whether the contents of Annex A adequately reflect the concept of relevance as mentioned in Article 1.1.

*Article 6*

**Participation**

1. Entities established in Switzerland shall be entitled to participate in specific Community programmes managed by Eurostat, with the same contractual rights and obligations as those of entities established in the Community. However, entities established in Switzerland shall not be entitled to receive any financial contribution from Eurostat.

2. Swiss national experts may be seconded to Eurostat. The costs associated with the secondment of Swiss national experts to Eurostat, including salaries, social security costs, provision for pensions, daily and travel allowances, shall be borne entirely by Switzerland.

3. Entities established in the European Union shall be entitled to participate in specific programmes managed by the Swiss Federal Statistical Office, with the same contractual rights and obligations as those of entities established in Switzerland.

*Article 7*

**Other forms of cooperation**

1. Transfer of technology in the field of statistics between the Swiss Federal Statistical Office and Eurostat may take place by mutual agreement.

2. The Contracting Parties may exchange any information in the field of statistics.

3. The statistical services of the Contracting Parties may exchange officials. The statistical services of the Member States of the Community may also exchange officials with Switzerland. The conditions under which these exchanges take place shall be agreed directly between the involved statistical services.

*Article 8*

**Financial provisions**

1. In order to cover the entirety of the costs of its participation, Switzerland shall contribute financially to the Community Statistical Programme on an annual basis from the entry into force of the agreement.

2. The rules governing Switzerland's financial contribution are set out in Annex B.

*Article 9*

**Non-discrimination**

Within the scope of application of this Agreement, and without prejudice to any special provisions contained therein, any discrimination of grounds of nationality shall be prohibited.

*Article 10*

**Fulfilment of obligations**

The Contracting Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Agreement and shall refrain from any measures which would jeopardise attainment of the objectives of this Agreement.

*Article 11*

**Annexes**

The Annexes shall form an integral part of this Agreement.

*Article 12*

**Territorial application**

The provisions of this Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the terms laid down in that Treaty and, on the other hand, to the territory of Switzerland.

*Article 13*

**Entry into force and duration**

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their own procedures. It shall enter into force on the first day of January of the year following the day on which the Contracting Parties notify each other that the procedures necessary to this end have been completed.

2. This Agreement shall be concluded for an initial period of five years. Unless written notice of termination is given six months before the expiration of this period, the Agreement shall be considered as renewed indefinitely.

3. Either Contracting Party may terminate this Agreement by a written notification to the other Contracting Party. The Agreement shall cease to be in force six months after the date of such notification.

*Article 14*

**Authentic texts**

This Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovenian, Spanish, and Swedish languages, each of these texts being equally authentic.

*Done at (...) on (...)*

*For the European Community* *For the Swiss Confederation*

## ANNEX A

## LEGAL ACTS IN THE FIELD OF STATISTICS

**Sectoral adaptation**

1. The term "Member State(s)" contained in the acts referred to in this Annex shall be understood to include Switzerland, in addition to its meaning in the relevant European Community acts.

2. Provisions laying down by whom the costs for carrying out surveys and the like shall be borne shall not apply for the purposes of this Agreement.

**Acts referred to**

**Business statistics**

– **397 R 0058:** Council Regulation (EC, Euratom) No 58/97 of 20 December 1996 concerning Structural Business Statistics (OJ L 14, 17.1.1997, p. 1), as amended by:

– **398 R 0410:** Council Regulation (EC, Euratom) No 410/98 of 16 February 1998 (OJ L 52, 21.2.1998, p. 1),

– **32002 R 2056:** Regulation (EC) No 2056/2002 of the European Parliament and of the Council of 5 November 2002 (OJ L 317, 21.11.2002, p. 1).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) The first reference years for which statistics are to be compiled by Switzerland are the following:

– For Annex 1 Section 5 (First reference year) and section 11 (Transition period), is calendar year 2002,

– For Annex 2 Section 5 (First reference year) and section 10 (Transition period), is calendar year 2002 for all yearly statistics, calendar year 2003 for the 2-yearly characteristics 20210 to 20310, calendar year 2002 for the 3-yearly characteristic 23110, calendar year 2004 for the 4-yearly characteristic 16135, calendar year 2003 for the 4-yearly characteristics 15420, 15441 and 15442,

– For Annex 3 Section 5 (First reference year) and section 10 (Transition period), is calendar year 2002 for all yearly statistics, calendar year 2002 for the 5-yearly characteristics relating to division 52, calendar year 2003 for the 5-yearly characteristics relating to division 51, calendar year 2005 for the 5-yearly characteristics relating to division 50,

– For Annex 4 Section 5 (First reference year) and section 10 (Transition period), is calendar year 2002 for all yearly statistics, calendar year 2003 for the 2-yearly characteristics 20210 to 20310, calendar year 2002 for

the 4-yearly characteristics 16131 and 16132, calendar year 2003 for the 3-yearly characteristics 23110, 23120, 15420, 15441 and 15442,

– For Annex 5 Section 5 (First reference year) and section 9 (Transition period), is calendar year 2002,

– For Annex 6 Section 5 (First reference year) and section 10 (Transition period), is calendar year 2004,

– For Annex 7 Section 5 (First reference year) and section 10 (Transition period), is calendar year 2003;

(b) For the purposes of annexes 1 to 7 the transition period will not extend more than four years beyond the first reference years for the compilation of the statistics indicated in Section 5 of the 5 annexes, and as amended in (a);

(c) For the annexes 1, 2, 3 and 4 Switzerland is exempted from providing data as amended in (a) for the years 2002, 2003, 2004 and 2005;

(d) For the annex 5 Switzerland is exempted from providing data as amended in (a) for the years 2002, 2003, 2004 and 2005;

(e) For the annexes 6 and 7 Switzerland is exempted from providing data as amended in (a) for the years 2003, 2004, 2005 and 2006;

(f) Switzerland shall not be bound by the regional breakdown of the data as required by this Regulation;

(g) Switzerland is exempted from providing data at the 4-digit level of the NACE REV 1;

(h) Switzerland is exempted from providing data required by the Regulation for kind of activity units.

– **398 R 2700:** Commission Regulation (EC) No 2700/98 of 17 December 1998 concerning the definitions of characteristics for structural business statistics (OJ L 344, 18.12.1998, p. 49), as amended by:

– **32002 R 2056:** Regulation (EC) No 2056/2002 of the European Parliament and of the Council of 5 November 2002 (OJ L 317, 21.11.2002, p. 1).

– **398 R 2701:** Commission Regulation (EC) No 2701/98 of 17 December 1998 concerning the series of data to be produced for structural business statistics (OJ L 344, 18.12.1998, p. 81), as amended by:

– **32002 R 2056:** Regulation (EC) No 2056/2002 of the European Parliament and of the Council of 5 November 2002 (OJ L 317, 21.11.2002, p. 1).

– **398 R 2702:** Commission Regulation (EC) No 2702/98 of 17 December 1998 concerning the technical format for the transmission of structural business statistics (OJ L 344, 18.12.1998, p. 102), as amended by:

– 32002 R 2056: Regulation (EC) No 2056/2002 of the European Parliament and of the Council of 5 November 2002 (OJ L 317, 21.11.2002, p. 1).

– **399 R 1618:** Commission Regulation (EC) No 1618/1999 of 23 July 1999 concerning the criteria for the evaluation of quality of structural business statistics (OJ L 192, 24.7.1999, p. 11).

– **399 R 1225:** Commission Regulation (EC) No 1225/99 of 27 May 1999 concerning the definitions of characteristics for insurance services statistics (OJ L 154, 19.6.1999, p. 1).

– **399 R 1227:** Commission Regulation (EC) No 1227/99 of 28 May 1999 concerning the technical format for the transmission of insurance services statistics (OJ L 154, 19.6.1999, p.75).

– **399 R 1228:** Commission Regulation (EC) No 1228/99 of 28 May 1999 concerning the series of data to be produced for insurance services statistics (OJ L 154, 19.6.1999, p. 91).

– **398 R 1165:** Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics (OJ L 162, 5.6.1998, p. 1), as amended by:

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations

(a) Switzerland shall supply data as from the first quarter 2007;

(b) Switzerland is exempted from providing data at the 4-digit level of the NACE REV 1.

– **32001 R 0586:** Commission Regulation (EC) No 586/2001 of 26 March 2001 on implementing Council Regulation (EC) No 1165/98 concerning short-term statistics as regards the definition of Main Industrial Groupings (MIGS) (OJ L 086, 27.3.2001, p. 0011)

– **32001 R 0588:** Commission Regulation (EC) No 588/2001 of 26 March 2001 (OJ L 86, 27.3.2001, p. 18)

– **393 R 2186:** Council Regulation (EEC) No 2186/93 of 22 July 1993 on Community coordination in drawing up business registers for statistical purposes (OJ L 196, 5.8.1993, p.1).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) Switzerland shall put into effect the measures necessary to comply with this regulation by 1 January 2006;

(b) For Switzerland, entry I (k) of annexe II of the Regulation shall not apply.

**Transport and tourism statistics**

– **398 R 1172:** Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road (OJ L 163, 6.6.1998, p. 1), as amended by:

  – **399 R 2691:** Commission Regulation (EC) No 2691/99 of 17 December 1999 (OJ L 326, 18.12.1999, p. 39).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptation:

Switzerland shall collect the data required by this regulation from, at the latest, beginning of year 2006 onwards.

– **32001 R 2163:** Commission Regulation (EC) No 2163/2001 of 7 November 2001 concerning the technical arrangements for data transmission for statistics on the carriage of goods by road (OJ L 291, 8.11.2001, p. 13).

– **32003 R 0006:** Commission Regulation (EC) No 6/2003 of 30 December 2002 concerning the dissemination of statistics on the carriage of goods by road (OJ L 1, 4.1.2003, p. 45).

– **32003 R 0091:** Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics (OJ L 14, 21.1.2003, p.1-15), as amended by:

  – **32003 R 1192:** Commission Regulation (EC) No 1192/2003 of 3 July 2003 (OJ L 167, 4.7.2003, p. 13).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptation:

Switzerland shall collect the data required by this regulation from, at the latest, beginning of year 2006 onwards.

– **380 L 1119:** Council Directive 80/1119/EEC of 17 November 1980 on statistical returns in respect of carriage of goods by inland waterways (OJ L 339, 15.12.1980, p. 30).

– **395 L 0064:** Council Directive 95/64/EC, Euratom of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea (OJ L 320, 30.12.1995, p. 25), as amended by:

  – **398 D 0385:** Commission Decision 98/385/EC of 13 May 1998 (OJ L 174, 18.6.1998, p. 1),

  – **32000 D 0363:** Commission Decision 363/2000/EC of 28 April 2000 (OJ L 132, 5.6.2000, p.1).

– **32001 D 0423:** Commission Decision of 22 May 2001 on arrangements for publication or dissemination of the statistical data collected pursuant to Council

Directive 95/64/EC on statistical returns in respect of carriage of goods and passengers by sea (OJ L, 7.6.2001, p. 41).

– **32003 R 0437:** Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air (OJ L 066, 11.03.2003, p. 1), as amended by:

  – **32003 R 1358:** Commission Regulation (EC) No 1358/2003 of 31 July 2003 (OJ L 194, 1.8.2003, p. 9).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptation:

Switzerland shall collect the data required by this regulation from, at the latest, beginning of year 2006 onwards.

– **393 D 0704:** Council Decision 93/704/EC of 30 November l993 on the creation of a Community database on road accidents (OJ L 329, 30.12.1993, p. 63).

– **395 L 0057:** Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism (OJ L 291, 6.12.1995, p. 32).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptation:

Switzerland shall collect the data required by this Directive from, at the latest, 2007 onwards.

– **399 D 0035**: Commission Decision 1999/35/EC of 9 December 1998 on the procedures for implementing Council Directive 95/57/EC on the collection of statistical information in the field of tourism (OJ L 9, 15.1.1999, p. 23).

**Foreign trade statistics**

– **395 R 1172:** Council Regulation (EC) No 1172/95 of 22 May 1995 on the statistics relating to the trading of goods by the Community and its Member States with non-member countries (OJ L 118, 25.5.1995, p. 10), as amended by:

  – **397 R 0476**: Council Regulation (EC) No 476/97 of 13 March 1997 (OJ L 75, 15.3.1997, p. 1),

  – **398 R 0374:** Council Regulation (EC) No 374/98 of 12 February 1998 (OJ L 48, 19.2.1998, p. 6).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) For Switzerland the statistical territory shall comprise the customs territory;

(b) Switzerland shall not be bound to compile statistics of trade between Switzerland and Liechtenstein;

(c) The classification referred to in Article 8(2) shall be made at least down to first six digits;

(d) Article 10(1)(h), (j) shall not apply;

(e) Article 10(1)(i): The nationality of the means of transport crossing the frontier is only applicable for road transport;

– **32000 R 1917:** Commission Regulation No 1917/2000 of 07 September 2000 laying down certain provisions for the implementation of Council Regulation (EC) N° 1172/95 as regards statistics on external trade (OJ L229, 9.9.2000, p. 14), as amended by:

– **32001 R 1669:** Commission Regulation (EC) No 1669/2001 of 20 August 2001 (OJ L 224, 21.8.2001, p. 3).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) The reference to Regulation (EC) No 2454/96 in Article 6(1) is not applicable;

(b) The following new subparagraph shall be added to Article 7(1)(a):

"For Switzerland "country of origin" shall be taken to mean the country in which the goods originated within the meaning of the national rules of origin.";

(c) The following new subparagraph shall be added to Article 9(2):

"For Switzerland "the customs value" shall be defined within the respective national rules.";

(d) Article 11(2) is not applicable;

(e) Section 2 (Articles 16-19) is not applicable.

– **32002 R 1779:** Commission Regulation (EC) No 1779/2002 of 4 October 2002 on the nomenclature of countries and territories for the external trade statistics of the Community and statistics of trade between Member States (OJ L 269, 5.10.2002, p. 6).

**Statistical principles and confidentiality**

– **390 R 1588:** Council Regulation (EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities (OJ L 151, 15.6.1990, p. 1).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) The following new paragraph is added to Article 2:

"11. Staff of the Office of the EFTA Statistical Adviser: staff of the EFTA Secretariat working on the premises of the SOEC.";

(b) In the second sentence of Article 5(1), the term "SOEC" is replaced by "SOEC and of the Office of the EFTA Statistical Adviser";

(c) The following new subparagraph is added to Article 5(2):

"Confidential statistical data transmitted to the SOEC through the Office of the EFTA Statistical Adviser shall be accessible also to the staff of this Office.";

(d) In Article 6, the term "SOEC" shall, for these purposes, be read as to include the Office of the EFTA Statistical Adviser.

– **397 R 0322:** Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics (OJ L 52, 22.2.1997, p. 1).

– **32002 R 0831**: Commission Regulation (EC) No 831/2002 of 17 May 2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning access to confidential data for scientific purposes (OJ L 133, 18.5.2002, p. 7).

**Demographic and social statistics**

– **376 R 0311**: Council Regulation (EEC) No 311/76 of 9 February 1976 on the compilation of statistics on foreign workers (OJ L 39, 14.2.1976, p. 1).

– **398 R 0577:** Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community (OJ L 77, 14.3.1998, p. 3), as amended by:

– **32002 R 1991:** Regulation (EC) No 1991/2002 of the European Parliament and of the Council of 8 October 2002 (OJ L 308, 9.11.2002, p. 1),

– **32002 R 2104:** Commission Regulation (EC) No 2104/2002 of 28 November 2002 (OJ L 324, 29.11.2002, p. 14).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptation:

(a) Irrespective of the provisions of Article 1, Switzerland is permitted to carry out an annual survey until 2007;

(b) For Switzerland, irrespective of the provisions of Article 2(4), the sampling unit is an individual and the information concerning the other members of the household may include at least the characteristics listed under Article 4(1).

– **32000 R 1575:** Commission Regulation (EC) No 1575/2000 of 19 July 2000 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community concerning the codification to be used for data transmission from 2001 onwards (OJ L 181, 20.7.2000, p. 16).

– **32000 R 1897**: Commission Regulation (EC) No 1897/2000 of 7 September 2000 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community concerning the operational definition of unemployment (OJ L 228, 8.9.2000, p. 18)

– **32002 R 2104:** Commission Regulation (EC) No 2104/2002 of 28 November 2002 adapting Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community and Commission Regulation (EC) No 1575/2000 implementing Council Regulation (EC) No 577/98 as far as the list of education and training variables and their codification to be used for data transmission from 2003 onwards are concerned (OJ L 324, 29.11.2002, p. 14).

– **32003 R 0246:** Commission Regulation (EC) No 246/2003 of 10 February 2003 adopting the programme of ad hoc modules, covering the years 2004 to 2006, to the labour force sample survey provided by Council Regulation (EC) No 577/98 (OJ L 34, 11.2.2003, p. 3).

– **399 R 0530:** Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and labour costs (OJ L 63, 12.3.1999, p. 6).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) Switzerland shall collect the data required by this Regulation for the first time in 2008 for the statistics on the level and composition of labour costs and in 2006 for the statistics on the structure and distribution of earnings;

(b) For the years 2006 and 2008, Switzerland shall be permitted to provide data required in Article 6(1)(a), (2)(a) based on enterprises.

– **32000 R 0452:** Commission Regulation (EC) No 452/2000 of 28 February 2000 implementing Council Regulation (EC) No 530/1999 concerning structural statistics on earnings and on labour costs as regards quality evaluation on labour costs statistics (OJ L 55, 29.2.2000, p. 53).

– **32000 R 1916:** Commission Regulation (EC) No 1916/2000 of 8 September 2000 on implementing Council Regulation (EC) No 530/1999 concerning structural statistics on earnings and on labour costs as regards the definition and transmission of information on structure of earnings (OJ L 229, 9.9.2000, p. 3).

– **399 R 1726:** Commission Regulation (EC) No 1726/1999 of 27 July 1999 implementing Council Regulation (EC) No 530/1999 concerning structural statistics on earnings and on labour costs as regards the definition and transmission on information on labour costs (OJ L 203, 3.8.1999, p. 28).

– **32002 R 0072**: Commission Regulation (EC) No 72/2002 of 16 January 2002 implementing Council Regulation (EC) No 530/1999 as regards quality evaluation of structural statistics on earnings (OJ L 15, 17.1.2002, p. 7.).

– **32003 R 0450:** Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index (OJ L 069, 13.3.2003, p. 1), as amended by:

– **32003 R 1216:** Commission Regulation (EC) No 1216/2003 of 7 July 2003 (OJ L 169, 8.7.2003, p. 37).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

Switzerland shall compile the data required by this regulation for the first time at the beginning of 2007, and thereafter for each quarter.

– **32003 R 1177:** Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning community statistics on income and living conditions (EU-SILC) (OJ L 165, 3.7.2003, p. 1)

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptation:

Switzerland shall collect the data required by this Directive from, at the latest, 2007 onwards.

**Economic statistics**

– **32003 R 1287:** Council Regulation (EC, Euratom) No 1287/2003 of 15 July 2003 on the harmonisation of gross national income at market prices (GNI Regulation) (OJ L 181, 19.7.2003, p. 1).

– **395 R 2494:** Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonized indices of consumer prices (OJ L 257, 27.10.1995, p. 1).

For Switzerland the Regulation applies to the harmonization of consumer price indices for international comparisons. It is not relevant as regards the explicit purposes of calculating harmonized CPI's in the context of the Economic and Monetary Union.

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) Article 2c, as well as references to MUICP in Articles 8(1) and 11, are not applicable;

(b) Article 5(1)(a) is not applicable;

(c) Article 5(2) is not applicable;

(d) The consultation of the EMI as specified in Article 5(3) is not applicable;

(e) Switzerland shall supply data required by this Regulation, at the latest, with the index for January 2007 onwards.

– **396 R 1749:** Commission Regulation (EC) No 1749/96 of 9 September 1996 on initial implementing measures for Council Regulation (EC) No 2494/95 concerning harmonized indices of consumer prices (OJ L 229, 10.9.1996, p. 3), as amended by:

– **398 R 1687:** Council Regulation (EC) No 1687/98 of 20 July 1998 (OJ L 214, 31.7.1998, p.12).

– **398 R 1688:** Council Regulation (EC) No 1688/98 of 20 July 1998 (OJ L 214, 31.7.1998, p 23).

– **396 R 2214:** Commission Regulation (EC) No 2214/96 of 20 November 1996 concerning harmonized indices of consumer prices: transmission and dissemination of sub-indices of the HICP (OJ L 296, 21.11.1996, p. 8), as amended by:

– **399 R 1749:** Commission Regulation (EC) No 1749/1999 of 23 July 1999 (OJ L 214, 13.8.1999, p. 1), as corrected by OJ L 267, 15.10.1999, p. 59.

– **399 R 1617:** Commission Regulation (EC) No 1617/1999 of 23 July 1999 (OJ L 192, 24.7.1999, p. 9).

– **32001 R 1920**: Commission Regulation (EC) No 1920/2001 of 28 September 2001 (OJ L 261, 29.9.2001, p. 46), as corrected by OJ L 295, 13.11.2001, p. 34.

– **396 R 2223:** Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community (OJ L 310, 30.11.1996, p. 1), as amended by:

– **398 R 0448:** Council Regulation (EC) No 448/98 of 16 February 1998 (OJ L 58, 27.2.1998, p. 1).

– **32000 R 1500:** Commission Regulation (EC) No 1500/2000 of 10 July 2000 (OJ L 172, 12.7.2000, p. 3).

– **32000 R 2516:** Regulation (EC) No 2516/2000 of the European Parliament and of the Council of 7 November 2000 (OJ L 290, 17.11.2000, p. 1)

– **32001 R 0995:** Commission Regulation (EC) No 995/2001 of 22 May 2001 (OJ L 139, 23.05.2001, P. 3)

– **32001 R 2558:** Regulation (EC) No 2558/2001 of the European Parliament and of the Council of 3 December 2001 (OJ L 344, 28.12.2001, p. 1-4).

– **32002 R 0113:** Commission Regulation (EC) No 113/2002 of 23 January 2002 (OJ L 21, 24.1.2002, p. 3).

– **32002 R 1889:** Commission Regulation (EC) No 1889/2002 of 23 October 2002 (OJ L 286, 24.10.2002, p. 1).

– **32003 R 1267:** Regulation (EC) No 1267/2003 of the European Parliament and of the Council of 16 June 2003 (OJ L 180, 18.7.2003, p. 1).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) Switzerland shall be permitted to compile data by institutional units when the provisions of this Regulation refer to industry;

(b) Switzerland shall not be bound by the regional breakdown of the data as required by this Regulation;

(c) Switzerland shall not be bound by EU/third countries breakdown of exports and imports of services as required by this Regulation;

(d) Switzerland shall put into effect the measures necessary to allocate FISIM, at the latest, 2006 onwards;

(e) In Annex B, Derogations concerning the tables to be supplied in the framework of the questionnaire "ESA-95" by country, the following shall be added after point 15 (Iceland):

**"16. SWITZERLAND**

**16.1 Derogations for tables**

| Table No | Table | Derogation | Until |
|---|---|---|---|
| 1 | Main aggregates, annual and quarterly | Transmission for 1990 onwards | |
| 2 | Main aggregates of the general government | Transmission delay: t+8 months<br>Periodicity: annual<br>Transmission for 1990 onwards | Unlimited<br>Unlimited |
| 3 | Tables by industry | Transmission for 1990 onwards | |
| 4 | Exports and imports by EU/third countries | Transmission for 1998 onwards | |
| 5 | Household final consumption expenditure by purpose | Transmission for 1990 onwards | |
| 6 | Financial accounts by institutional sectors | Transmission for 1998 onwards | 2006 |
| 7 | Balance sheets for financial assets and liabilities | Transmission for 1998 onwards | 2006 |
| 8 | Non-financial accounts by institutional sectors | Transmission delay: t+18 months<br>Transmission for 1990 onwards | Unlimited |
| 9 | Detailed tax and social contributions receipts by sector | Transmission delay: t+18 months<br>Transmission for 1998 onwards | Unlimited |
| 10 | Tables by industry and region, NUTS II, A17 | No regional breakdown | |
| 11 | General government expenditure by function | Transmission for 2005 onwards<br>No Backward calculations | 2007 |
| 12 | Tables by industry and by region, NUTS III, A3 | No regional breakdown | |
| 13 | Household accounts by region, NUTS II | No regional breakdown | |
| 14-22 | In accordance to derogation (a) of the present Regulation, Switzerland shall be exempted to provide data for tables 14 to 22. | | |

– **398 D 0715:** Commission Decision 98/715/EC of 30 November 1998 clarifying Annex A to Council Regulation (EC) No 2223/96 on the European system of national and regional accounts in the Community as concerns the principles for measuring prices and volumes (OJ L 340, 16.12.1998, p. 33).

The Provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:

Article 3 (classification of methods by product) shall not apply to Switzerland.

– **397 D 0178:** Commission Decision 97/178/EC, Euratom of 10 February 1997 on the definition of a methodology for the transition between the European System of National and Regional Accounts in the Community (ESA 95) and the European System of Integrated Economic Accounts (ESA second edition) (OJ L 75, 15.3.1997, p. 44).

– **397 R 2454:** Commission Regulation (EC) No 2454/97 of 10 December 1997 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the quality of HICP weightings (OJ L 340, 11.12.1997, p. 24).

– **398 R 2646:** Commission Regulation (EC) No 2646/98 of 9 December 1998 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of tariffs in the Harmonized Index of Consumer Prices (OJ L 335, 10.12.1998, p. 30).

– **399 R 1617:** Commission Regulation (EC) No 1617/1999 of 23 July 1999 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of insurance in the Harmonized Index of Consumer Prices and modifying Commission Regulation (EC) No 2214/96 (OJ L 192, 24.7.1999, p. 9).

– **399 R 2166:** Council Regulation (EC) No 2166/1999 of 8 October 1999 laying down detailed rules for the implementation of Regulation (EC) No 2494/95 as regards minimum standards for the treatment of products in the health, education and social protection sectors in the Harmonised Index of Consumer Prices (OJ L 266, 14.10.1999, p. 1).

– **399 D 0622:** Commission Decision 1999/622/EC, Euratom of 8 September 1999 on the treatment of repayments of VAT to non-taxable units for their exempt activities, for the purpose of implementing Council Directive 89/130/EEC, Euratom on the harmonisation of the compilation of gross national product at market prices (OJ L 245, 17.9.1999, p. 51).

– **32000 R 2601:** Commission Regulation (EC) No 2601/2000 of 17 November 2000 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards the timing of entering purchaser prices into the Harmonised Index of Consumer Prices (OJ L 300, 29.11.2000, p. 16).

– **32000 R 2602:** Commission Regulation (EC) No 2602/2000 of 17 November 2000 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of price reductions in the Harmonised Index of Consumer (OJ L 300, 29.11.2000, p. 16), as amended by:

  – **32001 R 1921:** Commission Regulation (EC) No 1921/2001 of 28 September 2001 (OJ L 261, 29.9.2001, p. 49), as corrected by OJ L 295, 13.11.2001, p. 34.

– **32001 R 1920**: Commission Regulation (EC) No 1920/2001 of 28 September 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of service charges proportional to transaction values in the harmonised index of consumer prices and amending Regulation (EC) No 2214/96 (OJ L 261, 29.9.2001, p. 46), as corrected by OJ L 295, 13.11.2001, p. 34.

– **32001 R 1921**: Commission Regulation (EC) No 1921/2001 of 28 September 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for revisions of the harmonised index of consumer prices and amending Regulation (EC) No 2602/2000 (OJ L 261, 29.9.2001, p. 49), as corrected by OJ L 295, 13.11. 2001, p. 34.

**Nomenclatures**

– **390 R 3037:** Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Communities (OJ L 293, 24.10.1990, p. 1), as amended by:

  – **393 R 0761:** Commission Regulation (EEC) No 761/93 of 24 March 1993 (OJ L 83, 3.4.1993, p. 1).

  – **32002 R 0029**: Commission Regulation (EC) No 29/2002 of 19 December 2001 (OJ L 6, 10.1.2002, p. 3).

– **393 R 0696**: Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community (OJ L 76, 30.3.1993, p. 1).

– **393 R 3696:** Council Regulation (EEC) No 3696/93 of 29 October l993 on the statistical classification of products by activity (CPA) in the European Economic Community (OJ L 342, 31.12.1993, p. 1), as amended by:

  – **398 R 1232:** Commission Regulation (EC) No 1232/98 of 17 June 1998 (OJ L 177, 22.6.1998, p. 1).

  – **32002 R 0204**: Commission Regulation (EC) No 204/2002 of 19 December 2001 (OJ L 36, 6.2.2002, p. 1).

– **32003 R 1059:** Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

**Agricultural statistics**

– **396 L 0016:** Council Directive 96/16/EC of 19 March 1996 on statistical Surveys of milk and milk products (OJ L 78, 28.3.1996, p. 27).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptation:

Switzerland shall not be bound by the regional breakdown of the data as required by this Directive.

– **397 D 0080:** Commission Decision 97/80/EC of 18 December 1996 laying down provisions for the implementation of Council Directive 96/16/EC on statistical surveys of milk and milk products (OJ L 24, 25.1.1997, p. 26), as amended by:

  – **398 D 0582:** Council Decision 98/582/EC of 6 October 1998 (OJ L 281, 17.10.1998, p. 36).

– **388 R 0571:** Council Regulation (EEC) No 571/88 of 29 February 1988 on the organization of Community surveys on the structure of agricultural holdings between 1988 and 1997 (OJ L 56, 2.3.1988, p. 1), as amended by:

  – **396 R 2467:** Council Regulation (EC) No 2467/96 of 17 December 1996 (OJ L 335, 24.12.1996, p. 3).

  – **32002 R 143:** Commission Regulation (EC) No 143/2002 of 24 January 2002 (OJ L 024 , 26.1.2002, p.16).

  The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

  (a) In Article 4, the text beginning with “and insofar as they are important locally …” until “… the particular technical economic guidelines within the meaning of the same Decision” is not applicable;

  (b) In Article 6(2), the text "standard gross margin (SGM), within the meaning of Decision 85/377/EEC" is replaced by:

  "standard gross margin (SGM), within the meaning of Decision 85/377/EEC, or to the value of the total agricultural production";

  (c) Articles 10, 12, and 13, and Annex II shall not apply;

  (d) Switzerland shall not be bound by the typology referred to in Articles 6, 7, 8, 9 and Annex I of this Regulation. However, Switzerland shall transmit the necessary additional information allowing the reclassification according to this typology;

  (e) Irrespective of the provisions of the Regulation, Switzerland shall be permitted to carry out the survey in May and supply the data, at the latest, 18 months thereafter.

– **390 R 0837:** Council Regulation (EEC) No 837/90 of 26 March 1990 concerning statistical information to be supplied by the Member States on cereals production (OJ L 88, 3.4.1990, p. 1).

– **393 R 0959:** Council Regulation (EC) No 959/93 of 5 April 1993 concerning statistical information to be supplied by Member States on crop products other than cereals (OJ L 98, 24.4.1993, p. 1).

– **32003 R 0296:** Commission Regulation (EC) No 296/2003 of 17 February 2003 (OJ L 043, 18.2.2003, p. 18).

**Fishery statistics**

– **391 R 1382:** Council Regulation (EEC) No 1382/91 of 21 May 1991 on the submission of data on the landings of fishery products in Member States (OJ L 133, 28.5.1991, p. 1), as amended by:

  – **393 R 2104:** Council Regulation (EEC) No 2104/93 of 22 July 1993 (OJ L 191, 31.7.1993, p. 1).

– **391 R 3880:** Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 365, 31.12.1991, p. 1), as amended by:

  – **32001 R 1637:** Commission Regulation (EC) No 1637/2001 of 23 July 2001 (OJ L 222, 17.8.2001, p. 20).

– **393 R 2018:** Council Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic (OJ L 186, 28.7.1993, p. 1), as amended by:

  – **32001 R 1636:** Commission Regulation (EC) No 1636/2001 of 23 July 2001 (OJ L 222, 17.8.2001, p. 1).

– **395 R 2597:** Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 270, 13.11.1995, p. 1), as amended by:

  – **32001 R 1638:** Commission Regulation (EC) No 1638/2001 of 24 July 2001 (OJ L 222, 17.8.2001, p. 29).

– **396 R 0788:** Council Regulation (EC) No 788/96 of 22 April 1996 on the submission by Member States of statistics on aquaculture production (OJ L 108, 1.5.1996, p. 1).

**Energy statistics**

– **390 L 0377:** Council Directive 90/377/EEC of 29 June 1990 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users (OJ L 185, 17.7.1990, p. 16).

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptation:

Switzerland shall put into effect the measures necessary to comply with this Directive as from 1 January 2006.

## ANNEX B

## FINANCIAL RULES GOVERNING THE CONTRIBUTION OF SWITZERLAND REFERRED TO IN ARTICLE 8 OF THIS AGREEMENT

1. Determination of financial participation

1.1. Switzerland shall contribute financially, on an annual basis, to the Community Statistical Programme.

1.2. This contribution shall be based on three elements:

– The total cost of Eurostat **[Cost]**

– The number of Member States in the European Union **[# Members]**

– The proportion of the statistical programme in which Switzerland is deemed to participate **[prop]**

1.3. The financial contribution shall be:

**[Cost] * [prop] / [# Members]**

1.4. These shall be defined as follows:

1.4.1. The total cost of Eurostat shall be defined as the amount of commitment appropriations in the Statistics Policy Area (Title 29) of the Community Budget, according to the Activity Based Budgeting nomenclature. This shall comprise Management and Support Expenditure of Policy Area Statistics (Expenditure related to staff in active employment, External Staff and other management expenditure, Buildings and related expenditure and Support expenditure for operations) and the Financial Interventions in respect of the Production of Statistical Information. **[Cost]**

1.4.2. The number of Member States shall be defined as the number of Member States of the European Union on 1 January of the year in question. **[# Members]**

1.4.3. The proportion of the statistical programme in which Switzerland is deemed to participate is defined as the ratio of Eurostat's estimate of sum of the credits, allocated under Article 29 02 01 or successor Article of the Budget of the European Community of the modules of the Commission's Annual Statistical Programme in which Switzerland participates, divided by the total of all credits allocated to Article 29 02 01 or successor Article. **[prop]**

1.5. A draft calculation of this financial contribution shall be made immediately after the adoption of the Preliminary Draft Budget of the European Union for the year in question. The final calculation shall be made immediately after the adoption of the Budget for that year.

2. Payment procedures

2.1. The Commission shall issue, at the latest on 15 March and 15 June each financial year, a call for funds to Switzerland corresponding to its contribution under this Agreement. These calls for funds shall provide respectively for the payment:

Of six twelfths of Switzerland's contribution not later than 20 April, and

Six twelfths of its contribution not later than 15 July.

2.2. The contributions of Switzerland shall be expressed and paid in euros.

2.3. Switzerland shall pay its contribution under this Agreement according to the schedule in paragraph 2.1. Any delay in payment shall give rise to the payment of interest at a rate equal to the one-month Euro inter-bank offered rate (EURIBOR) on the due date as on page 248 of Telerate. This rate shall be increased by 1.5% for each month of delay. The increased rate shall be applied to the entire period of delay. However, the interest shall be due only in respect of any contribution paid more than thirty days after the scheduled payment dates mentioned in paragraph 2.1.

2.4. Costs incurred by Swiss representatives and experts participating in meetings convened by the Commission under this agreement shall not be reimbursed by the Commission. As stated in Article 6.2, the costs associated with the secondment of Swiss national officials to Eurostat shall be borne entirely by Switzerland.

Subject to an agreement between EUROSTAT and the Swiss Federal Statistical Office, Switzerland may deduct from its financial contribution the cost for seconded national experts. The maximum amount to be deducted for each official shall not exceed the maximum deducted for officials from EEA-EFTA countries being seconded to Eurostat under the EEA agreement. This sum shall be agreed on an annual basis.

2.5. Payments effected by Switzerland shall be credited as budgetary revenue earmarked to the corresponding budget line of the statement of revenue of the General Budget of the European Community. The Financial Regulation applicable to the General Budget of the European Communities shall apply to the management of appropriations.

3. Conditions for implementation

3.1. The financial contribution of Switzerland in accordance with Article 8 of this Agreement shall normally remain unchanged for the financial year in question.

3.2. The Commission, at the time of the closure of the accounts relating to each financial year (n), within the framework of the establishment of the revenue and expenditure account, shall proceed to the regularisation of the accounts with respect to the participation of Switzerland, taking into consideration modifications resulting from transfers, cancellations, carry-overs, or by supplementary and amending budgets during the financial year. This regularisation shall be made in the framework of the establishment of the budget for the following year (n+2) and should be reflected in the call for funds.

4. Information

4.1. At the latest on 31 May of each financial year (n+1), the statement of appropriations corresponding to Eurostat's operational and administrative financial obligations, related to the previous financial year (n), shall be prepared and transmitted to Switzerland for information, according to the format of the Commission's revenue and expenditure account.

4.2. The Commission shall communicate to Switzerland all other general financial data relating to Eurostat which is made available to EFTA-EEA States.

Final Act

The Plenipotentaries

of the EUROPEAN COMMUNITY

and

of the SWISS CONFEDERATION

meeting on (…) in (…) for the signature of the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics took note of the Declaration of the Council on Swiss attendance of committees which is attached to the Final Act.

*Done at (...) in (...)*

*For the European Community*

*For the Swiss Confederation*

**Declaration of the Council**

**on Swiss attendance of committees**

The Council agrees that Switzerland's representatives, as from the start of the cooperation in connection with the programmes and actions referred to in Article 5 paragraph 2 of this Agreement, shall, insofar as the items concern them, participate fully without the right to vote in the committees and other bodies which assist the Commission of the European Communities in the management and development of these programmes and actions.

In case of other committees dealing with areas covered by this Agreement in which Switzerland has adopted either the acquis communautaire or equivalent measures, the Commission will consult Swiss experts by the method specified in Article 100 of the EEA Agreement.