

## 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 cooperation 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 cooperation;

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) established 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. This 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 Decisions of the European Parliament and of the Council, 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 drawn up by the Commission in accordance with the Decision of the European Parliament and of the Council 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 this 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 Community 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 statistical services involved.

#### 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 this 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**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions 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. This Agreement shall cease to be in force six months after the date of such notification.

*Article 14***Authentic texts**

1. This Agreement shall be 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.

2. The Maltese language version shall be authenticated by the Contracting Parties on the basis of an Exchange of Letters. It shall also be authentic, in the same way as for the languages referred to in paragraph 1.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have hereunto set their hands.

Hecho en Luxemburgo, el veintiséis de octubre de dos mil cuatro.

V Lucemburku dne dvacátého šestého října dva tisíce čtyři.

Udfærdiget i Luxembourg den seksogtyvende oktober to tusind og fire.

Geschehen zu Luxemburg am sechszwanzigsten Oktober zweitausendundvier.

Kahe tuhanda neljanda aasta oktoobrikuu kahekümne kuuendal päeval Luxembourgis.

Έγινε στο Λουξεμβούργο, στις είκοσι έξι Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Luxembourg on the twenty-sixth day of October in the year two thousand and four.

Fait à Luxembourg, le vingt-six octobre deux mille quatre.

Fatto a Lussemburgo, addì ventisei ottobre duemilaquattro.

Luksemburgā, divi tūkstoši ceturtdā gada divdesmit sestajā oktobrī.

Priimta du tūkstančiai ketvirtų metų spalio dvidešimt šeštą dieną Liuksemburge.

Kelt Luxembourgban, a kettőezer-negyedik év október havának huszonhatodik napján.

Magħmula fil-Lussemburgu fis-sitta u għoxrin jum ta' Ottubru tas-sena elfejn u erbgha.

Gedaan te Luxemburg, de zesentwintigste oktober tweeduizendvier.

Sporządzono w Luksemburgu, dnia dwudziestego szóstego października roku dwa tysiące czwartego.

Feito no Luxemburgo, em vinte e seis de Outubro de dois mil e quatro.

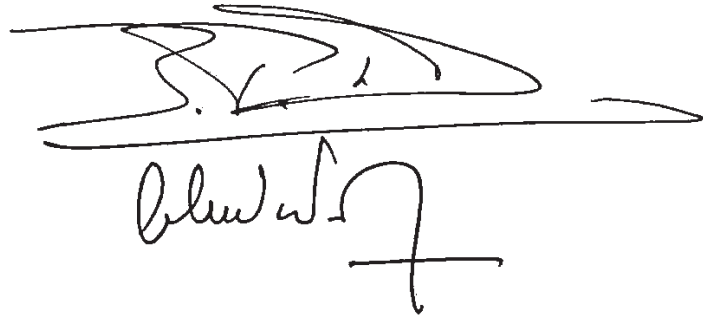
V Luxemburgu dvadsiateho šiesteho oktobra dvetisícštyri.

V Luxembourggu, dne šestindvajsetega oktobra leta dva tisoč štiri

Tehty Luxemburgissa kahdentenäkymmenentenäkuudentena päivänä lokakuuta vuonna kaksituhattaneljä.

Som skedde i Luxemburg den tjugosjätte oktober tjugohundrafyra.

Por la Comunidad Europea  
Za Evropské společenství  
For Det Europæiske Fællesskab  
Für die Europäische Gemeinschaft  
Euroopa Ühenduse nimel  
Για την Ευρωπαϊκή Κοινότητα  
For the European Community  
Pour la Communauté européenne  
Per la Comunità europea  
Eiropas Kopienas vārdā  
Europos bendrijos vardu  
az Európai Közösség részéről  
Għall-Komunità Ewropea  
Voor de Europese Gemeenschap  
W imieniu Wspólnoty Europejskiej  
Pela Comunidade Europeia  
Za Európske spoločenstvo  
za Evropsko skupnost  
Euroopan yhteisön puolesta  
På Europeiska gemenskapens vägnar



Für die Schweizerische Eidgenossenschaft  
Pour la Confédération suisse  
Per la Confederazione svizzera

