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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.7.2009
COM(2009) 413 final

Proposal for a

COUNCIL DECISION

on the Community position on a Decision of the Joint Committee established under the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics, amending Annex B to the Agreement

EXPLANATORY MEMORANDUM

The Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics¹ ('the Agreement') entered into force on 1 January 2007. The Community is represented by the Commission.

Article 3 of the Agreement establishes a 'Community/Switzerland Statistical Joint Committee' ('the Joint Committee') responsible for the administration of this Agreement and for ensuring its proper implementation.

Article 2 of Decision 2006/233/EC stipulates that the Community is to be represented by the Commission and that the position to be taken by the Community on the Joint Committee is to be adopted by the Council for matters relating to the financial contribution of Switzerland.

Article 4 of the Agreement provides that the Joint Committee may decide to revise Annex B to the Agreement concerning the rules governing Switzerland's financial contribution.

The experience gained since the start of implementation of the Agreement in 2007 has demonstrated the need to adapt Annex B in order to simplify its application and reduce the corresponding administrative burden.

This proposal has financial implications for the Community budget, since it provides for simplification of the method for calculating the Swiss contribution. This change does not entail any immediate change in revenue, which is foreseen to stay at a similar level.

The Decision of the Joint Committee is to be published in the Official Journal of the European Union.

¹ OJ L 90, 28.3.2006, p.2.

Proposal for a

COUNCIL DECISION

on the Community position on a Decision of the Joint Committee established under the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics, amending Annex B to the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2006/233/EC² of 27 February 2006 on the conclusion of an Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics (hereinafter referred to as ‘the Agreement’), and in particular Article 2 thereof,

Having regard to the proposal from the Commission³,

Whereas:

- (1) Article 3 of the Agreement establishes a Committee composed of representatives of the European Community and the Swiss Confederation, to be known as the ‘Community/Switzerland Statistical Committee’ (hereinafter referred to as ‘the Joint Committee’).
- (2) Article 2 of Decision 2006/233/EC stipulates that the position to be taken by the Community as regards decisions of the Joint Committee is to be adopted by the Council, acting by qualified majority on a proposal from the Commission, for matters relating to the financial contribution of Switzerland.
- (3) In order to cover the entirety of the costs of its participation, Switzerland is to contribute financially to the Community Statistical Programme on an annual basis.
- (4) Article 4 of the Agreement provides that the Joint Committee may decide to revise Annex B to the Agreement concerning the rules governing Switzerland’s financial contribution.
- (5) The experience gained since the start of the implementation of the Agreement demonstrated the need to simplify its financial application and reduce the corresponding administrative burden while maintaining the Switzerland's financial contribution at a similar level. Consequently Annex B to the Agreement should be revised,

² OJ L 90, 28.3.2006, p. 1.

³ OJ C , , p. .

HAS DECIDED AS FOLLOWS:

Article 1

The position to be adopted by the European Community on a Decision by the Joint Committee amending Annex B to the Agreement shall be based on the draft Joint Committee Decision annexed to this Decision.

Article 2

The Joint Committee Decision shall be published in the Official Journal of the European Union.

Done at Brussels,

*For the Council
The President*

ANNEX

- D R A F T -

Decision of the Community/Switzerland Statistical Committee

No 1/2009 of 2009

**amending Annex B to the Agreement between the
European Community and the Swiss Confederation on cooperation in the field of
statistics**

THE COMMUNITY/SWITZERLAND STATISTICAL COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics⁴, and in particular Article 4 (4) thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation entered into force on 1 January 2007 and contains Annex B concerning the rules governing Switzerland's financial contribution.
- (2) The experience gained since the start of the implementation of the Agreement has demonstrated the need to simplify its financial application and reduce the corresponding administrative burden. Consequently, Annex B should be revised,

HAS DECIDED AS FOLLOWS:

Article 1

Annex B to the Agreement is replaced by the Annex to this Decision.

Article 2

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

Done at Luxembourg,

For the Joint Committee

The Head of the EC Delegation

The Head of the Swiss Delegation

⁴ OJ L 90, 28.3.2006, p. 2.

ANNEX B

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

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 two elements:

— The total cost of Eurostat [Cost]

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

1.3. The financial contribution shall be: $[\text{Cost}] / [\# \text{Members}]$

1.4. These elements shall be defined as follows:

1.4.1. The total cost of Eurostat shall be defined as 85% of the amount of commitment appropriations in the Statistics Policy Area (Title 29) of the Budget of the European Union, 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 on the year in question. [# Members]

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 June each financial year, a call for funds to Switzerland corresponding to its contribution under this Agreement. This call for funds shall provide for the payment of its contribution not later than 15 July. Any delay in the issuance of the call for funds shall give rise to a corresponding deferral of the scheduled payment date, to allow for a payment period of at least thirty days.

2.2. The contribution of Switzerland shall be expressed and paid in euro.

2.3. Switzerland shall pay its contribution under this Agreement in accordance with the schedule in point 2.1. Any delay in payment shall give rise to the payment of interest at the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the Official Journal of the European Union, in force on the first calendar day of the month in which the due date falls, increased by 1.5 percentage points. 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 date mentioned in point 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 by the Joint Committee.

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 Union. The Financial Regulation⁵ 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 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 EEA-EFTA States.

⁵ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002 p. 1).

LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS HAVING A BUDGETARY IMPACT EXCLUSIVELY LIMITED TO THE REVENUE SIDE

1. NAME OF THE PROPOSAL:

Decision amending Annex B to the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics.

2. BUDGET LINES:

Chapter and Article: 29.0203 'Community Statistical Programme 2008-2012'

Amount budgeted for the year concerned: €3.8m

3. FINANCIAL IMPACT

- Proposal has no financial implications
- Proposal has no financial impact on expenditure, but has a financial impact on revenue – the effect is as follows:

(€million to one decimal place)

Budget line	Revenue ⁶	12 month period, starting 01/01/2009
Article 29.0203	<i>Impact on own resources</i>	3.8
Article ...	<i>Impact on own resources</i>	

Situation following action					
	[n+1]	[n+2]	[n+3]	[n+4]	[n+5]
Article 29.0203	3.8	3.8	3.9	3.9	3.9

⁶ Regarding traditional own resources (agricultural duties, sugar levies, customs duties) the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % collection costs.

4. OTHER REMARKS

The objective of this proposal is to simplify the method of calculating the contribution of Switzerland to the Community Statistical Programme.

This contribution will not be dependent on the establishment of a specific annual work programme between the Community and Switzerland but will be a fixed percentage.

This proposal has financial implications for the Community budget since it provides for simplification of the method for calculating the Swiss contribution. This change does not entail any immediate change in revenue, which is foreseen to stay at a similar level. The fixed percentage (85%) corresponds to the usual level of participation by Switzerland in the Community Statistical Programme and the estimation until 2013 is that the financial amount for the Programme will remain more or less the same.

Switzerland's financial contribution since the start of implementation of the Agreement has varied between €3.6m and €3.8m per year, which corresponds to about 85 % of the Statistical Programme.

It should be noted that entities established in Switzerland can 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 **are not entitled to receive any financial contribution from Eurostat.**

The costs associated with the secondment of Swiss national experts to Eurostat, including salaries, social security costs, pension provision, and daily and travel allowances, **are borne entirely by Switzerland.**