



**COUNCIL OF  
THE EUROPEAN UNION**



Luxembourg, 26 October 2004  
12896/04 (Presse 281)

## **SIGNATURE OF A NUMBER OF AGREEMENTS WITH THE SWISS CONFEDERATION**

The signature of a nine new Agreements with the Swiss Confederation took place today in Luxembourg, as a follow up to the Conclusions of the EU - Switzerland Summit meeting, which took place in Brussels on 19 May 2004.

On the Swiss side, the Agreements were signed by *Mr Joseph DEISS, President of the Federal Council of the Swiss Confederation*.

On the EU side, the Agreements were signed by *Mr Piet Hein DONNER, Minister for Justice of the Netherlands*, and by *Mr Jonathan FAULL, Director General JHA of the European Commission*.

Member States Ministers were also invited to sign the Agreement on fight against fraud, as well as the Memorandum of Understanding accompanying the Agreement on taxation of savings (see below).

# **P R E S S**

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These Agreements concern the following areas:

**1. AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION PROVIDING FOR MEASURES EQUIVALENT TO THOSE LAID DOWN IN COUNCIL DIRECTIVE 2003/48/EC ON TAXATION OF SAVINGS INCOME IN THE FORM OF INTEREST PAYMENTS AND A MEMORANDUM OF UNDERSTANDING**

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON THE DATE OF APPLICATION OF THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION PROVIDING FOR MEASURES EQUIVALENT TO THOSE LAID DOWN IN COUNCIL DIRECTIVE 2003/48/EC OF 3 JUNE 2003 ON TAXATION OF SAVINGS INCOME IN THE FORM OF INTEREST PAYMENTS**

By means of this agreement the Swiss side undertakes to apply, as from 1 July 2005, measures equivalent to those laid down in the EU's Savings Tax Directive and to those negotiated with four other European countries and 10 dependent and associated territories of respectively the UK and the Netherlands . The equivalent measures include a withholding tax on savings-interests paid to residents of EU Member States; a mechanism that allows revenue sharing between Switzerland and the Member State of residence of the recipient of the interest; voluntary disclosure of information regarding interest payments if the taxpayer so agrees; and the exchange of information on request in cases of tax fraud or the like. The agreement also contains a review clause allowing its terms to be adapted in line with international developments.

**2. AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE ONE PART, AND THE SWISS CONFEDERATION, OF THE OTHER PART, TO COUNTER FRAUD AND ALL OTHER ILLEGAL ACTIVITIES AFFECTING THEIR FINANCIAL INTERESTS**

According to this Agreement both sides will grant each other judicial co-operation and administrative assistance on fraud and all other illegal activities, including customs and indirect tax offences in connection with the trade of goods and services. Co-operation against money laundering will be improved considerably, covering in particular also serious cases of fraud and smuggling.

**3. AGREEMENT BETWEEN THE EUROPEAN UNION, THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION, CONCERNING THE LATTER'S ASSOCIATION WITH THE IMPLEMENTATION, APPLICATION AND DEVELOPMENT OF THE SCHENGEN ACQUIS.**

This Agreement is intended to link Switzerland to the Schengen area. This implies that once the Agreement has been ratified and the necessary measures have been adopted by the Swiss side, the border controls on persons between Switzerland and the Member States participating in Schengen will be lifted. The position of Switzerland becomes by large similar to that of Iceland and Norway. Hence, the Agreement provides that Switzerland will be involved in all discussions taking place in the Council as far as the further development of the Schengen acquis is concerned. However, the adoption of new measures will remain a prerogative of the Council while Switzerland will take on board these measures through the procedures provided for by the Agreement.

**4. AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND SWITZERLAND, CONCERNING THE CRITERIA AND MECHANISMS FOR ESTABLISHING THE STATE RESPONSIBLE FOR EXAMINING A REQUEST FOR ASYLUM LODGED IN A MEMBER STATE OR IN SWITZERLAND.**

The aim of the Agreement is to link Switzerland to the "Dublin" acquis and the Eurodac legislation and to formulate the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland. The Agreement is complementary to the Schengen Agreement and its structure is broadly comparable. With this Agreement, the position of Switzerland becomes by large similar to that of Iceland and Norway.

**5. AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION AMENDING THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE SWISS CONFEDERATION OF 22 JULY 1972 AS REGARDS THE PROVISIONS APPLICABLE TO PROCESSED AGRICULTURAL PRODUCTS**

This Agreement aims at updating the Protocol No 2 of the bilateral Free Trade Agreement in accordance with the results of the Uruguay Round and at adapting its product coverage. It also intends to resolve outstanding problems affecting trade, all of them taking account of the existing trade arrangements for basic agricultural products. The Agreement also renders permanent the transitional measures agreed with the Swiss authorities in connection with the implementation of the agreement reached in view to maintain the trade flow between the Swiss Confederation and the new Member States after enlargement of the European Union as of 1<sup>st</sup> May 2004 and to improve reciprocal market access for processed agricultural products.

**6. AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION IN THE FIELD OF STATISTICS.**

With this Agreement, Switzerland will be participating in many aspects of the Community Statistical Programme (attendance at certain meetings, publication of data on Switzerland in EU publications, etc.). Moreover, Switzerland will participate in the European Statistical System and adopt a large proportion of the statistical *acquis communautaire*.

**7. AGREEMENT BETWEEN THE COMMUNITY AND THE SWISS CONFEDERATION IN THE AUDIOVISUAL FIELD, ESTABLISHING THE TERMS AND CONDITIONS FOR THE PARTICIPATION OF THE SWISS CONFEDERATION IN THE COMMUNITY PROGRAMMES MEDIA PLUS AND MEDIA TRAINING.**

Switzerland is the first *European* country which is neither a member of the EEA nor a candidate country to take part in these Programmes. The Agreement defines the conditions to be met by the Swiss broadcasting regulatory framework, as well as other relevant arrangements, that will have to be in force as of the moment the Agreement comes into force. Moreover, projects and initiatives submitted by participants from Switzerland will be subject to the same conditions, rules and procedures pertaining to these Programmes as are applied to Member States. Switzerland will conform to Community provisions, including controls by Community bodies.

**8. AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION CONCERNING THE LATTER'S PARTICIPATION IN THE EUROPEAN ENVIRONMENT AGENCY AND THE EUROPEAN ENVIRONMENT INFORMATION AND OBSERVATION NETWORK.**

This Agreement grants to Switzerland conditions for participation, similar to those governing the participation of the current non-EU Member States of the Agency (Liechtenstein, Iceland and Norway), as well as to those which were negotiated for the participation of the candidate countries. Switzerland takes full part in the work programme of the Agency and will comply with the obligations of the Agency Regulation by establishing the appropriate infrastructure for providing uniform environmental data and information on the state of the environment in its territory.

**9. PROTOCOL TO THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE ONE PART AND THE SWISS CONFEDERATION, OF THE OTHER, ON THE FREE MOVEMENT OF PERSONS, REGARDING THE PARTICIPATION, AS CONTRACTING PARTIES, OF THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA, THE REPUBLIC OF CYPRUS, THE REPUBLIC OF LATVIA, THE REPUBLIC OF LITHUANIA THE REPUBLIC OF HUNGARY, THE REPUBLIC OF MALTA, THE REPUBLIC OF POLAND, THE REPUBLIC OF SLOVENIA.**

This Protocol provides for the accession of the new Member States of the EU as Contracting Parties to the existing Agreement on the free movement of persons, which entered into force on 1 June 2002. It foresees special transition periods for employed workers and service providers, who are nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic. These transition periods will end on 30 April 2011, at the latest. Furthermore, this Protocol introduces adaptations concerning real estate acquisitions, as well as technical adaptations, in particular with respect to Social Security Schemes and Mutual Recognition of Professional Qualifications.

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