

Appendix II: Criteria Used to Select Cases Pertaining to Treaty Law

The following list sets out the types of keywords we marked as precise in our list of broad keywords pertaining to treaties (on these two types of keywords, see Appendix I).

Precise keywords are:

- Keywords that designate a specific treaty:
 - o e.g. “EFTA-Übereinkommen”;
 - o not keywords that merely mention a “treaty” (e.g. “Übereinkommen”), or a word containing the word treaty without providing additional details (e.g. “abkommensrechtlich”);
 - o not keywords pointing to a potential treaty, or to a treaty that has never been signed or ratified (e.g. “les Etats qui auraient conclu un accord avec la Suisse” ; “en l’absence de tout accord entre la Suisse et les Etats-Unis”);
 - o not keywords containing an adjective describing a treaty, without designating a specific treaty (e.g. “bilateral treaty”, “multilateral treaty”, “accordi settoriali”);
 - o not keywords with one word related to a treaty followed by a date (e.g. “accord du [date]”);
 - o when in doubt, we looked up the keyword to check if it pertained to a treaty (e.g. “Versicherungsabkommen” pertains to a treaty between Switzerland and the EU).
- Keywords referring to the subject matter of a treaty in specific terms, provided that the qualitative check confirmed that the keyword was relevant:
 - o e.g. “accord de double imposition”, “accord de libre circulation”, “accord de libre-échange”, “accord d’extradition”, “accord de non-extradition”,

- “accord de siege”, “accord du GATT”, “accord EEE”, “accord OMC”, “accord Schengen”, “accord TRIPS”, “accord UBS”, “accord d’exécution”,¹ “Adoptionsübereinkommen”, “Amsthilfeabkommen”, “Assoziationsabkommen”, “convention d’établissement”, “convention no [...] de l’OIT”, “traités des droits de l’homme”;
- not keywords mentioning the subject matter of a treaty in general terms (e.g. “accord commercial”, “accord d’émigration”, “accord fiscal”, “accordo ferroviario”, “accord frontalier”);
 - not when the context shows that no treaty is at stake (e.g. “ont donné leur accord à la réextradition”).
- Keywords mentioning the title of the treaty, if a qualitative search establishes that the keyword is relevant:
- e.g. “Convention pour l’établissement...”, “Convention pour l’unification”, “traité de protection [des investissements]”;
 - not keywords that are followed by a preposition without additional information as to the title (“Convention relative”, “traités en matière”).
- Keywords pointing to the place of conclusion of a specific treaty:
- e.g. “accords de Dublin”, “Brüsseler Abkommen”;
 - not keywords pointing to the geographic (including regional) scope or origin of the treaty (e.g. “accords européens”);
 - not keywords pertaining to EU law (e.g. “trattato di Amsterdam”, “traité de Lisbonne”).
- Keywords concerning a treaty between Switzerland and another IO (including the EU):
- e.g. “accord CH-CE”, “accord CEE”.

¹ For terms pertaining to enforcement (Vollstreckung, exécution), and given the relatively high number of hits, the keyword was assumed to be relevant.

- Keywords designating a treaty with another State, provided that the qualitative check confirms that it is a treaty that is at stake:
 - e.g. “convention italo-suisse”, “accord entre la Suisse et l’Italie”, “accord franco-suisse”, “accordo fra la Svizzera e l’Italia”;
 - not keywords mentioning the parties to an agreement in general terms (e.g. “accord entre les Etats”, “accord entre les gouvernements”, “accord intergouvernemental”, “accord entre une organisation internationale et la Confédération”, “traités avec l’étranger”).