COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.4.2003
COM(2003) 192 final

Proposal for a

COUNCIL DECISION

concerning the Community position on the establishment and terms of reference of the working groups of the Joint Committee on Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

Proposal for a

COUNCIL DECISION

concerning the Community position on the adoption of the Rules of Procedure of the Joint Committee on Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(presented by the Commission)

Proposal for a

COUNCIL DECISION

concerning the Community position on the establishment and terms of reference of the working groups of the Joint Committee on Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Decision 2002/309/EC, Euratom of the Council and of the Commission as regards the Agreement on Scientific and Technological Cooperation of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation[1], and in particular the first subparagraph of Article 5(2) thereof,

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

Whereas:

(1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as the "Agricultural Agreement") entered into force on 1 June 2002.

(2) Article 6 of the Agricultural Agreement sets up a Joint Committee on Agriculture to be responsible for the administration of the Agreement and ensure its proper functioning.

(3) Article 6(7) of the Agricultural Agreement lays down that the Joint Committee is to set up the working groups needed to administer the Annexes to the Agreement.

(4) The Community must decide on the position to be adopted within the Joint Committee regarding the setting-up of the Working Groups and the adoption of their terms of reference,

HAS DECIDED:

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1 OJ L 114, 30.4.2002, p. 1.

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

Sole Article

The position to be adopted by the Community within the Joint Committee set up by Article 6 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, regarding the setting-up of Working Groups and the adoption of the terms of reference of those Groups, shall be based on the draft Decision of the Joint Committee, which is annexed to this Decision.

Done at Brussels,

For the Council
The President

ANNEX

Proposal for

DECISION N° 2/2003 OF THE JOINT COMMITTEE ON AGRICULTURE SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS

concerning the setting-up of the Working Groups and the adoption of the terms of reference of those Groups

THE COMMITTEE,

Having regard to the Agreement between the European Community, of the one part, and the Swiss Confederation, of the other part, on trade in agricultural products (hereinafter referred to as "the Agreement"), and in particular Article 6(7) thereof,

Whereas that Agreement entered into force on 1 June 2002,

HAS DECIDED:

Sole Article

The following Working Groups shall be set up under the Agreement:

– Working Group on Plant Health,

– Working Group on Animal Feed,

– Working Group on Seeds,

– Working Group on Wine-Sector Products,

– Working Group on Spirit Drinks,

– Working Group on Organic Products,

– Working Group on Fruit and Vegetables,

– Working Group on PDOs and PGIs,

– Working Group on Cheeses and Yogurt,

– Working Group on Enlargement.

The respective terms of reference of these Working Groups are contained in the Annex to this Decision.

Done at Brussels,

For the Joint Committee on Agriculture

ANNEX

Working Group on Plant Health

Basis in the Agreement (Annex 4)

Article 10 of Annex 4 on plant health.

Terms of reference of the Working Group according to Articles 3, 5, 8 and 10

- assess the consequences for Annex 4 to the Agreement of changes in legislation on plant-health measures with a view to proposing any amendments to the relevant Appendices (Article 3);
- propose, on the basis of best practice in the field, the percentage of checks to be conducted at borders on consignments of plants subject to plant-health sampling checks, and propose a reduction in this percentage (Article 5);
- propose the procedure for joint checks at borders (Article 8);
- consider all matters which may arise in connection with Annex 4 and its implementation; periodically consider the state of the laws and regulations of the two Parties and put forward proposals with a view to adapting and updating the Appendices to Annex 4 (Article 10).

Working Group on Animal Feed

Basis in the Agreement (Annex 5)

Article 11 of Annex 5 on animal feed.

Terms of reference of the Working Group according to Article 11

- consider all matters which may arise in connection with Annex 5 and its implementation;
- periodically consider the state of the domestic laws of the two Parties;
- put forward proposals with a view to updating the Appendices to Annex 5.

Working Group on Seeds

Basis in the Agreement (Annex 6)

Article 9 of Annex 6 on seeds.

Terms of reference of the Working Group according to Articles 5, 8 and 9

- technical consultations with a view to assessing the data on which acceptance of a given variety is based; cooperation concerning the registration of varieties in the catalogue (Article 5);
- comparative trials in the Parties (Article 8);

- consider all matters which may arise in connection with Annex 6 and its implementation; periodically consider the state of the laws and regulations of the two Parties and put forward proposals with a view to adapting and updating the Appendices to Annex 6 (Article 9).

Working Group on Wine-Sector Products

Basis in the Agreement (Annex 7)

Article 27 of Annex 7 on wine-sector products.

Terms of reference of the Working Group according to Article 27

- The Working Group shall periodically consider the state of the domestic laws and regulations of the Parties in the fields covered by Annex 7.

- It may in particular put forward proposals to the Joint Committee with a view to adapting and updating the Appendices to Annex 7 and, if necessary, proposals aimed at adapting the Annex itself.

Working Group on Spirit Drinks

Basis in the Agreement (Annex 8)

Article 17 of Annex 8 on the mutual recognition and protection of names of spirit drinks and aromatised wine-based drinks.

Terms of reference of the Working Group according to Article 17

- The Working Group shall consider all issues which may arise in connection with the implementation of Annex 8.

- In particular, it may make recommendations to the Joint Committee to contribute to the attainment of the objectives of Annex 8 and, if necessary, make proposals aimed at adapting the Annex itself.

Working Group on Organic Products

Basis in the Agreement (Annex 9)

Article 8 of Annex 9 on organically produced agricultural products and foodstuffs.

Terms of reference of the Working Group according to Article 8

1. The Working Group on Organic Products, hereinafter called the "Working Group", set up pursuant to Article 6(7) of the Agreement, shall consider all matters which may arise in connection with this Annex and its implementation.

2. The Working Group shall periodically consider the state of the respective laws and regulations of the Parties in the fields covered by this Annex. It shall be responsible in particular for:

- verifying that the Parties' laws and regulations are equivalent with a view to their inclusion in Appendix 1;

- recommending to the Committee, where necessary, that the requisite implementing rules be included in Appendix 2 with a view to ensuring consistent implementation of the laws and regulations covered by this Annex in the respective territory of the Parties;

- recommending to the Committee that the scope of this Annex be extended to products other than those covered by Article 2(1).

Working Group on Fruit and Vegetables

Basis in the Agreement (Annex 10)

Article 6 of Annex 10 on recognition of conformity checks for fruit and vegetables subject to marketing standards.

Terms of reference of the Working Group according to Article 6

1. The Working Party on Fruit and Vegetables set up under Article 6(7) of the Agreement shall consider any matter arising in connection with this Annex and its implementation. It shall periodically review the Parties' internal laws and regulations in the fields covered by this Annex.

2. It shall in particular put forward proposals to the Committee with a view to adapting and updating the Appendix to this Annex.

3. It may appoint external experts if required in order to comply with its terms of reference.

Working Group on Cheeses and Yogurt

Basis in the Agreement (Annexes 2 and 3)

Annex 2 (concessions granted by the Community) where yogurt is concerned and Annex 3 (concessions regarding cheese), points 3 to 5.

Terms of reference of the Working Group

- evaluate market conditions, and bilateral trade in cheese and milk products;

- consider periodically and reciprocally the state of laws and regulations, and exchange information regularly;

- examine the system for allocating quotas for cheese and yogurt;

- put forward proposals with a view to facilitating trade arrangements and, if necessary, make suggestions to the Joint Committee.

Working Group on PDOs and PGIs

Basis in the Agreement

Joint Declaration on the protection of geographical indications and designations of origin of agricultural products and foodstuffs (Appendix D to the Agreement).

Terms of reference of the Working Group

According to the above Declaration, the Parties shall provide for the incorporation of provisions on the mutual protection of PDOs and PGIs. It is specified that such incorporation should take place after Article 17 (simplified procedure) of Regulation (EEC) No 2081/92 has been fully applied as regards the Community as constituted at present. In the meantime, the Joint Committee shall be kept regularly informed of the progress of the work in this area.

Consequently, it is proposed that a Working Group be set up on an exploratory basis for the purposes of the mutual protection of PDOs and PGIs. This Working Group for PDOs and PGIs shall consider all matters which may arise in connection with the mutual protection of PDOs and PGIs and shall exchange the information required in order to implement this protection.

Working Group on Enlargement

Basis in the Agreement

Articles 11 and 16 of the Agreement.

Terms of reference of the Working Group

The Group shall be set up temporarily in order to consider the implications of the enlargement of the European Union, with a view to establishing whether any adaptations need be made to the Agreement on account of enlargement, and shall draw up recommendations for the Joint Committee. That shall concern in particular the impact on bilateral trade in agricultural products, the Annexes on tariff concessions (Annexes 1 to 3), and the Annexes on reducing the technical barriers to trade (Annexes 3 to 10[3]), and involve drawing up any other relevant measure required in order to take account of enlargement in the context of bilateral trade in agriculture.

[3] Annex 11 on animal-health and zootechnical measures applicable to trade in live animals and animal products.

Proposal for a

COUNCIL DECISION

concerning the Community position on the adoption of the Rules of Procedure of the Joint Committee on Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Decision 2002/309/EC, Euratom of the Council and of the Commission as regards the Agreement on Scientific and Technological Cooperation of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation[4], and in particular the first subparagraph of Article 5(2) thereof,

Having regard to the proposal from the Commission[5],

Whereas:

(1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as the "Agricultural Agreement") entered into force on 1 June 2002.

(2) Article 6 of the Agricultural Agreement sets up a Joint Committee on Agriculture to be responsible for the administration of the Agreement and ensure its proper functioning.

(3) Article 6(4) of the Agricultural Agreement lays down that the Joint Committee is to establish its own Rules of Procedure.

(4) The Community must decide on the position to be adopted within the Joint Committee regarding the establishment of its Rules of Procedure,

HAS DECIDED:

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4 OJ L 114, 30.4.2002, p. 1.

5 OJ C ..., ..., p. ...

Sole Article

The position to be adopted by the Community within the Joint Committee set up by Article 6 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, regarding the adoption of its Rules of Procedure, shall be based on the draft Decision of the Joint Committee, which is annexed to this Decision.

Done at Brussels,

For the Council
The President

ANNEX

Proposal for

DECISION N° 1/2003 OF THE JOINT COMMITTEE ON AGRICULTURE SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS

concerning the adoption of its Rules of Procedure

THE COMMITTEE,

Having regard to the Agreement between the European Community, of the one part, and the Swiss Confederation, of the other part, on trade in agricultural products (hereinafter referred to as "the Agreement"), and in particular Article 6(4) thereof,

Whereas that Agreement entered into force on 1 June 2002,

HAS DECIDED TO ADOPT THE FOLLOWING RULES OF PROCEDURE:

Article 1
Chair

The office of Chair of the Committee shall be held alternately for a period of one calendar year by the European Community and the Swiss Confederation, hereinafter referred to as "the Parties".

Article 2
Secretariat

The Chair shall carry out the secretarial duties of the Committee. The Chair shall transmit to the heads of delegation the name and other particulars of the person performing the secretarial tasks.

Article 3
Meetings

1. The Chair shall fix the date and venue of meetings in agreement with the heads of delegation.

2. If a head of delegation requests that an extraordinary meeting be held, the Chair shall convene such a meeting within thirty days of the request being received.

3. Unless otherwise decided, the meetings of the Committee shall not be public.

Article 4
Delegations

1. Before each meeting, the heads of delegation shall inform the Chair of the intended composition of their delegation.

2. The Parties shall appoint the heads of delegation who, outside the meetings, are to be the contact persons for all matters relating to the Agreement.

3. The Committee may invite persons who are not members of the delegations to attend meetings in order to provide information on specific issues.

Article 5
Correspondence

All correspondence to or for the Chair of the Committee shall be sent to the secretariat of the Committee. The latter shall send a copy of all correspondence relating to the Agreement to the heads of delegation, to the Swiss Mission to the European Union, and to the Commission of the European Communities.

Article 6
Agendas for meetings

1. The Chair shall draw up the provisional agenda for each meeting. The provisional agenda shall be sent to the heads of delegation no later than fifteen working days before the start of the meeting.

   The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion in the agenda at least twenty-one days before the start of the meeting. Such items shall be included in the provisional agenda only if, where relevant, the documents relating to them have been sent to the Chair no later than the date on which that agenda is sent.

2. The agenda shall be adopted by joint agreement by the heads of delegation at the start of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the heads of delegation so agree.

3. With the agreement of the heads of delegation, the Chairman may agree to reduce the time limits set out in paragraph 1 in order to take account of the requirements of a particular case.

Article 7
Minutes

1. The secretariat shall draw up draft minutes of each meeting. The draft shall state the decisions taken, the recommendations made and the conclusions adopted. The draft minutes shall be submitted to the Committee for approval. Once adopted by the Committee, the minutes shall be signed by the Chair, the secretariat of the Committee and the head of delegation of the Party not holding the office of Chair. An original copy shall be kept by each of the Parties.

2. The draft minutes shall be drawn up within ten working days of the meeting and shall be submitted to the Committee for approval by the written procedure set out in Article 9. If that procedure cannot be completed, the minutes shall be adopted by the Committee at the next meeting.

Article 8
Adoption of instruments

1. The decisions and recommendations of the Committee within the meaning of Articles 6 and 12 of the Agreement shall bear the title "Decision" and "Recommendation", followed by a serial number, the date of adoption and an indication of the subject matter.

2. The decisions and recommendations of the Committee shall bear the signatures of the Chair, the secretariat of the Committee and the head of delegation of the Party not holding the office of Chair.

3. Either Party may decide to publish any instrument adopted by the Committee.

Article 9
Written procedure

1. The instruments of the Committee may be adopted by written procedure where the two heads of delegation so agree.

2. The Party proposing the use of the written procedure shall submit the draft instrument to the other Party. The other Party shall reply, indicating whether it accepts or does not accept the draft, whether it proposes any amendments, or whether it requests further time for reflection. If the draft is adopted, it shall be finalised in accordance with Article 8.

Article 10
Expenses

Each Party shall bear the expenses it incurs in taking part in the meetings of the Committee.

Article 11
Confidentiality

The deliberations of the Committee shall be governed by professional secrecy.

Article 12
Working Groups

The Working Groups shall operate under the authority of the Committee, to which they shall submit a written report after each of their meetings. The report shall be sent to the secretariat of the Committee, which shall forward it to the heads of delegation. They shall not be authorised to take decisions, but may make recommendations to the Committee.

Each Working Group shall be assisted by the representatives of the Parties, which shall decide on the number and identity of those representatives.

Done at Brussels,

For the Joint Committee on Agriculture
The Chair

The head of delegation of the Party not holding the office of Chair,

The secretariat of the Committee,

LEGISLATIVE FINANCIAL STATEMENT

Policy area: External aspects of certain policies

Activities: International Agricultural Agreements

TITLE OF ACTION: CREATION OF THE JOINT COMMITTEE ON AGRICULTURE SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS

1. BUDGET HEADINGS: A-7030, A-7031, A-7032, A-7040, A-7005, A-01100

2. OVERALL FIGURES

2.1 Total allocation for the action (Part B): € million in commitment appropriations

No funding

2.2 Application period: 1 January 2003-31 December 2010

2.3 Overall multiannual estimate of expenditure:

c) Overall financial impact of human resources and other administrative expenditure *(see points 7.2 and 7.3)*

	2003	2004	2005	2006	2007	2008	2009	2010
CA/PA	367 200	367 200	367 200	367 200	367 200	367 200	367 200	367 200

TOTAL c	2003	2004	2005	2006	2007	2008	2009	2010
CA	367 200	367 200	367 200	367 200	367 200	367 200	367 200	367 200
PA	367 200	367 200	367 200	367 200	367 200	367 200	367 200	367 200

2.4 Compatibility with the financial programming and the financial perspective

2.5 Financial impact on revenue

☒ No financial implications (involves technical aspects regarding implementation of a measure)

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA participation	Participation applicant countries	Heading Financial Perspective
CE	**DA/NDA**	**YES**	**NO**	**NO**	**No 8**

4. LEGAL BASIS

Article 133 of the Treaty in conjunction with Article 300

5. DESCRIPTION AND GROUNDS

5.1 Objectives

Need for Community action: the Agreement between the EC and the Swiss Confederation on trade in agricultural products (hereinafter referred to as "the Agreement"), which entered into force on 1 June 2002 (Decision 2002/309/EC, Euratom of the Council and of the Commission as regards the Agreement on Scientific and Technological Cooperation of 4 April 2002, OJ L 114, 30.4.2002), sets up a Joint Committee on Agriculture to be responsible for the administration of the Agreement and ensure its proper functioning.

5.2 Actions envisaged and arrangements for budget intervention

This Joint Committee needs to draw up its Rules of Procedure, meet regularly in order to perform its task of managing the Agreement and in particular adopt decisions, and reach agreement on any issue falling within the scope of its responsibilities.

The Rules of Procedure do not lay down any obligations regarding the frequency of meetings, but the Committee is to be convened at least once a year and the meetings of the different Working Groups specified by the Annexes to the Agreement are to be arranged.

5.3 Implementing rules

Direct management by DG AGRI and DG SANCO with statutory staff and/or experts.

6. FINANCIAL IMPACT

6.1 Total financial impact on Part B (for the entire programming period): none

6.2. Calculation of costs by measure envisaged in Part B (for the entire programming period): none

7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

7.1. Impact on human resources

Type of post		Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action
		Number of permanent posts	Number of temporary posts		
DG AGRI Officials or temporary staff	A B C	0.5 1 0.2		0.5 1 0.2	Preparation of and follow-up to the meetings of the Joint Committee and its different Working Groups and, in particular, preparation of Council Decisions prior to the adoption of decisions by the Joint Committee.
DG SANCO	A B C	0.5 1 0.2		0.5 1 0.2	Preparation of and follow-up to the meetings of the Joint Committee and its different Working Groups and, in particular, preparation of Council Decisions prior to the adoption of decisions by the Joint Committee.
Other human resources					
Total		3.4		3.4	

7.2 Overall financial impact of human resources

Type of human resources	Amounts (€)	Method of calculation
Officials Temporary staff	108 000 * 3.4 = 367 200	average standard cost deducted by DG BUDG
Other human resources		
Total	367 200	

The amounts are total expenditure for twelve months.

7.3 Other operating expenditure deriving from the action

Budget heading (No and heading)	Amounts (€)	Method of calculation
Overall budget (Title A7) A0701 - Missions A07030 – Meetings A07031 – Compulsory committees A07031 – Compulsory committees A07040 – Conferences A0705 – Studies and consultations	20 000	Seminars, studies, information, special invitations in connection with controls, in accordance with the Agricultural Agreement and Rules of Procedure
Information systems (A-5001/A-4300)		
Other expenditure - Part A		
Total	20 000	

The amounts are total expenditure in respect of the action for twelve months.

Article 17 of the Agreement lays down that the Agreement shall be concluded for an initial period of seven years, straddling the years 2002 to 2010; the year 2010 will also be needed to carry out an assessment of the initial period and probably to relaunch the operation.

I.	Annual total (7.2 + 7.3)	€ 387 200
II.	Duration of the action	8 years
III.	Total cost of the action (I x II)	€ 3 097 600

Human resources and administrative requirements will be covered from the allocation given to the managing DG under the annual allocations procedure.

8. FOLLOW-UP AND EVALUATION

8.1 Follow-up arrangements

Annual activity report, report by each committee

8.2 Details and frequency of planned evaluations

DG AGRI will report regularly on its bilateral activities with Switzerland, particularly to DG RELEX and the Council EFTA Group, and in the context of the annual reports on the activities of the Commission. In this context, the activities of the Joint Committee and its groups will be reviewed regularly, and its functioning will be adapted accordingly.

The Agreement is concluded for an initial period of seven years. It will subsequently be renewed for an indefinite period, unless one of the Parties decides otherwise. The functioning of the Agreement will be the subject of an evaluation prior to any renewal.

9. MEASURES TO COMBAT FRAUD

NO