AGREEMENTS

in the form of Exchanges of Letters Between the European Economic Community and the Swiss Confederation concerning agriculture and fisheries

Exchange of Letters No I

Brussels, 14 July 1986

Sir,

I have the honour to refer to the Exchanges of Letters of 21 July 1972 and 5 February 1981 between the Community and the Swiss Confederation, and to the negotiations which have taken place between the two parties with a view to adjusting the said Exchanges of Letters and establishing trade arrangements for certain agricultural products in the spirit of Article 15 of the EEC-Switzerland Free Trade Agreement, consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community.

I hereby confirm that the results of the negotiations were as follows:

I. The Swiss Confederation and the Community agree that, from 1 March 1986, the reciprocal concessions covered by the abovementioned Exchanges of Letters shall be extended to the enlarged Community.

However, the non-tariff concessions granted by Switzerland to the Community will be amended as follows:

(a) Cut flowers:

The contractual quota of 6 500 quintals granted by the Swiss Confederation to the Community will be increased to 7 000 quintals.

(b) Red wine in barrels:

The existing contractual quotas for red wine in barrels will be increased by 415 000 hectolitres, of which 315 000 hectolitres will be reserved for Spain and 100 000 hectolitres for Portugal.

II. The Swiss Confederation will grant to the Community from 1 March 1986, on a unilateral basis, the tariff concessions set out in the Annex to this letter.

It was also agreed that for products falling within subheading ex 20.02.10 (tomato pulp, purée and concentrate, in containers of more than five kilograms) from Portugal, the Swiss Confederation will restore the normal duty of SwF 13/100 kilogram in accordance with the following timetable:

— on 1 March 1986: an initial duty of SwF 3/100 kilogram

— from 1 January 1987: four annual increases of SwF 1,00/100 kilogram and three annual increases of SwF 2,00/100 kilogram.

Lastly, it was agreed that the Swiss Confederation will maintain the favourable tax arrangements for imports of port and madeira wines.

III. From 1 March 1986 the Community will open for Switzerland a Community annual tariff quota of 1 000 tonnes at a zero rate of duty for cherries, excluding Morello cherries (subheading 08.07 C of the Common Customs Tariff).

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government
of the Swiss Confederation

Brussels, 14 July 1986

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to the Exchanges of Letters of 21 July 1972 and 5 February 1981 between the Community and the Swiss Confederation, and to the negotiations which have taken place between the two parties with a view to adjusting the said Exchanges of Letters and establishing trade arrangements for certain agricultural products in the spirit of Article 15 of the EEC-Switzerland Free Trade Agreement, consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community.

I hereby confirm that the results of the negotations were as follows:

I. The Swiss Confederation and the Community agree that, from 1 March 1986, the reciprocal concessions covered by the abovementioned Exchanges of Letters shall be extended to the enlarged Community.

However, the non-tariff concessions granted by Switzerland to the Community will be amended as follows:

(a) Cut flowers:

The contractual quota of 6 500 quintals granted by the Swiss Confederation to the Community will be increased to 7 000 quintals.

(b) Red wine in barrels:

The existing contractual quotas for red wine in barrels will be increased by 415 000 hectolitres, of which 315 000 hectolitres will be reserved for Spain and 100 000 hectolitres for Portugal.

II. The Swiss Confederation will grant to the Community from 1 March 1986, on a unilateral basis, the tariff concessions set out in the Annex to this letter.

It was also agreed that for products falling within subheading ex 20.02.10 (tomato pulp, purée and concentrate, in containers of more than five kilogram) from Portugal, the Swiss Confederation will restore the normal duty of SwF 13/100 kilogram in accordance with the following timetable:

— on 1 March 1986: an initial duty of SwF 3/100 kilogram

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Lastly, it was agreed that the Swiss Confederation will maintain the favourable tax arrangements for imports of port and madeira wines.

III. From 1 March 1986 the Community will open for Switzerland a Community annual tariff quota of 1 000 tonnes at a zero rate of duty for cherries, excluding Morello cherries (subheading 08.07 C of the Common Customs Tariff).

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm your agreement with the contents of this letter.'

I have the honour to confirm that the Community is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council
of the European Communites

ANNEX

Swiss Customs Tariff heading No		Description	Duties in SwF/100 kg gross	
			Normal rate	Rate applicable to the Community
08.02		Citrus fruit, fresh or dried:		
	20	— Lemons	2	free
08.05		Nuts other than those falling within heading No 08.01, fresh or dried, shelled or not:		
	10	— Almonds	1,5	free
16.04	ex 24	Sardines (pilchards)	20	free
20.02		Vegetables prepared or preserved otherwise than by vinegar or acetic acid:		
		— Other, in containers of:		
		— more than 5 kg		
	ex 22	— Olives	42	free
		— 5 kg or less		
	ex 33	— Olives	55	free

Exchange of Letters No 2

Brussels, 14 July 1986

Sir,

With reference to the Additional Protocols to the Agreements between the Swiss Confederation and the European Communities consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the Communities and to other Agreements signed today, I confirm that the Swiss Confederation is assuming that, following the accession of the Kingdom of Spain and the Portuguese Republic, exports of fruit and vegetables from the Community to Switzerland will not jeopardize the marketing of domestic production at fair prices.

The Swiss Confederation has noted the joint resolve of both parties to maintain as close contact as possible in order to promote the smooth development of trade during the fruit and vegetable marketing years and, if any marketing problems were to arise, to enter into consultations and, if necessary, take appropriate measures.

I should be obliged if you would confirm your agreement to such a form of cooperation.

Please accept, Sir, the assurance of my highest consideration.

For the Government
of the Swiss Confederation

Brussels, 14 July 1986

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'With reference to the Additional Protocols to the Agreements between the Swiss Confederation and the European Communities consequent upon the accession of the Kingdom of Spain and the Portuguese Republic to the Communities and to other Agreements signed today, I confirm that the Swiss Confederation is assuming that, following the accession of the Kingdom of Spain and the Portuguese Republic, exports of fruit and vegetables from the Community to Switzerland will not jeopardize the marketing of domestic production at fair prices.

The Swiss Confederation has noted the joint resolve of both parties to maintain as close contact as possible in order to promote the smooth development of trade during the fruit and vegetable marketing years and, if any marketing problems were to arise, to enter into consultations and, if necessary, take appropriate measures.

I should be obliged if you would confirm your agreement to such a form of cooperation.'

I have the honour to confirm that the Community is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council
of the European Communities

Exchange of Letters No 3

Brussels, 14 July 1986

Sir,

I have the honour to refer to the tariff concessions which the Community and the Swiss Confederation have granted each other in respect of cheese, and to the negotiations held in order to adapt these concessions in view of the accession of the Kingdom of Spain and the Portuguese Republic to the Community.

I hereby confirm that the results of the negotiations were as follows:

I. The Community and the Swiss Confederation agree that, during the transitional period laid down by the Act of Accession, the import duties on the annual quantities of cheese listed below and intended for the markets of Spain and Portugal shall be kept at the following levels:

(a) on importation into Spain:

Cheese originating in and coming from Switzerland accompanied by an approved certificate:

Description	Import duty (ECU/100 kg net weight) or % *ad valorum*	Quantity (tonnes)			
		1986	1987	1988	1989
— Emmentaler, Gruyère, Sbrinz, Appenzell, Vacherin fribourgeois and Tête de moine, not grated or powdered, of a minimum fat content of 45 % by weight in the dry matter, matured for at least two months in the case of Vacherin fribourgeois and at least three month for the others, falling within subheading 04.04 A of the Common Customs Tariff:					
— whole cheeses of the conventional flat cylindrical shape, of a free-at-frontier value to be determined	18,13				
— pieces packed in vacuum or in inert gas, with rind on at least on side, of a net weight of not less than 1 kg but less than 5 kg, of a free-at-frontier value to be determined	18,13				
— Emmentaler, Gruyère, Sbrinz, Appenzell, Vacherin fribourgeois and Tête de moine, not grated or powdered, of a minimum fat content of 45 % by weight, in the dry matter, matured for at least two months in the case of the Vacherin fribourgeois and at least three months for the others, falling within subheading 04.04 A of the Common Customs Tariff:		1 844	2 121	2 439	2 805
— whole cheeses of the conventional flat cylindrical shape with rind, of a free-at-frontier value to be determined	9,07				
— pieces packed in vacuum or in inert gas, with rind on at least one side, of a net weight of not less than 1 kg and of a free-at-frontier value to be determined	9.07				
— pieces packed in vacuum or inert gas, of not less than 450 g, and of a free-at- frontier value to be determined	9,07				

Description	Import duty (ECU/100 kg net weight) or % *ad valorum*	Quantity (tonnes)			
		1986	1987	1988	1989
— Glarus herb cheese (known as 'Schabziger'), made from skimmed milk and mixed with finely-ground herbs, falling within subheading 04.04 B of the Common Customs Tariff	6 %				
— Tilsit, of a fat content, by weight, in the dry matter, not exceeding 48 %, falling within subheading 04.04 E 1 b) 2 of the Common Customs Tariff	levy				
— Tilsit, of a fat content, by weight, in the dry matter, exceeding 48 %, falling within subheading 04.04 E 1 b) 2 of the Common Customs Tariff	levy				
— Processed cheese, not grated or powdered, the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain as an addition, Glarus herb cheese (known as 'Schabziger'), put up for retail sale, of a free-at-frontier value to be determined, and of a fat content, by weight, in the dry matter, not exceeding 56 %, falling within subheading 04.04 D of the Common Customs Tariff	36,27	96	110	127	146

During the transitional period, the application of the import duties listed above shall not preclude the levying of a compensatory amount fixed in accordance with the provisions of the Act of Accession.

The duties indicated above shall be applicable provided the Swiss Confederation undertakes to observe a free-at-Spanish-frontier value where applicable. At the beginning of the transitional period, this value shall be determined on the basis of the price levels recorded on the Spanish market for the cheese in question, less the total import charges.

During the transitional period, the free-at-Spanish-frontier values to be observed by the Swiss Confederation shall be adjusted to take account of the alignment of cheese prices on the Spanish market with those on the Community market until those values are identical to those applicable to imports into the Community as constituted on 31 December 1985.

From 1 January 1990 and until the end of the transitional period, the quantities indicated above shall be adapted annually in accordance with the rules applicable to imports into Spain from the Community as constituted on 31 December 1985.

(b) On importation into Portugal:

Description	Import duty (ECU/100 kg net weight) or % *ad valorum*	Quantity (tonnes)			
		1986	1987	1988	1989
— Emmentaler, Gruyère, Sbrinz, Appenzell, Vacherin, fribourgeois and Tête de moine, not grated or powdered, of a minimum fat content, of 45 % by weight in the dry matter, matured for at least two months in the case of Vacherin fribourgeois and at least three months for the others, falling within subheading 04.04 A of the Common Customs Tariff:		50	58	66	76
— whole cheeses of the conventional flat cylindrical shape, of a free-at-frontier value to be determined	9,07				

Description	Import duty (ECU/100 kg net weight) or % *ad valorum*	Quantity (tonnes)			
		1986	1987	1988	1989
— pieces packed in vacuum or in inert gas, with rind on at least one side, of a net weight of not less than 1 kg but less than 5 kg, of a free-at-frontier value to be determined	9,07				
— pieces packed in vacuum or in inert gas, of not less than 450 g, and of a free-at-frontier value to be determined	9,07				
— Processed cheese, not grated or powdered, the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as 'Schabziger'), put up for retail sale, of a free-at-frontier value to be determined, and of a fat content, by weight, in the dry matter, not exceeding 56 %, falling within subheading 04.04 D of the Common Customs Tariff	36,27	85	98	113	130

During the transitional period, the application of the import duties listed above shall not preclude the levying of a compensatory amount fixed in accordance with the provisions of the Act of Accession.

The duties indicated above shall be applicable provided the Swiss Confederation undertakes to observe a free-at-Spanish-frontier value where applicable. At the beginning of the transitional period, this value shall be determined on the basis of the price levels recorded on the Spanish market for the cheese in question, less the total import charges.

During the transitional period, the free-at-Spanish-frontier values to be observed by the Swiss Confederation shall be adjusted to take account of the alignment of cheese prices on the Spanish market with those on the Community market until those values are identical to those applicable to imports into the Community as constituted on 31 December 1985.

From 1 January 1990 and until the end of the transitional period, the quantities indicated above shall be adapted annually in accordance with the rules applicable to imports into Spain from the Community as constituted on 31 December 1985.

II. The Community agrees to the inclusion of the cheese called 'Vacherin Mont d'Or' in subheading 04.04 A of the Common Customs Tariff.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council
of the European Communities

Brussels, 14 July 1986

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to the tariff concessions which the Community and the Swiss Confederation have granted each other in respect of cheese, and to the negotiations held in order to adapt these concessions in view of the accession of the Kingdom of Spain and the Portuguese Republic to the Community.

I herby confirm that the results of the negotiations were as follows:

I. The Community and the Swiss Confederation agree that, during the transitional period laid down by the Act of Accession, the import duties on the annual quantities of cheese listed below and intended for the markets of Spain and Portugal shall be kept at the following levels:

(a) on importation into Spain:

Cheese originating in and coming from Switzerland accompanied by an approved certificate:

Description	Import duty (ECU/100 kg net weight) or % *ad valorum*	Quantity (tonnes)			
		1986	1987	1988	1989
— Emmentaler, Gruyère, Sbrinz, Appenzell, Vacherin fribourgeois and Tête de moine, not grated or powdered, of a minimum fat content of 45 % by weight in the dry matter, matured for at least two months in the case of Vacherin fribourgeois and at least three month for the others, falling within subheading 04.04 A of the Common Customs Tariff:					
— whole cheeses of the conventional flat cylindrical shape, of a free-at-frontier value to be determined	18,13				
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— whole cheeses of the conventional flat cylindrical shape with rind, of a free-at-frontier value to be determined	9,07				
— pieces packed in vacuum or in inert gas, with rind on at least one side, of a net weight of not less than 1 kg and of a free-at-frontier value to be determined	9.07				
— pieces packed in vacuum or inert gas, of not less than 450 g, and of a free-at- frontier value to be determined	9,07				

Description	Import duty (ECU/100 kg net weight) or % *ad valorum*	Quantity (tonnes)			
		1986	1987	1988	1989
— Glarus herb cheese (known as 'Schabziger'), made from skimmed milk and mixed with finely-ground herbs, falling within subheading 04.04 B of the Common Customs Tariff	6 %				
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During the transitional period, the application of the import duties listed above shall not preclude the levying of a compensatory amount fixed in accordance with the provisions of the Act of Accession.

The duties indicated above shall be applicable provided the Swiss Confederation undertakes to observe a free-at-Spanish-frontier value where applicable. At the beginning of the transitional period, this value shall be determined on the basis of the price levels recorded on the Spanish market for the cheese in question, less the total import charges.

During the transitional period, the free-at-Spanish-frontier values to be observed by the Swiss Confederation shall be adjusted to take account of the alignment of cheese prices on the Spanish market with those on the Community market until those values are identical to those applicable to imports into the Community as constituted on 31 December 1985.

From 1 January 1990 and until the end of the transitional period, the quantities indicated above shall be adapted annually in accordance with the rules applicable to imports into Spain from the Community as constituted on 31 December 1985.

(b) On importation into Portugal:

Description	Import duty (ECU/100 kg net weight) or % *ad valorum*	Quantity (tonnes)			
		1986	1987	1988	1989
— Emmentaler, Gruyère, Sbrinz, Appenzell, Vacherin, fribourgeois and Tête de moine, not grated or powdered, of a minimum fat content, of 45 % by weight in the dry matter, matured for at least two months in the case of Vacherin fribourgeois and at least three months for the others, falling within subheading 04.04 A of the Common Customs Tariff:		50	58	66	76
— whole cheeses of the conventional flat cylindrical shape, of a free-at-frontier value to be determined	9,07				

Description	Import duty (ECU/100 kg net weight) or % *ad valorum*	Quantity (tonnes)			
		1986	1987	1988	1989
— pieces packed in vacuum or in inert gas, with rind on at least one side, of a net weight of not less than 1 kg but less than 5 kg, of a free-at-frontier value to be determined	9,07				
— pieces packed in vacuum or in inert gas, of not less than 450 g, and of a free-at-frontier value to be determined	9,07				
— Processed cheese, not grated or powdered, the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as 'Schabziger'), put up for retail sale, of a free-at-frontier value to be determined, and of a fat content, by weight, in the dry matter, not exceeding 56%, falling within subheading 04.04 D of the Common Customs Tariff	36,27	85	98	113	130

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The duties indicated above shall be applicable provided the Swiss Confederation undertakes to observe a free-at-Spanish-frontier value where applicable. At the beginning of the transitional period, this value shall be determined on the basis of the price levels recorded on the Spanish market for the cheese in question, less the total import charges.

During the transitional period, the free-at-Spanish-frontier values to be observed by the Swiss Confederation shall be adjusted to take account of the alignment of cheese prices on the Spanish market with those on the Community market until those values are identical to those applicable to imports into the Community as constituted on 31 December 1985.

From 1 January 1990 and until the end of the transitional period, the quantities indicated above shall be adapted annually in accordance with the rules applicable to imports into Spain from the Community as constituted on 31 December 1985.

II. The Community agrees to the inclusion of the cheese called 'Vacherin Mont d'Or' in subheading 04.04 A of the Common Customs Tariff.

This Exchange of Letters shall be approved by the Contracting Parties in accordance with their normal procedures.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government
of the Swiss Confederation

Exchange of Letters No 4

Brussels, 14 July 1986

Sir,

I have the honour to refer to the tariff concessions which the Community and the Swiss Confederation have granted each other in respect of cheese, and to the negotiations held today to adapt these concessions in view of the accession of the Kingdom of Spain and the Portuguese Republic to the Community.

I confirm that the Community undertakes to enter into consultations with the Swiss Confederation if problems arise in the application of this Agreement.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council
of the European Communities

Brussels, 14 July 1986

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to the tariff concessions which the Community and the Swiss Confederation have granted each other in respect of cheese, and to the negotiations held today to adapt these concessions in view of the accession of the Kingdom of Spain and the Portuguese Republic to the Community.

I confirm that the Community undertakes to enter into consultations with the Swiss Confederation if problems arise in the application of this Agreement.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government
of the Swiss Confederation

Exchange of letters No 5

Brussels, 14 July 1986

Sir,

I have the honour to inform you that in the context of the adaptation of the Agreement between the Swiss Confederation and the Community following the accession of the Kingdom of Spain and the Portuguese Republic, the Community will continue to suspend, as provided in the 1972 Exchange of Letters, the customs duty on imports of the following products originating in Switzerland:

CCT heading No	*Description of product*
03.01	Fish, fresh (live or dead), chilled or frozen:
	A. Freshwater fish:
	I. Trout and other salmonidae:
	c) Lake white fish
	d) Other
	IV. Other

This suspension, in the spirit of Article 15 of the Agreement referred to above, will now be on a preferential basis.

In so far as Spain and Portugal are concerned, the tariffs on the products in question originating in Switzerland shall be reduced towards zero on 1 January 1986 by 12,5 % of the basic rate applied in each of the two countries concerned, and by a further 12,5 % on 1 January of each of the seven subsequent years.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council
of the European Communities

Brussel, 14 July 1986

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to inform you that in the context of the adaptation of the Agreement between the Swiss Confederation and the Community following the accession of the Kingdom of Spain and the Portuguese Republic, the Community will continue to suspend, as provided in the 1972 Exchange of Letters, the customs duty on imports of the following products originating in Switzerland:

CCT heading No	*Description of product*
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	A. Freshwater fish:
	I. Trout and other salmonidae:
	c) Lake white fish
	d) Other
	IV. Other

This suspension, in the spirit of Article 15 of the Agreement referred to above, will now be on a preferential basis.

In so far as Spain and Portugal are concerned, the tariffs on the products in question originating in Switzerland shall be reduced towards zero on 1 January 1986 by 12,5 % of the basic rate applied in each of the two countries concerned, and by a further 12,5 % on 1 January of each of the seven subsequent years.'.

I have the honour to inform you that my Government has taken note of the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government
of the Swiss Confederation

Clause concerning the Canary Islands, Ceuta and Melilla

With regard to the Canary Islands, Ceuta and Melilla, the two parties have agreed as follows:

(a) The Swiss Confederation will apply to imports from the above territories the tariff concessions deriving from the Exchange of Letters of 21 July 1972 and of 5 February 1981 and also those deriving from this Exchange of Letters. In so far as quantitative concessions are concerned, quota shares for the Canary Islands, Ceuta and Melilla may be established by the Swiss Confederation in consultation with the Community, taking into account the imports from the said territories.

(b) Should changes take place in the arrangements for imports of agricultural products into the Canary Islands, Ceuta or Melilla which might affect exports from Switzerland, the Community and the Swiss Confederation will consult each other with a view to adopting appropriate measures to deal with the situation.

(c) The Joint Committee will adopt any adjustments to the rules of origin which might be necessary for the purposes of implementing points (a) and (b).