COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.11.2008
COM(2008) 685 final

2008/0202 (AVC)

Proposal for a

COUNCIL DECISION

on the signing on behalf of the Community and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

Proposal for a

COUNCIL DECISION

approving the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(presented by the Commission)

EXPLANATORY MEMORANDUM

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

The Swiss Confederation has undertaken to include in its national legislation the provisions of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC, of Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries, of Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption, of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, and all the provisions adopted for their implementation in the control of imports from third countries into the European Union.

The Swiss Confederation has undertaken to include in its national legislation the provisions of Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC.

The provisions of Annex 11 to the Agreement on Agriculture should be adapted accordingly. The Council authorised the Commission to open negotiations with the Swiss Confederation with a view to amending the Agreement on Agriculture by updating and adapting the provisions thereof, on 25 October 2004 (SEC(2004)1043 F of 12 August 2004). In accordance with Article 5(2) of the Agreement on Agriculture, the amendment procedure laid down in Article 11 thereof does not apply to Annex 11. Consequently, any amendment to Annex 11 must be approved by means of a procedure identical to the procedure for the Agreement on Agriculture.

The provisional application of this Decision, pending the completion of the internal procedures of the Parties, allows account to be taken of the changes resulting from amendments to the Appendices of Annex 11 and of the discontinuation of veterinary inspections at borders from 1 January 2009.

The Commission therefore submits to the Council the proposals for two Decisions, on the signature with provisional application of, and on the conclusion of the Agreement between the European Community and the Swiss Confederation on the amendment of Annex 11 to the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products, as set out in the Annexes.

This Decision has no financial impact on the budget of the European Community.

The amendment to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products will be published in the *Official Journal of the European Union*.

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Proposal for a

COUNCIL DECISION

of

on the signing on behalf of the Community and the provisional application of the Agreement between the European Community and the Swiss Confederation amending 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, and in particular Articles 133 and 310 in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Council authorised the Commission to open negotiations with the Swiss Confederation with a view to amending the Agreement on Agriculture by updating and adapting the provisions thereof, on 25 October 2004 (SEC(2004)1043 F of 12 August 2004).

(2) The Community and the Swiss Confederation negotiated an Agreement amending Annex 11 to the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products.

(3) This Agreement is to apply provisionally from 1 January 2009 pending the completion of the internal procedures of the Parties.

(4) Subject to its conclusion at a later date, the Agreement set out in the Annex should be signed.

HAS DECIDED AS FOLLOWS:

Article 1

The signing on behalf of the Community of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is hereby approved, subject to the conclusion of the Agreement at a later date.

The text of the Agreement is annexed to this decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community, subject to its conclusion.

Article 3

Pending the completion of the procedures required for its conclusion, the Agreement shall apply provisionally from 1 January 2009 in accordance with Article 3 of the Agreement annexed to this Decision.

Article 4

This Decision shall be published in the *Official Journal of the European Union.*

Done at Brussels,

For the Council
The President

2008/0202 (AVC)

Proposal for a

COUNCIL DECISION

of

approving the Agreement between the European Community and the Swiss Confederation amending 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, and in particular Articles 133 and 310 in conjunction with the second subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament,

Whereas:

(1) The Commission has negotiated, on behalf of the European Community, an Agreement amending Annex 11 of the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products.

(2) The Agreement was signed, on behalf of the European Community, on dd MMMM 2008, subject to its conclusion at a later date, in accordance with Council Decision xx/xxx/EC of dd MMMM 2008.

(3) The Agreement should be approved.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is hereby approved on behalf of the European Community.

The text of the Agreement is annexed to this Decision.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President

ANNEX

Agreement between the European Community and the Swiss Confederation amending Annex 11 to the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products

THE EUROPEAN COMMUNITY, hereinafter referred to as "the Community",
and

THE SWISS CONFEDERATION, hereinafter referred to as "Switzerland",

together referred to hereinafter as "the Parties",

Whereas:

(1) The Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products, hereinafter referred to as "the Agreement", entered into force on 1 June 2002.

(2) Annex 11 to the Agreement, hereinafter referred to as "Annex 11", concerns animal health and zootechnical measures applicable to trade in live animals and animal products.

(3) Switzerland has undertaken to include in its national legislation the provisions of Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC[1]. Consequently, the Parties have to amend the Agreement to take account of the fact that its scope has been extended to include the non-commercial movement of pet animals.

(4) Switzerland has undertaken to include in its national legislation the provisions of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC[2], of Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries[3], of Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption[4], of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules[5], and all the provisions adopted for their implementation in the control of imports from third countries into the European Union and, as a result, the Parties have to adapt the provisions of the Agreement.

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1 OJ L 146, 13.6.2003, p. 1.
2 OJ L 268, 24.9.1991, p. 56.
3 OJ L 24, 30.1.1998, p. 9.
4 OJ L 18, 23.1.2003, p. 11.
5 OJ L 165, 30.4.2004, p. 1.

(5) The Joint Veterinary Committee does not have the powers to make the amendments and adjustments required as a result of changes to the respective legislation. Annex 11 of the Agreement therefore needs to be updated and amended.

HAVE AGREED ON THE FOLLOWING PROVISIONS:

Article 1

1. A third indent shall be added to the end of Article 1(1) of Annex 11:

"– non-commercial movements of pet animals.".

2. The title of Title I of Annex 11 shall be amended as follows:

"Trade in live animals, their semen, ova and embryos and the non-commercial movement of pet animals".

3. The following shall be substituted for Article 3 of Title I of Annex 11:

"Article 3

The Parties hereby agree that trade in live animals, their semen, ova and embryos and the non-commercial movement of pet animals shall be carried out in accordance with the legislation specified in Appendix 2. That legislation shall apply subject to the special rules and procedures laid down in that Appendix."

Article 2

The following shall be substituted for Article 15 of Annex 11:

"*Article 15*
Animal products: border checks and payment of fees

Checks on trade in animal products between the Community and Switzerland shall be carried out in accordance with Appendix 10."

Article 3

This Agreement shall be ratified or approved by the Parties in accordance with their internal procedures.

The Parties shall notify each other of the completion of these procedures.

This Agreement shall apply provisionally from 1 January 2009 pending the completion of those procedures.

Article 4

This Agreement shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

In witness whereof, the undersigned Plenipotentiaries have hereunto set their hands.

Done at…, …(date)

For the European Community *For the Swiss Confederation*