



Council of the
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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 16 January 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2017) 74 final

Subject: COMMISSION DECISION of 16.1.2017 approving, on behalf of the
European Union, the amendment of Tables II, III and IV(b) of Protocol No 2
to the Agreement between the European Economic Community and the
Swiss Confederation of 22 July 1972 as regards the provisions applicable
to processed agricultural products

Delegations will find attached document C(2017) 74 final.

Encl.: C(2017) 74 final



Brussels, 16.1.2017
C(2017) 74 final

COMMISSION DECISION

of 16.1.2017

approving, on behalf of the European Union, the amendment of Tables II, III and IV(b) of Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products

COMMISSION DECISION

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approving, on behalf of the European Union, the amendment of Tables II, III and IV(b) of Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the 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 products¹, and in particular Article 2 thereof,

Whereas:

- (1) The Agreement between the European Economic Community and the Swiss Confederation signed on 22 July 1972² (hereinafter referred to as the “Agreement”) was amended in 2004 by the 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 products³. The latter Agreement entered into force on 1 February 2005.
- (2) The Joint Committee established by Article 29(1) of the Agreement is responsible for administering the Agreement and ensuring that it operates smoothly.
- (3) Pursuant to Article 7 of Protocol No 2 to the Agreement, the Joint Committee may decide to amend the tables, the appendices to the tables and the Appendix attached to the Protocol to the Agreement.
- (4) Tables I and II of Protocol No 2 to the Agreement list the products to which that Protocol applies. All products of heading HS 2202.90 fall within the scope of Protocol No 2, except fruit juice or vegetable juice diluted with water or aerated which are excluded pursuant to the provisions of Table II. Diverging interpretations on the definition of fruit juice or vegetable juice diluted with water or aerated has resulted into inconsistent classification practice. The Joint Committee proposes therefore to clarify the description of those products in Table II.

¹ OJ L 23, 26.1.2005, p. 17.

² OJ L 300, 31.12.1972, p. 189.

³ OJ L 23, 26.1.2005, p. 19.

- (5) Actual prices have changed on the domestic markets of the Contracting Parties of the Agreement as regards raw materials for which price compensation measures are applied. The Joint Committee proposes therefore to replace Table III and part (b) of Table IV of Protocol No 2 to the Agreement.
- (6) The position of the European Union to be taken in the Joint Committee as regards the said proposal should be laid down by the Commission, in accordance with Article 2 of Council Decision [2005/45/EC](#),

HAS DECIDED AS FOLLOWS:

Article 1

The amendment to Tables II, III and IV(b) of Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 is hereby approved on behalf of the European Union.

The text of the amendment to Protocol No 2 to the Agreement shall be based on the Annex attached to this Decision.

Article 2

The Decision of the Joint Committee shall be published in the *Official Journal of the European Union* after its adoption.

Done at Brussels, 16.1.2017

For the Commission
The President
Jean-Claude JUNCKER