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PROPOSAL

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

date of receipt: 26 June 2015

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: COM(2015) 217 final

Subject: Proposal for a COUNCIL DECISION on the position on Decision No 1/2015
to be taken on behalf of the European Union by the Joint Veterinary
Committee set up by the Agreement between the European Community
and the Swiss Confederation on trade in agricultural products regarding the
amendment of Appendices 1, 2, 3, 4, 5, 6, 7, 10 and 11 of Annex 11 to the
Agreement

Delegations will find attached document COM(2015) 217 final.

Encl.: COM(2015) 217 final



Brussels, 26.6.2015
COM(2015) 217 final

2015/0111 (NLE)

Proposal for a

COUNCIL DECISION

on the position on Decision No 1/2015 to be taken on behalf of the European Union by the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendment of Appendices 1, 2, 3, 4, 5, 6, 7, 10 and 11 of Annex 11 to the Agreement

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

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

A number of legislative provisions have been amended or updated since the last amendment to the appendices of Annex 11 to the Agricultural Agreement.

In line with the provisions of the Agreement, Switzerland has submitted to the Joint Veterinary Committee a plan setting out the measures it intends to implement for the approval of its poultry and hatching egg production establishments. The Agreement provides that the Joint Veterinary Committee is competent to approve this plan.

Until 31 December 2014, Switzerland has the possibility of derogating from the Trichinella examination of carcasses and meat of domestic swine kept for fattening and slaughter in low-capacity slaughter establishments. However, as the EU legislation on Trichinella examination has recently been amended, Switzerland's derogation should be re-examined in order to allow a gradual adaptation of its current practices.

Since its entry into force, the legislative provisions of Appendices 1, 2, 3, 4, 5, 6, 7 and 10 of Annex 11 to the Agriculture Agreement have been amended. The addresses of the contact points in Appendix 11 have also changed.

It is therefore necessary to adapt the provisions of Appendices 1, 2, 3, 4, 5, 6, 7, 10 and 11 of Annex 11 to the Agriculture Agreement accordingly.

Article 19(1) of Annex 11 to the Agriculture Agreement sets up a Joint Veterinary Committee made up of representatives of the Parties. It is responsible for examining all questions relating to the said Annex and its implementation and for carrying out the tasks provided for therein. The Joint Veterinary Committee is empowered to adopt decisions in the cases provided for in Annex 11. Article 19(3) of Annex 11 to the Agriculture Agreement authorises the Joint Veterinary Committee to amend the Appendices thereto, in particular with a view to adapting and updating them.

The European Union must adopt the position it is to take in the Joint Veterinary Committee regarding necessary amendments to Annex 11. Under the first subparagraph of Article 5(2) of Decision 2002/309/EC, the European Union's position must be adopted by the Council on a proposal from the Commission.

Decision No 1/2015 of the Joint Veterinary Committee will be published in the Official Journal of the European Union.

2. LEGAL ELEMENTS OF THE PROPOSAL

The proposal is based on Article 207(4) of the Treaty on the Functioning of the European Union, in conjunction with Article 218(9).

Proposal for a

COUNCIL DECISION

on the position on Decision No 1/2015 to be taken on behalf of the European Union by the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendment of Appendices 1, 2, 3, 4, 5, 6, 7, 10 and 11 of Annex 11 to the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products¹ (hereinafter referred to as “the Agreement”) entered into force on 1 June 2002.
- (2) Under Article 19(1) of Annex 11 to the Agriculture Agreement, the Joint Veterinary Committee is responsible for considering any matter arising in connection with the said Annex and its implementation, and for carrying out the tasks provided for therein. Article 19(3) of that Annex authorises the Joint Veterinary Committee to amend the Appendices to Annex 11, in particular with a view to their adaptation and updating.
- (3) The first subparagraph of Article 5(2) of Decision 2002/309/EC, of the Council and of the Commission² provides that the Community position within the Joint Committee for Agriculture and the Joint Veterinary Committee should be adopted by the Council on a proposal from the Commission.
- (4) The European Union must adopt the position it is to take within the Joint Veterinary Committee regarding the necessary amendments.
- (5) Decision No 1/2015 of the Joint Veterinary Committee should enter into force on the day of its adoption.

¹ OJ L 114, 30.4.2002, p. 132.

² 2002/309/EC, Euratom: Decision 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 (OJ L 114, 30.4.2002, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted by the European Union within the Joint Veterinary Committee set up by Article 19(1) of Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendment of Appendices 1, 2, 3, 4, 5, 6, 7, 10 and 11 of Annex 11 shall be based on the draft Decision of the Joint Veterinary Committee annexed to this Decision.

Article 2

Decision No 1/2015 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendment of Appendices 1, 2, 3, 4, 5, 6, 7, 10 and 11 of Annex 11 to the Agreement will be published in the Official Journal of the European Union as soon as it has been adopted.

Article 3

Decision No 1/2015 of the Joint Veterinary Committee created by an Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall enter into force on the day of its adoption.

Article 4

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*