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European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products in relation to Decision No 1/2018 regarding the amendment of Appendix 6 of Annex 11 to the Agreement

COUNCIL DECISION (EU) 2018/...

of ...

**on the position to be taken on behalf of the European Union
within the Joint Veterinary Committee
set up by the Agreement between the European Community
and the Swiss Confederation
on trade in agricultural products
in relation to Decision No 1/2018
regarding the amendment of Appendix 6
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 ('the Agriculture 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 that Annex and its implementation, and for carrying out the tasks provided for therein. Article 19(3) of Annex 11 authorises the Joint Veterinary Committee to amend the Appendices to that Annex, in particular with a view to their adaptation and updating.
- (3) The first subparagraph of Article 5(2) of Decision 2002/309/EC, Euratom 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 position of the Union within the Joint Veterinary Committee should therefore be based on the attached draft decision.

¹ OJ L 114, 30.4.2002, p. 132.

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

- (5) Decision No 1/2018 of the Joint Veterinary Committee set up by the Agriculture Agreement ('Decision No 1/2018 of the Joint Veterinary Committee') should enter into force on the day of its adoption.
- (6) In order to avoid a discontinuation of existing and well-functioning practices and to ensure legal continuity which would not cause any foreseeable negative consequences, Decision No 1/2018 of the Joint Veterinary Committee should provide for the retroactive application of that Decision with effect from 1 January 2017,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union within the Joint Veterinary Committee set up by Article 19(1) of Annex 11 to the Agriculture Agreement regarding the amendment of Appendix 6 of Annex 11 shall be based on the draft decision of the Joint Veterinary Committee attached to this Decision.

Article 2

This Decision shall enter into force on the day following that of its adoption.

Done at Brussels,

For the Council
The President

DRAFT

DECISION No 1/2018
OF THE JOINT VETERINARY COMMITTEE
SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY
AND THE SWISS CONFEDERATION
ON TRADE IN AGRICULTURAL PRODUCTS

of ...

on amending Appendix 6 of Annex 11 to the Agreement

THE JOINT VETERINARY COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products¹ and in particular Article 19(3) of Annex 11 thereto,

¹ OJ L 114, 30.4.2002, p. 132.

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products ('the Agriculture Agreement') entered into force on 1 June 2002.
- (2) Under Article 19(1) of Annex 11 to the Agriculture Agreement, the Joint Veterinary Committee set up by the Agriculture Agreement ('the Joint Veterinary Committee') is responsible for considering any matter arising in connection with that Annex and its implementation, and for carrying out the tasks provided for therein. Article 19(3) of Annex 11 authorises the Joint Veterinary Committee to amend the Appendices to that Annex, in particular with a view to their adaptation and updating.
- (3) Decision No 2/2003 of the Joint Veterinary Committee¹ amended Appendices 1, 2, 3, 4, 5, 6 and 11 of Annex 11 to the Agriculture Agreement for the first time.

¹ Decision No 2/2003 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 25 November 2003 regarding the amendment of Appendices 1, 2, 3, 4, 5, 6 and 11 of Annex 11 to the Agreement (2004/78/EC) (OJ L 23, 28.1.2004, p. 27).

- (4) Decision No 1/2015 of the Joint Veterinary Committee¹ last amended Appendices 1, 2, 3, 4, 5, 6, 7, 10 and 11 of Annex 11 to the Agriculture Agreement.
- (5) Switzerland has benefited for several successive periods from a derogation with regard to the Trichinella examination of the carcasses and meat of domestic swine kept for fattening and slaughter in low-capacity slaughter establishments. No case of Trichinella has been found in Switzerland for more than 50 years. Switzerland also has a functioning detection system and has undertaken that all domestic pork meat placed on the market in the European Union will always have been subject to examination for Trichinella in the carcasses and meat. It is therefore possible to make the derogation permanent.
- (6) In order to avoid a discontinuation of existing and well-functioning practices and to ensure legal continuity which would not cause any foreseeable negative consequences, it is appropriate to apply this Decision retroactively with effect from 1 January 2017.
- (7) This Decision should enter into force on the day of its adoption.
- (8) Appendix 6 of Annex 11 to the Agriculture Agreement should therefore be amended,

HAS ADOPTED THIS DECISION:

¹ 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 of 17 December 2015 regarding the amendment of Appendices 1, 2, 3, 4, 5, 6, 7, 10 and 11 of Annex 11 to the Agreement (2015/2367/EU) (OJ L 337, 23.12.2015, p. 128).

Article 1

Points 4 to 6 of the chapter 'Special Conditions' of Appendix 6 of Annex 11 to the Agriculture Agreement are hereby amended as follows:

- 4) The Swiss authorities undertake that carcasses and the meat of domestic swine placed on the market in the European Union will always have been subject to examination for *Trichinella*.
- 5) The detection methods described in Chapters I and II of Annex I to Commission Implementing Regulation (EU) No 2015/1375¹ are used in Switzerland for the *Trichinella* examinations.

¹ Commission Implementing Regulation (EU) 2015/1375 of 10 August 2015 laying down specific rules on official controls for *Trichinella* in meat (OJ L 212, 11.8.2015, p. 7).

- 6) Pursuant to the provisions of Article 8(paragraphs 1, letter a, and 3) of the DFI Ordinance of 23 November 2005 on hygiene during the slaughter of livestock (OHyAb; RS 817.190.1) and Article 10(paragraph 8) of the DFI Ordinance of 16 December 2016 on foodstuffs of animal origin (RS 817.022.108), carcasses and meat of domestic swine kept for fattening and slaughter as well as meat preparations, meat products and derived processed products thereof which are not intended for the market in the European Union shall be marked with a special health stamp in accordance with the model specified in the last subparagraph of Annex 9 to the DFI Ordinance of 23 November 2005 on hygiene during the slaughter of livestock.

These products may not be traded with the Member States of the European Union, in accordance with the provisions of Article 10 of the DFI Ordinance of 16 December 2016.

Point 7 is deleted.

Article 2

This Decision, drawn up in duplicate, shall be signed by the joint chairmen or other persons empowered to act on behalf of the Parties to the Agriculture Agreement.

Article 3

This Decision shall enter into force on the day of its adoption.

It shall apply retroactively with effect from 1 January 2017.

Done at Brussels,

For the European Union
The Head of Delegation

For the Swiss Confederation
The Head of Delegation
