



Brussels, 6.11.2017
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2017/0283 (NLE)

Proposal for a

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 1/2017 regarding the amendment of Appendix 6 of Annex 11 to the Agreement

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Justification and objectives of the proposal for a Decision**

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.

Switzerland has benefited from several successive temporary periods during which it was allowed to derogate from the *Trichinella* examination of 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 fifty years. Moreover, Switzerland has a functioning detection programme and has undertaken that meat of domestic swine placed on the European Union market has always been subject to *Trichinella* examination of the carcasses and the meat. The temporary status of the derogation can therefore be ended.

Appendix 6 of Annex 11 to the Agriculture Agreement should therefore be amended.

Article 19(1) of Annex 11 to the Agriculture Agreement sets up a Joint Veterinary Committee made up of representatives of the Parties, responsible for examining all questions relating to the said Annex and its implementation and for carrying out the tasks provided for therein. In particular, the Joint Veterinary Committee has power of decision 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.

Decision No 1/2017 of the Joint Veterinary Committee will be published in the Official Journal of the European Union.

- **Consistency with existing policy provisions in the policy area**

This proposal for a derogation is consistent with the flexibility measures that may be taken by the Member States for food establishments situated in regions subject to specific geographical constraints, on condition that such measures do not affect the safety of the final product. The proposal is also consistent with the Scientific Opinion delivered on 3 October 2011 by the European Food Safety Authority on the public health hazards to be covered by inspection of meat (swine)¹ and with Commission Implementing Regulation (EU) 2015/1375 of 10 August 2015 laying down specific rules on official controls for *Trichinella* in meat.

- **Consistency with other Union policies**

The Agreement between the European Community and the Swiss Federation on the trade in agricultural products is part of the overall framework of EU trade policy and is favourable to the EU as the EU is a net exporter of agricultural products to Switzerland. The EU’s trade balance with Switzerland has improved significantly since the entry into force of the Agreement.

¹ The EFSA Journal 2011; 9(10):2351 [198 pp.], published 3 October 2011.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

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

- **Choice of instrument**

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, Euratom, the European Union's position must be adopted by the Council on a proposal from the Commission.

3. BUDGETARY IMPLICATIONS

This Decision will not have implications for the EU budget. Making the derogation permanent concerns merely the implementation in Switzerland of certain checks on pork meat intended solely for the Swiss market.

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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 products² ('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 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, Euratom of the Council and of the Commission³ 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 should adopt the position it is to take within the Joint Veterinary Committee regarding the necessary amendments.
- (5) Decision No 1/2017 of the Joint Veterinary Committee set up by the Agriculture Agreement ('Decision No 1/2017 of the Joint Veterinary Committee') should enter into force on the day of its adoption.

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European 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.

² OJ L 114, 30.4.2002, p. 132.

³ OJ L 114, 30.4.2002, p. 1.

Article 2

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

Done at Brussels,

*For the Council
The President*