



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 6.8.2007
SEC(2007) 1058 final

Draft

DECISION OF THE EEA JOINT COMMITTEE

amending Annex I (Veterinary and phytosanitary matters), Annex II (Technical regulations, standards, testing and certification) and Protocol 47 (Abolition of technical barriers to trade in wine) to the EEA Agreement

- Draft common position of the Community -
(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The Commission has, in accordance with the Council's negotiation directives of 12 May 2006, negotiated an additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products. The Commission's proposal for this additional Agreement was transmitted to the Council by COM(2007)68final of 23 February 2007.
2. Liechtenstein is party to the EEA Agreement whereas Switzerland not. Consequently, for the sake of legal clarity, it must be clear what provisions of the EEA Agreement and what provisions of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, respectively, govern relations between the EU and Liechtenstein in this domain.
3. Therefore, the EEA Joint Committee should adopt in parallel a EEA Joint Committee Decision providing the appropriate derogations for Liechtenstein from the corresponding areas of the EEA Agreement, so long as the additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products remains in force. It is foreseen that the two arrangements will enter into force simultaneously.
4. The EEA Joint Committee should therefore adopt the attached Decision to amend amending Chapters II (Feedingstuffs) and III (Phytosanitary Matters) of Annex I, Chapters XII (Foodstuffs) and XXVII (Spirit Drinks) of Annex II, and Protocol 47 (Wine) of the EEA Agreement with the view to suspending these, as appropriate, for Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein.
5. Article 1(3)(a) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establishes the Community position for Joint Committee Decisions of this nature.
6. The draft Decision of the EEA Joint Committee is submitted for the approval of the Council. The Commission aims to put forward the position of the Community in the EEA Joint Committee as soon as possible after the adoption by the Council.

Draft

DECISION OF THE EEA JOINT COMMITTEE

amending Annex I (Veterinary and phytosanitary matters), Annex II (Technical regulations, standards, testing and certification) and Protocol 47 (Abolition of technical barriers to trade in wine) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No ... of ...¹.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No ... of ...².
- (3) Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No ... of ...³.
- (4) The Principality of Liechtenstein and the Swiss Confederation form a customs union in accordance with their Customs Treaty of 29 March 1923.
- (5) Annex 11, Animal-health and zootechnical measures applicable to trade in live animals and animal products, of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products ("Agriculture Agreement")⁴ is applicable in Liechtenstein. Accordingly, the Decision of the EEA Joint Committee No 1/2003⁵ exempts Liechtenstein from the application of Chapter I of Annex I of the Agreement.
- (6) The Agreement between the European Economic Community and the Swiss Confederation dated 22 July 1972⁶, as amended, was extended to Liechtenstein by an Additional Agreement dated 22 July 1972⁷. Accordingly, Decision of the EEA Joint

¹ OJ L ...

² OJ L ...

³ OJ L ...

⁴ OJ L 114, 30.4.2002, p. 132.

⁵ OJ L 94, 10.4.2003, p. 43.

⁶ OJ L 300, 31.12.1972, p. 189.

⁷ OJ L 300, 31.12.1972, p. 281.

Committee No 177/2004⁸ exempts Liechtenstein from the application of Protocol No 3 and parts of Protocol No 4 of the Agreement.

- (7) The European Community, the Swiss Confederation and Liechtenstein have agreed to extend the application of the provisions of the Agriculture Agreement to Liechtenstein by an Additional Agreement, which is to enter into force at the same time as this Decision.
- (8) It is therefore, as well as for the purpose of a consistent application of only one set of rules for the whole food chain, appropriate to exempt Liechtenstein from the application of the corresponding parts of the Agreement, namely Annex I, Chapters XII and XXVII of Annex II, and Protocol 47 for so long as the Agriculture Agreement applies to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement shall be amended as specified in the Annex to this Decision.

Article 2

This Decision shall enter into force on the same day as the Additional Agreement, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

Article 3

Liechtenstein and the European Community shall notify the EEA Joint Committee of the entry into force of the Agreement extending the application of the Agriculture Agreement to Liechtenstein.

⁸ OJ L 133, 26.5.2005, p. 33.

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, .

*For the EEA Joint Committee
The President*

*The Secretaries
to the EEA Joint Committee*

ANNEX

to Decision of the EEA Joint Committee No [...]

Annexes I and II and Protocol 47 to the Agreement shall be amended as specified below:

1. The following text shall be added in the Sectoral Adaptations of Annex I:

“However, this Annex shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein.”
2. The first paragraph of the introductory part of Chapter XII of Annex II shall be replaced by the following:

“This Chapter shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein.”
3. The following text shall be added in the introductory part of Chapter XXVII of Annex II:

“This Chapter shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein.”
4. The following text shall be added in the introductory part of Protocol 47:

“However, this Protocol shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein.”