



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.9.2005  
COM(2005) 452 final

Proposal for a

**COUNCIL DECISION**

**on the position to be adopted by the Community on Decision No 1/2005 of the Joint Veterinary Committee set up under the agreement between the European Community and the Swiss Confederation on trade in agricultural products amending Appendix 6 to Annex 11**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

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

Appendix 6, Chapter 1, to Annex 11 to the Agriculture Agreement mutually recognises equivalence in the sector for milk and products of milk of the bovine species intended for human consumption under Article 14(1) of Annex 11 to the Agriculture Agreement and on the basis of Council Directive 92/46/EEC of 16 June 1992.

Directive 2004/41/EC repeals, with effect from 1 January 2006, Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products.

The Swiss Confederation has undertaken to include in its national legislation the provisions of Regulations (EC) Nos 852/2004, 853/2004, 854/2004 and 882/2004, known as the "paquet hygiène", which replace in particular the provisions of Directive 92/46/EEC.

The Community and Swiss legislative references in Appendix 6 to Annex 11 to the Agriculture Agreement should be updated. It has been decided to take account of the legislation in force at 1 January 2006.

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 is to carry 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 Community must adopt the position it is to take in the Joint Veterinary Committee regarding these necessary amendments in Appendix 6 to Annex 11. Under the first subparagraph of Article 5(2) of Decision 2002/309/EC, Euratom, the Community's position is to be adopted by the Council on a proposal from the Commission.

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Proposal for a

## COUNCIL DECISION

**on the position to be adopted by the Community on Decision No 1/2005 of the Joint Veterinary Committee set up under the agreement between the European Community and the Swiss Confederation on trade in agricultural products amending Appendix 6 to Annex 11**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 and Article 152(4)(b) in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Whereas:

- (1) Article 5(2) of Decision 2002/309/EC, Euratom, 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 provides that the position to be taken by the Community within the Joint Veterinary Committee is to be adopted by the Council on a proposal from the Commission.
- (2) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as “the Agreement”) entered into force on 1 June 2002.
- (3) Article 19(1) of Annex 11 to the Agriculture Agreement sets up a Joint Veterinary Committee responsible for examining all questions relating to the said Annex and its implementation and for carrying out the tasks provided for therein. Article 19(3) of that Annex authorises the Committee to amend the appendices thereto, in particular with a view to their adaptation and updating.
- (4) Appendix 6, Chapter 1, to Annex 11 to the Agriculture Agreement mutually recognises equivalence in the milk and products of milk of bovine species intended for human consumption sector in accordance with Article 14(1) of Annex 11 to the Agriculture Agreement and on the basis of Council Directive 92/46/EEC of 16 June 1992.

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<sup>1</sup> OJ C [...], [...], p. [...].

- (5) In addition, since there have been changes in the Community and Swiss legislation on animal-health measures applied to animal products between the last amendment to Annex 11 to the Agriculture Agreement and 1 January 2006, Appendix 6 to that Annex should be amended accordingly.
- (6) The Community must adopt the position it is to take in the Joint Veterinary Committee regarding these necessary amendments,

HAS DECIDED AS FOLLOWS:

*Article 1*

The position to be adopted by the Community in 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 to Appendix 6 to the said Annex shall be based on the draft Decision of the Joint Committee annexed to this Decision.

*Article 2*

Decision No 1/2005 of the Joint Veterinary Committee on the amendment to Appendix 6 to Annex 11 to the Agreement shall be published in the *Official Journal of the European Union* as soon as it has been adopted.

Done at Brussels,

*For the Council*  
*The President*

**ANNEX**

Proposal for

**DECISION No 1/2005 OF THE JOINT VETERINARY COMMITTEE SET UP  
UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND  
THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS**

**of**

**on the amendment to Appendix 6 to Annex 11 to the Agreement**

**(.../.../EC)**

THE COMMITTEE,

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

Whereas:

- (1) The Agreement with Switzerland entered into force on 1 June 2002.
- (2) Appendices 1, 2, 3, 4, 5, 6 and 11 of Annex 11 to the Agriculture Agreement were amended for the first time by Decision No 2/2003 of the Joint Veterinary Committee set up under 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 to Annex 11 to the Agreement<sup>2</sup>.
- (3) Appendices 1, 2, 3, 4, 5, 6 and 11 to Annex 11 to the Agriculture Agreement were last amended by Decision No 2/2004 of the Joint Veterinary Committee set up under the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 9 December 2004 regarding the amendment of Appendices 1, 2, 3, 4, 5, 6 and 11 to Annex 11 to the Agreement<sup>3</sup>.
- (4) The Swiss Confederation has given an undertaking to incorporate in its national legislation the provisions of Regulations (EC) Nos 852/2004<sup>4</sup>, 853/2004<sup>5</sup>, 854/2004<sup>6</sup> and 882/2004<sup>7</sup>.

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<sup>2</sup> OJ L 23, 28.1.2004, p. 27.

<sup>3</sup> OJ L 17, 20.1.2005, p. 1.

<sup>4</sup> OJ L 139, 30.4.2004, p. 1.

<sup>5</sup> OJ L 139, 30.4.2004, p. 55.

<sup>6</sup> OJ L 139, 30.4.2004, p. 206.

<sup>7</sup> OJ L 165, 30.4.2004, p. 1.

- (5) The animal-health measures provided for under Swiss law are recognised as equivalent for trade purposes for milk and products of milk of the bovine species intended for human consumption.
- (6) Appendix 6 to Annex 11 to the Agriculture Agreement, together with its effects on the checks, will be reviewed by the Joint Veterinary Committee not later than one year following the entry into force of this Decision in order to examine equivalence for all livestock products intended for human consumption other than milk and products of milk of the bovine species intended for human consumption and to that Annex.
- (7) Appendix 6 to Annex 11 to the Agreement should be amended to take account of the changes in Community and Swiss legislation in force on 1 January 2006,

HAS DECIDED AS FOLLOWS:

*Article 1*

The first table (Products: Milk and products of milk of the bovine species intended for human consumption) in Chapter 1 of Appendix 6 to Annex 11 to the Agreement between the European Community and the Swiss Confederation relating to trade in agricultural products is hereby replaced by the table shown in the Annex to this Decision.

*Article 2*

The equivalence of animal-health measures provided for under Swiss law for all livestock products intended for human consumption other than milk and products of milk of the bovine species shall be examined in the Joint Veterinary Committee with a view to being recognised for trade purposes not later than one year following the entry into force of this Decision.

*Article 3*

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

*Article 4*

This Decision shall be published in the *Official Journal of the European Union*.

It shall take effect on 1 January 2006.

Signed at Brussels, 20 December 2005.

*For the Joint Veterinary Committee*

*Head of Delegation  
of the Swiss Confederation,*

*Head of Delegation  
of the European Community*

## ANNEX

### „Animal products for human consumption

| Exports from the European Community to Switzerland and Exports from Switzerland to the European Community |  |  |   |
|---|--|--|---|
| Trade conditions  |  | Equivalence                                | Special requirements  |
| EC standards  | Swiss standards  |  |   |
| <p>Regulations (EC)</p> <p>No 852/2004</p> <p>No 853/2004</p> <p>No 854/2004</p> <p>No 882/2004</p>       | <p>Federal Law of 9 October 1992 on foodstuffs and consumer products (Law on foodstuffs), last amended on 18 June 2004 (RS 817.0)</p> <p>Order of 27 May 1981 on the protection of animals, as last amended on 27 June 2001 (RS 455.1)</p> <p>Order of 1 March 1995 on the setting up bodies responsible for checking meat hygiene (OFHV) (RS 817.191.54)</p> <p>Order 27 June 1995 on epizootic diseases (OFE), as last amended on 18 August 2004 (RS 916.401)</p> <p>Order of 23 November 2005 on primary production (RS 916.020)</p> <p>Order of 23 November 2005 on the slaughter of livestock and the checking of meat (OAbCV) (RS 817.190)</p> <p>Order of 23 November 2005 on foodstuffs and consumer products (ODAI0Us) (RS 817.02)</p> <p>DFI Order of 23 November 2005 on the implementation of foodstuffs legislation (RS 817.025.21)</p> <p>DFE Order of 23 November 2005 on hygiene in primary production (RS 916.020.1)</p> <p>DFI Order of 23 November 2005 on hygiene (RS 817.024.1)</p> <p>DFE Order of 23 November 2005 on hygiene on the slaughter of livestock (OHyAb) (RS 817.190.1)</p> <p>DFI Order of 23 November 2005 on foodstuffs of animal origin (RS 817.022.108)</p> | <p>yes<br/>with special<br/>conditions</p> | <p>Under this Appendix, in the light of the development of Community legislation in this field (implementing instruments) and of Community legislation on the control of imports from third countries, the Swiss authorities undertake to amend their legislation in order to adopt equivalent trade legislation. The Swiss authorities have drawn up and submitted draft ordinances for consultation.</p> <p>The provisions of this Appendix will be reviewed by the Joint Veterinary Committee not later than one year following the entry into force of this amendment in order to examine the equivalence of all animal products intended for human consumption other than milk and products of milk of the bovine species, in accordance with Chapter III of this Appendix.</p> <p>Until the corresponding amendment of this Appendix has been made, all animal products other than milk products and products of milk of the bovine species and animal by-products not intended for human consumption, including milk and products of milk of the bovine species not intended for human consumption will continue to come within Chapter II of this Appendix.</p> |

**Milk and products of milk of the bovine species**

|                                   |   |  |     |   |
|-----------------------------------|---|--|-----|---|
| Animal health<br>– Bovine animals | Directive<br>64/432/EEC   | Order of 27 June 1995 on epizootic diseases (OFE), as last amended on 23 June 2004 (RS 916.401), and in particular Articles 47, 61, 65, 101, 155, 163, 169, 173, 177, 224 and 295 thereof.   | yes |   |
| Public health<br>– Bovine animals | Regulations<br>(EC)<br><br>No 852/2004<br><br>No 853/2004<br><br>No 854/2004<br><br>No 882/2004 | Order of 23 November 2005 on foodstuffs and consumer products (ODAIOUTs) (RS 817.02)<br><br>Order of 23.11.05 on ensuring quality in the dairy sector (Ordinance on milk quality, OQL) (RS 916.351.0)<br><br>DFI Order of 23 November 2005 on foodstuffs of animal origin (RS 817.022.108)<br><br>DFI Order of 23 November 2005 on hygiene (RS 817.024.1)<br><br>DFE Order of 23 November 2005 on hygiene in primary production (OHyPL) (RS 916.351.021.1) | yes | Milk and products of milk of the bovine species intended for human consumption which are the subject of trade between EU Member States and Switzerland will move on the same conditions only as milk and products of milk of the bovine species intended for human consumption which are the subject of trade between EU Member States.<br><br>The requirements of Swiss legislation concerning the processes and heat treatment used for milk and milk products, and their implications regarding labelling, do not apply to products manufactured and/or traded lawfully in a European Union Member State or lawfully manufactured in a State signatory to the European Free Trade Association (EFTA.), which is a contracting party to the Agreement on the European Economic Area (E.E.A.).<br><br>Switzerland will draw up a list of its establishments approved in accordance with Article 31 (registration/approval of establishments) of Regulation (EC) no 882/2004. |

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