



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.6.2006
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2006/0118(ACC)

Proposal for a

COUNCIL REGULATION

repealing Council Regulation (EC) No 7/2005 adopting autonomous and transitional measures to open a Community tariff quota for certain agricultural products originating in Switzerland

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Following the enlargement of the European Union on 1 May 2004, the Community and Switzerland agreed to adapt the tariff concessions laid down in the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products, which entered into force on 1 June 2002. In particular, they agreed to amend Annexes 1 and 2 to the Agreement, which listed the concessions, in order to widen an existing duty-free Community tariff quota to cover a new product (CN code 0705 21 00). To ensure that quota benefit for products of CN code 0705 21 00 was available from 1 May 2004, a new Community tariff quota limited to those products was provided for on an autonomous basis during a transitional period.

Decision 3/2005 of the Joint Committee for Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products on the adaptation, following the enlargement of the European Union, of Annexes 1 and 2, was adopted on 19 December 2005. This Decision formally amends Annexes 1 and 2 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, so as to incorporate the provisions on the tariff quota for the products of CN code 0705 21 00. The objective of this proposal is, therefore, to repeal the autonomous and transitional measure for these products.

- **General context**

Council Regulation (EC) No 7/2005 adopting autonomous and transitional measures to open a Community tariff quota for certain agricultural products originating in Switzerland needs to be repealed as it has been superseded by Decision 3/2005 of the Joint Committee for Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products on the adaptation, following the enlargement of the European Union, of Annexes 1 and 2.

- **Existing provisions in the area of the proposal**

Council Regulation (EC) No 7/2005 of 13 December 2004 adopting autonomous and transitional measures to open a Community tariff quota for certain agricultural products originating in Switzerland opens an autonomous and transitional measure for products of CN code 0705 21 00 different to the present Proposal which repeals the said measure.

- **Consistency with the other policies and objectives of the Union**

Not applicable.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Not relevant

- **Collection and use of expertise**

There was no need for external expertise.

- **Impact assessment**

Since the autonomous and transitional measure has been replaced by the formal one, Council Regulation 7/2005 needs to be repealed.

There are no other appropriate actions for this situation.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

Draft proposal for a Council Regulation repealing Council Regulation (EC) No 7/2005 adopting autonomous and transitional measures to open a Community tariff quota for certain agricultural products originating in Switzerland.

- **Legal basis**

Article 133 of the Treaty establishing the European Community.

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason(s).

Since the measure to be repealed was adopted as a Council Regulation, it must be repealed by a Council Regulation. A Council Regulation is directly binding on the Member States.

The financial and administrative burden is minimized and proportionate to the objective of the proposal, because the objective of the proposal is a repeal of the transitional and autonomous measure.

- **Choice of instruments**

Proposed instruments: regulation.

Other means would not be adequate for the following reason(s).

The provisions of a Regulation are directly binding to the Member States. The measure to be repealed was adopted as a Council Regulation.

4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5) ADDITIONAL INFORMATION

- **Repeal of existing legislation**

The adoption of the proposal will lead to the repeal of existing legislation.

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repealing Council Regulation (EC) No 7/2005 adopting autonomous and transitional measures to open a Community tariff quota for certain agricultural products originating in Switzerland

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Following the enlargement of the European Union on 1 May 2004, the Community and Switzerland agreed to adapt the tariff concessions laid down in the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products¹, hereinafter referred to as the Agreement, which entered into force on 1 June 2002. In particular, they agreed to amend Annexes 1 and 2 to the Agreement, which listed the concessions, in order to widen an existing duty-free Community tariff quota to cover a new product, witloof chicory of CN code 0705 21 00.
- (2) Pending the formal amendment, the Community and Switzerland agreed to provide for the application of the adapted concessions, as from 1 May 2004, on an autonomous and transitional basis.
- (3) To ensure that quota benefit for products of CN code 0705 21 00 would be available from 1 May 2004, a new autonomous Community tariff quota limited to those products was provided for during a transitional period by Council Regulation (EC) No 7/2005 of 13 December 2004 adopting autonomous and transitional measures to open a Community tariff quota for certain agricultural products originating in Switzerland².
- (4) Annex 2 to the Agreement as amended by Decision 3/2005 of the Joint Committee for Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 19 December 2005 on the adaptation, following the enlargement of the European Union, of Annexes 1 and 2³, sets out tariff quotas expanded to cover the products of CN code 0705 21 00.

¹ OJ L 114, 30.4.2002, p. 132

² OJ L 4, 6.1.2005, p. 1

³ OJ L 346, 29.12.2005, p. 33

- (5) Annex 2 to the Agreement is implemented by Commission Regulation (EC) No [...] of [...] ⁴ which enters into force on the 1 of July 2006.
- (6) Regulation (EC) No 7/2005 should therefore be repealed from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 7/2005 is repealed.

Article 2

This Regulation shall enter into force on the 1 of July 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*

⁴ OJ L