

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2009 OF THE JOINT COMMITTEE ON AGRICULTURE

of 9 December 2009

on the amendment of Annex 7 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(2010/265/EU)

THE JOINT COMMITTEE ON AGRICULTURE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

- (1) 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.
- (2) Annex 7 to the Agreement aims to facilitate and promote the bilateral trade flow of wine-sector products.
- (3) Pursuant to Article 27(1) and (2) of Annex 7 to the Agreement, the Working Group on Wine-Sector Products is to consider any matter which may arise in connection with Annex 7 and its implementation and make recommendations to the Committee. The group met to examine the issue of wine-sector production in the border areas, and in particular the situation with regard to the production of the Swiss wine of registered designation of origin 'AOC Genève', which uses a small percentage of grapes from vines located in France and bordering on the Swiss vines used to make this wine. In order to maintain this practice dating back to the beginning of the 19th century, the definitions of 'wine-sector product originating in' and 'geographical indication' must be amended.
- (4) Article 3 of Annex 7 to the Agreement should therefore be amended and a new Appendix added to the Annex to take into account the particularities of wine-sector production in the border areas between the Community and Switzerland, which predate the entry into force of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex 7 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is amended as follows:

1. Article 3 shall be amended as follows:

(a) point (a) is replaced by the following:

'(a) "wine-sector product originating in", followed by the name of one of the Parties means a product within the meaning of Article 2, produced in the territory of the said Party from grapes entirely harvested in its territory or in a territory stipulated in Appendix 5, in accordance with this Annex.'

(b) paragraph (b) is replaced by the following:

'(b) "geographical indication": means any indication, including designations of origin, within the meaning of Article 22 of the Agreement on Trade Related Aspects of Intellectual Property Rights, annexed to the Agreement establishing the World Trade Organisation (hereinafter referred to as the "TRIPs agreement"), that is recognised by the laws or regulations of one Party for purposes of describing and presenting a wine-based product within the meaning of Article 2 and originating in its territory or in a territory stipulated in Appendix 5.'

2. Appendix 5 is amended as set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on 1 August 2010.

Done at Berne, 9 December 2009.

For the Joint Committee on Agriculture

*The Head of the Community
Delegation*

Nicolas VERLET

*The President and Head of the
Swiss Delegation*

Jacques CHAVAX

The Secretary of the Committee

Chantal MOSER

ANNEX

'Appendix 5

Specific provisions referred to in Article 3(a) and (b)
Registered designation of origin Genève (AOC Genève)

1. Geographical area

The geographical area for AOC Genève includes:

- all the territory of the Canton of Geneva;
- all the French municipalities of:
 - Challex,
 - Ferney-Voltaire;
- parts of the French municipalities of:
 - Ornex,
 - Chens-sur-Léman,
 - Veigy-Foncenex,
 - Saint-Julien-en-Genevois,
 - Viry,

enumerated in the specifications for AOC Genève.

2. Production area of the grapes

The production area of the grapes includes:

- (a) on the Geneva territory: the areas included in the vineyard register within the meaning of Article 61 of the federal law on agriculture (RS 910.1) and whose grapes are used to produce wine;
- (b) on the French territory: areas of the municipalities or parts of municipalities enumerated in point 1, planted with vines or subject to replanting rights constituting a maximum of 140 hectares.

3. Wine making area

The wine making area is restricted to Swiss territory.

4. Downgrading

Using the "AOC Genève" registered designation of origin does not preclude using the designations "*vin de pays*" and "*vin de table suisse*" to refer to wines made from grapes from the production zone defined in point 2(b) and downgraded.

5. Monitoring the specifications for AOC Genève

The Swiss checks are the responsibility of the Swiss authorities, specifically those of Geneva.

The competent Swiss authority entrusts the physical checks to be carried out on the French territory to a French inspection body accredited by the French authorities.

6. Transitional provisions

Producers with areas planted with vines that are not listed in the grape production area listed in point 2(b), but who have previously and legitimately used the registered designation of origin "AOC Genève", may continue to use it until 2013 and the relevant products can be marketed until stocks are exhausted.'
