

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2013 OF THE JOINT COMMITTEE ON AGRICULTURE of 28 November 2013

amending Annex 10 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

(2013/733/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 10 to the Agreement concerns the recognition of conformity checks for fruit and vegetables that are subject to marketing standards.
- (3) Under Article 6 of Annex 10 to the Agreement, the Working Group on Fruit and Vegetables considers any matter arising in connection with Annex 10 and its implementation and periodically reviews the Parties' internal laws and regulations in the fields covered by Annex 10. In particular, the working group puts forward proposals to the Committee with a view to the adaptation and updating of the Appendices to the Annex. In this regard the working group has concluded that the content of the articles as well as the appendices to Annex 10 need to be adapted,

HAS DECIDED AS FOLLOWS:

Article 1

Annex 10 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall be replaced by the text in the Annex to this Decision.

Article 2

This Decision shall enter into force on 17 December 2013.

Done at Berne, 28 November 2013.

For the Joint Committee on Agriculture

*The Head of the EU
Delegation*

Susana MARAZUELA-AZPIROZ

*The President and Head of
the Swiss Delegation*

Jacques CHAVAZ

The Committee Secretary

Michaël WÜRZNER

ANNEX

'ANNEX 10

ON RECOGNITION OF CONFORMITY CHECKS FOR FRESH FRUIT AND VEGETABLES SUBJECT TO MARKETING STANDARDS*Article 1***Scope**

This Annex shall apply to fresh fruit and vegetables to be consumed fresh or dried, in respect of which marketing standards have been laid down or are recognised by the European Union as alternatives to the general standard under Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, with the exception of citrus fruits.

*Article 2***Subject matter**

1. When products as referred to in Article 1 originating in Switzerland or originating in the European Union and re-exported to the European Union from Switzerland are accompanied by the certificate of conformity referred to in Article 3, they shall not be subject in the European Union to a check of compliance with the standards before their introduction into Swiss customs territory.

2. The *Office fédéral de l'agriculture* is hereby designated as the agency responsible for checking compliance with European Union or equivalent standards of products originating in Switzerland or originating in the European Union and re-exported to the European Union from Switzerland. To that end the *Office fédéral de l'agriculture* may delegate its powers to carry out such checks to the bodies listed in Appendix 1, on the following conditions:

- the *Office fédéral de l'agriculture* shall notify the European Commission of the bodies empowered to carry out the checks,
- those bodies shall issue the certificates provided for in Article 3,
- the empowered bodies must have inspectors who have received training approved by the *Office fédéral de l'agriculture*, the plant and equipment needed for carrying out the checks and analyses that inspection will require, and suitable communications facilities.

3. Should Switzerland apply checks of compliance with marketing standards in respect of products as referred to in Article 1 before their introduction into Swiss customs territory, it shall adopt provisions equivalent to those laid down in this Annex to dispense products originating in the European Union from such checks.

*Article 3***Certificate of conformity**

1. For the purposes of this Annex, "certificate of conformity" means either:

- the form laid down in Annex III to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾,
- the Swiss form laid down in Appendix 2 to this Annex,
- the UN/ECE form annexed to the Geneva Protocol on standardisation of fresh fruit and vegetables, nuts and dried fruit, or
- the OECD form annexed to the OECD Council decision on arrangements for applying international standards on fruit and vegetables.

2. Consignments of products originating in Switzerland or originating in the European Union and re-exported to the European Union from Switzerland shall be accompanied by certificates of conformity until they are released for free circulation in the territory of the European Union.

3. The certificate of conformity must bear the stamp of one of the bodies listed in Appendix 1 to this Annex.

4. Where delegation of powers as provided for in Article 2(2) is withdrawn from one of the inspection bodies so empowered, certificates of conformity issued by that body shall no longer be recognised for the purposes of this Annex.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

*Article 4***Exchange of information**

1. Pursuant to Article 8 of the Agreement, the Parties shall send each other, inter alia, their lists of competent agencies and empowered inspection bodies. The European Commission shall notify the *Office fédéral de l'agriculture* of any irregularities or infringements detected with respect to compliance with the standards in force of consignments of fruit and vegetables originating in Switzerland or originating in the European Union and re-exported to the European Union from Switzerland under cover of certificates of conformity.
2. With a view to ascertaining compliance with the conditions laid down in the third indent of Article 2(2), the *Office fédéral de l'agriculture* shall agree, at the European Commission's request, to joint inspections being carried out at the premises of empowered bodies.
3. Such joint inspections shall be carried out in accordance with the procedure to be proposed by the Working Group on Fruit and Vegetables and adopted by the Committee.

*Article 5***Safeguard clause**

1. Where either Party considers that the other has failed to fulfil an obligation under this Annex, the two Parties shall hold consultations.
2. The Party which requests the consultations shall provide the other with all information necessary for a detailed examination of the case in question.
3. Where consignments of fruit and vegetables originating in Switzerland or originating in the European Union and re-exported to the European Union from Switzerland under cover of certificates of conformity are found not to comply with the standards in force and any time limit or delay might impair the effectiveness of fraud prevention measures or distort competition, temporary safeguard measures may be taken without prior consultations, provided that consultations are held immediately after the said measures have been taken.
4. If, following the consultations provided for in paragraphs 1 or 3, the Parties fail to reach agreement within three months of starting the consultations, the Party which requested the consultations or took the measures provided for in paragraph 3 may take suitable protective measures, which may include the partial or total suspension of this Annex.



*Article 6***Working Group on Fruit and Vegetables**

1. The Working Group on Fruit and Vegetables set up under Article 6(7) of the Agreement shall consider any matter which may arise in connection with this Annex and its implementation. It shall periodically review the Parties' internal laws and regulations in the fields covered by this Annex.
2. It shall in particular put forward proposals to the Committee with a view to the adaptation and updating of the Appendices hereto.

*Appendix 1***Swiss inspection bodies authorised to issue certificates of conformity as provided for in Article 3 of Annex 10**

Qualiservice
P.O. Box 7960
CH-3001 Bern

Appendix 2

1. Händler / Opérateur		Bescheinigung der Konformität mit den Vermarktungsnormen der Europäischen Union für Obst und Gemüse Certificat de conformité avec les normes de commercialisation de l'Union Européenne applicables aux fruits et légumes Nur für die Kontrollstellen bestimmt Le présent certificat est destiné exclusivement aux organismes de contrôle		N ^o
2. Auf der Verpackung angegebener Packbetrieb (wenn es sich nicht um den Händler handelt) Emballleur identifié sur emballage (si différent de l'opérateur)		3. Kontrollstelle / Organisme de contrôle Qualiservice GmbH Postfach 7960 3001 Bern		
		4. Kontrollort / Ursprungsland (¹) Lieu du contrôle/pays d'origine (¹)	5. Bestimmungsregion bzw. -land Région ou pays de destination	
6. Kennzeichen des Transportmittels / Identification du moyen de transport			7. <input type="checkbox"/> Intern / Interne <input type="checkbox"/> Einfuhr / Import <input type="checkbox"/> Ausfuhr / Export	
8. Verpackung (Anzahl und Art) Nombre et type d'emballages	9. Art des Erzeugnisses (Sorte, falls in der Norm vorgesehen) Nature du produit (variété si la norme le prévoit)	10. Güteklasse Catégorie de qualité	11. Gesamtgewicht brutto/netto in kg (²) Poids total en kg brut / net (²)	
12. Die vorgenannte Kontrollstelle bescheinigt auf der Grundlage einer Stichprobenuntersuchung, dass die oben bezeichneten Waren zum Zeitpunkt der Kontrolle den geltenden Vermarktungsnormen der Europäischen Union entsprechen. L'organisme de contrôle susmentionné certifie sur la base d'un examen par sondage que la marchandise indiquée ci-dessus correspondait, au moment du contrôle, aux normes de commercialisation de l'Union Européenne en vigueur.				
Vorgesehenes Zollamt: Eingang/ Ausgang (²) / Bureau de douane prévu: entrée / sortie (²)		Stempel der Kontrollstelle Cachet du service de contrôle		
Gültigkeitsdauer / Durée de validité: Tage / Jours		Ort und Datum der Ausstellung / Lieu et date de délivrance		
Kontrollleur (Name in Druckbuchstaben) Contrôleur: (nom en majuscules)	Unterschrift Signature	Unterschrift des Händlers Signature de l'opérateur		
13. Bemerkungen / observations:				
Kontrollzeit / Heures de contrôle von bis de h à h km				
Exemplar für: Exemplaire pour:	Weiss (Original): Empfänger Blanc (original): destinataire	Rosa: Verladler Rose: expéditeur	Gelb: Qualiservice Jaune: Qualiservice	Grün: Kontrollleur Vert: contrôleur
				 S SCHWEIZERISCHER INSPEKTIONSDIENST I SERVICE SUISSE D'INSPECTION S SERVIZIO SVIZZERO D'ISPEZIONE S SWISS INSPECTION SERVICE SIS 039

(¹) Bei Wiederausfuhr des Erzeugnisses ist sein Ursprung in Feld 9 anzugeben / Lorsque le produit est réexporté, mentionner son origine dans la case 9

(²) Nicht zutreffendes streichen / Biffer la mention inutile