

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2017 OF THE EU-SWITZERLAND JOINT COMMITTEE

of 8 February 2017

amending Tables II, III and IV(b) of Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products [2017/362]

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation signed in Brussels on 22 July 1972 ⁽¹⁾ hereinafter referred to as 'the Agreement', as amended by the Agreement between the European Community and the Swiss Confederation amending the Agreement as regards the provisions applicable to processed agricultural products ⁽²⁾ signed in Luxembourg on 26 October 2004, and its Protocol No 2, and in particular Article 7 of that Protocol,

Recalling that the revised Protocol No 2 was concluded with the objective to improve reciprocal market access for processed agricultural products,

Referring to the concerns which were raised by the EU at the 61st meeting of the Joint Committee on 3 December 2015,

Considering it expedient to proceed to a technical adjustment for the setting of basic amounts listed in Table IV(b) of Protocol No 2 by increasing the rebate applied to the reference price differences to fix the basic amounts from 15 to 18,5 percent,

Considering that this technical adjustment brings a solution to the EU's concerns regarding the preservation of the relative preferential margins of the Contracting Parties as set out in article 5(3) of Protocol No 2 and is in line with the overall objective of the Agreement to harmoniously develop trade between the Contracting Parties,

Noting that the Contracting Parties intend to continue abiding by their respective obligations under Protocol No 2, notably to implement the review clause set out in paragraphs (2) and (3) of Article 5 at least once per year, in line with the objectives of the Protocol.

Whereas:

- (1) Tables I and II of Protocol No 2 to the Agreement list the products to which that Protocol applies. All products of heading HS 2202 fall within the scope of Protocol No 2, except fruit juice or vegetable juice diluted with water or aerated. Diverging interpretations on the definition of fruit juice or vegetable juice diluted with water or aerated have resulted in an inconsistent classification practice.
- (2) The description of the products of heading HS 2202 excluded from the scope of the protocol should therefore be clarified in Table II.
- (3) For the implementation of Protocol No 2 to the Agreement, domestic reference prices have been fixed for the Contracting Parties.
- (4) Actual prices have changed on the domestic markets of the Contracting Parties as regards raw materials for which price compensation measures are applied.
- (5) It is therefore necessary to update the reference prices and amounts listed in Tables III and IV, point (b) of Protocol No 2 accordingly,

⁽¹⁾ OJ L 300, 31.12.1972, p. 189.

⁽²⁾ OJ L 23, 26.1.2005, p. 19.

HAS ADOPTED THIS DECISION:

Article 1

Protocol No 2 to the Agreement is amended as follows:

- (a) Table II is amended as set out in Annex I to this Decision;
- (b) Table III is replaced by the text set out in Annex II to this Decision;
- (c) in Table IV, point (b) is replaced by the text set out in Annex III to this Decision.

Article 2

This Decision shall enter into force on 1 March 2017 and shall apply from that date.

This decision shall be published in the *Official Journal of the European Union* on 1 March 2017.

Done at Brussels, 8 February 2017.

For the Joint Committee

The Chairman

Petros SOURMELIS

ANNEX I

In Table II, the entry for HS heading No 2202 is replaced by the entry below:

HS Heading No	Description of products
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009:
.10	— Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured
.91	— Non-alcoholic beer
.99	— Other:
ex.99	— — Other than vegetable or fruit juices of headings No 2002 and No 2009 and mixtures thereof, aerated or diluted with water or aqueous extracts of tea, herbs, coffee or maté, and other than containing milk components of headings No 0401 and No 0402'

ANNEX II

‘Table III

EU and Swiss domestic reference prices

Agricultural raw material	Swiss domestic reference price CHF per 100 kg net	EU domestic reference price CHF per 100 kg net	Article 4(1) Applied on Swiss side Difference Swiss/EU reference price CHF per 100 kg net	Article 3(3) Applied on EU side Difference Swiss/EU reference price EUR per 100 kg net
Common wheat	52,10	18,37	33,75	0,00
Durum wheat	—	—	1,20	0,00
Rye	42,75	16,35	26,40	0,00
Barley	—	—	—	—
Maize	—	—	—	—
Common wheat flour	90,40	40,20	50,20	0,00
Whole-milk powder	585,00	261,37	323,65	0,00
Skimmed-milk powder	396,20	195,08	201,10	0,00
Butter	1 010,90	368,10	642,80	0,00
White sugar	—	—	—	—
Eggs	—	—	38,00	0,00
Fresh potatoes	43,25	17,66	25,60	0,00
Vegetable fat	—	—	170,00	0,00

ANNEX III

Table IV

(b) The basic amounts for agricultural raw materials taken into account for the calculation of the agricultural components:

Agricultural raw material	Applied basic amount on the Swiss side Art 3(2)	Applied basic amount on the EU side Art 4(2)
	CHF per 100 kg net	EUR per 100 kg net
Common wheat	27,20	0,00
Durum wheat	1,00	0,00
Rye	20,95	0,00
Barley	—	—
Maize	—	—
Common wheat flour	40,90	0,00
Whole-milk powder	262,65	0,00
Skimmed-milk powder	163,90	0,00
Butter	523,90	0,00
White sugar	—	—
Eggs	30,95	0,00
Fresh potatoes	19,90	0,00
Vegetable fat	138,55	0,00'