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EUROPEAN COMMISSION

Brussels, 10.11.2010
COM(2010) 645 final

2010/0313 (NLE)

Proposal for a

COUNCIL DECISION

on the conclusion of the Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as "the Agricultural Agreement") has been extended to the Principality of Liechtenstein¹. The Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs has amended the Agricultural Agreement by adding Annex 12. Therefore, the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein also needs to be amended so that the protection of geographical indications also applies to Liechtenstein.

2. BUDGETARY IMPLICATIONS

No impact.

On the basis of the above-mentioned, the Commission proposes that the Council designate the person(s) empowered to sign the Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein (hereinafter referred to as "the Agreement") on behalf of the Union, subject to its conclusion.

¹ OJ L 270, 13.10.2007, p.6.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the approval of the European Parliament²,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products³ (hereinafter referred to as "the Agricultural Agreement") entered into force on 1 June 2002.
- (2) The Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁴ (hereinafter referred to as "the Additional Agreement") entered into force on 13 October 2007.
- (3) The Commission has negotiated on behalf of the European Union an Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs which amends the Agricultural Agreement by inserting a new Annex 12.
- (4) The European Union, the Principality of Liechtenstein and the Swiss Confederation have agreed that the Additional Agreement should also be amended in order to take into account the protection of designations of origin and geographical indications.

² OJ C

³ OJ L 114, 30.4.2002, p.132.

⁴ OJ L 270, 13.10.2007, p.6.

- (5) The Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein amending the Additional Agreement (hereinafter referred to as "the Agreement") signed by the Commission on [], in accordance with Council Decision 2010/XXX of [...] ⁵, should be concluded.

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as "the Agreement") is hereby concluded.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall designate the person empowered to proceed, on behalf of the European Union, with the deposit of the instrument of approval provided for in Article 3 of the Agreement in order to express the consent of the European Union to be bound by the Agreement.

Article 3

This Decision shall enter into force on the date of its adoption. It shall be published in the *Official Journal of the European Union*.

The date of entry into force of the Agreement shall be published in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council
The President*

⁵ OJ XXX.

ANNEX
AGREEMENT

Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

The European Union (hereinafter referred to as “the Union”), the Swiss Confederation (hereinafter referred to as "Switzerland") and the Principality of Liechtenstein (hereinafter referred to as “Liechtenstein”), hereinafter referred to as "the Parties",

Committing themselves to promoting among themselves the harmonious development of designations of origin and geographical indications (hereinafter "GIs") and facilitating, through their protection within the framework of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter "Agricultural Agreement"), bilateral trade flows in agricultural products and foodstuffs originating in the Parties that have been granted a GI within the meaning of the Parties' respective legislation, and regularly updating the list of GIs protected by this Agreement,

Whereas:

- (1) Swiss legislation on GIs for agricultural products and foodstuffs applies in Liechtenstein,
- (2) GIs in the Swiss national register may be composed of geographical names in the territory of Liechtenstein and the geographical area of these GIs may include the territory of Liechtenstein,
- (3) Pursuant to the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter "the Additional Agreement"), the Agricultural Agreement also applies to Liechtenstein,
- (4) Pursuant to the Additional Agreement, Liechtenstein products are deemed to be products of Swiss origin,
- (5) The Additional Agreement should be amended so that the insertion of a new annex to the Agricultural Agreement concerning the protection of geographical indications and designations of origin from Switzerland and the European Union relative to agricultural products and foodstuffs also applies to Liechtenstein,

Have agreed on the following provisions:

Article 1 Amendments

The Additional Agreement is hereby amended as follows:

1. Article 1(2) is replaced by the following:

"The adjustments specific to Liechtenstein concerning Annexes 4 to 12 of the Agricultural Agreement are laid down in the Annex to this Agreement ("Additional Agreement"), which shall constitute an integral part thereof."

2. The title "Adjustments/additions concerning Annexes 4 to 11 of the Agricultural Agreement" in the Annex is replaced as follows:

"Adjustments/additions concerning Annexes 4 to 12 of the Agricultural Agreement."

3. The following paragraph is added to the above-mentioned title:

"Annex 12, Protection of designations of origin and geographical indications for agricultural products and foodstuffs

The geographical area of the following Swiss GIs that are protected pursuant to Appendix 1 to Annex 12 also includes the territory of Liechtenstein:

- Rheintaler Ribel / Türggen Ribel (PDO)
- St. Galler Bratwurst / St. Galler Kalbsbratwurst (PGI)."

Article 2 Language versions:

This Agreement shall be drawn up in triplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of those texts being equally authentic.

Article 3 Entry into force

1. This Agreement shall be ratified or approved by the Parties in accordance with their internal procedures.
2. The Parties shall notify each other of the completion of these procedures.
3. This Agreement shall enter into force on [...]

FINANCIAL STATEMENT

fiche fin/10/477776
DDG/tm
6.0.2005.1-2010

DATE: 14.7.2010

1. BUDGET HEADING:
Chapter 12 – Customs duties and other duties

CREDITS:
B2010: EUR 14 079,7
million

2. TITLE:
Proposal for a Council Decision on the conclusion of the Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products.

3. LEGAL BASIS:
Treaty and in particular Art. 207(4), first subparagraph, in conjunction with Article 218(6)(a)(v).

4. AIMS:
To establish a mutual protection of geographical indications in the trade of agricultural products between the Parties.

5. FINANCIAL IMPLICATIONS	12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR 2010 (EUR million)	FOLLOWING FINANCIAL YEAR 2011 (EUR million)
5.0 EXPENDITURE			
- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)	-	-	-
- NATIONAL AUTHORITIES			
- OTHERS			
5.1 REVENUE			
- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)	-	-	-
- NATIONAL			
	2012	2013	2014
5.0.1 ESTIMATED EXPENDITURE			
5.1.1 ESTIMATED REVENUE	-	-	-
5.2 CALCULATION METHOD: -			
6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?			YES NO
6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?			YES NO
6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY?			YES NO
6.3 WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?			YES NO

OBSERVATIONS:

The proposal concerns the conclusion of an Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein to amend the existing Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, in order to take into account the protection of designations of origin and geographical indications. The measure has no financial impact.

