



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.2.2007
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2007/0031 (ACC)

Proposal for a

COUNCIL DECISION

concerning the conclusion of an 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

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In view of the customs union with the Swiss Confederation, the Principality of Liechtenstein has requested that the Agreement between the European Community and the Swiss Confederation on trade in agricultural products should apply to it.
2. Following the positive position taken by the Joint Committee on Agriculture and the Joint Veterinary Committee of that Agreement, consultations between the Commission, the Government of the Principality of Liechtenstein and the Swiss Federal Council were undertaken.
3. The Agreement will simplify the triangular relationship in trade in agricultural products between Liechtenstein, the Swiss Confederation and the Community, both for tariff and non tariff issues. At the same time, the situation as regards those matters covered by the Agreement on the European Economic Area that apply to Liechtenstein but not to the Swiss Confederation, has to be clarified in the form of a Decision of the EEA Joint Committee, to be adopted in accordance with the specific procedures foreseen.
4. The Commission, therefore, proposes that the Council adopt the decision on the conclusion of this Agreement and the corresponding EEA Joint Committee Decision entering into force on the same day.
5. Financial impact: no significant impact foreseen.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof, in conjunction with the first sentence of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community, the Principality of Liechtenstein and the Swiss Confederation have negotiated and initialled an additional agreement to extend to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products.
- (2) It is in the Community's interest to approve that additional agreement,

HAS DECIDED AS FOLLOWS:

Article 1

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 is hereby approved on behalf of the Community. The text of the Agreement is attached to this decision.

Article 2

The President of the Council is hereby authorized to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Done at

*For the Council
The President*

Proposal for an

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 Community (“the Community”), the Swiss Confederation (“Switzerland”) and the Principality of Liechtenstein (“Liechtenstein”),

Whereas:

- (1) Liechtenstein forms a customs union with Switzerland in accordance with the Treaty of 29 March 1923 between the Swiss Confederation and the Principality of Liechtenstein incorporating Liechtenstein into the Swiss customs territory (“Customs Treaty”)¹.
- (2) By virtue of the Customs Treaty, the provisions concerning the improvement of market access granted by Switzerland for agricultural products originating in the Community which are the subject of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 21 June 1999² (“Agriculture Agreement”) apply to Liechtenstein.
- (3) For the administration of the Agriculture Agreement and to ensure its good functioning, Article 6 establishes a Joint Committee for Agriculture and Article 19 of Annex 11 a Joint Veterinary Committee, both of which may modify specific parts of that agreement.
- (4) In accordance with the Additional Agreement concerning the validity, for the Principality of Liechtenstein, of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972³, the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972⁴ applies to Liechtenstein: Protocol No 3 provides that Liechtenstein products are deemed to be products of Swiss origin. Article 4 of the Agriculture Agreement provides that the rules of origin applicable under Annexes 1, 2 and 3 shall be as set out in Protocol No 3 mentioned above.

¹ LGBl. 1923 Nr. 24; SR 0.631.112.514.

² OJ EU L 114, 30.4.2002, p. 132.

³ OJ EU L 300, 31.12.1972, p. 281.

⁴ OJ EU L 300, 31.12.1972, p. 189.

- (5) All the provisions of the Agriculture Agreement, including any modifications made by its Joint Committees, should apply to Liechtenstein. At the same time, the corresponding parts of the EEA Agreement, namely Annex I, Chapters XII and XXVII of Annex II and Protocol 47 should be suspended with regard to Liechtenstein for so long as the Agriculture Agreement applies to Liechtenstein.

HAVE AGREED AS FOLLOWS:

Article 1

1. The Agriculture Agreement, including any modifications decided by the Joint Committee for Agriculture and the Joint Veterinary Committee shall apply to Liechtenstein.
2. The adaptations specific to Liechtenstein concerning Annexes 4 to 11 of the Agriculture Agreement are laid down in the Annex to this Agreement ("Additional Agreement"), which shall constitute an integral part of it.

Article 2

1. For the application and development of the Agriculture Agreement and without altering its bilateral nature, Liechtenstein shall have its interests represented by a Liechtenstein representative within the Swiss delegation to the Joint Committee on Agriculture and the Joint Veterinary Committee, and their working parties.
2. The Joint Committee for Agriculture may modify the Annex to this Agreement, in accordance with the provisions of Articles 6 and 11 of the Agriculture Agreement. The Joint Veterinary Committee may modify the Annex to this Agreement in so far as it concerns Annex 11 of the Agriculture Agreement, in accordance with the provisions of Article 19 of that Annex. Such modifications shall be subject to the approval of the Liechtenstein representative.

Article 3

This Agreement:

- shall enter into force on the day of its signature;
- may be terminated by written notification to the other parties. It shall cease to be in force one year after the date of such notification;
- shall cease to apply should either the Agriculture Agreement or the Customs Treaty no longer be in force.

Article 4

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

Done at

for the European Community

for the Swiss Confederation

for the Principality of Liechtenstein

ANNEX to the Additional Agreement

Principle

The laws and obligations, legal provisions, lists, names and terms laid down for Switzerland in the Agriculture Agreement shall also apply to Liechtenstein subject to the following adjustments and additions.

Where Swiss canton authorities are assigned duties, responsibilities and powers, these shall be incumbent on the competent Liechtenstein government agencies. For matters handled by the canton agricultural authorities this means the Agricultural Office ("Landwirtschaftsamt"), Dr. Grass-Strasse 10, FL-9490 Vaduz, and for matters handled by the canton veterinary and food authorities it means the Office of Food Inspection and Veterinary Affairs (OFV) ("Amt für Lebensmittelkontrolle und Veterinärwesen"), Postplatz 2, FL-9494 Schaan.

Furthermore, private organisations to which specific tasks have been assigned (e.g. inspection and certification bodies) are also competent for Liechtenstein, unless otherwise provided in what follows.

Adjustments/additions concerning Annexes 4-11 of the Agriculture Agreement

Annex 4, Plant protection

Annex 5, Feeding stuffs

Annex 6, Seeds sector

Annex 7, Trade in wine products

Protected names of wine products originating in Liechtenstein (within the meaning of Article 6 of Annex 7)

Geographical indications

Quality wines

- Balzers
- Benden
- Eschen
- Eschnerberg
- Gamprin
- Mauren
- Ruggell
- Schaan
- Schellenberg
- Triesen
- Vaduz

Table wines with geographical indication

- Liechtensteiner Oberländer Landwein
- Liechtensteiner Unterländer Landwein

Traditional expressions

- Ablass
- Appellation d'origine contrôlée
- Auslese Liechtenstein
- Beerenauslese
- Beerle
- Beerli
- Beerliwein
- Eiswein
- Federweiss⁵
- Grand Cru Liechtenstein
- Kretzer
- Landwein
- Sélection Liechtenstein
- Strohwein
- Süsdruck
- Trockenbeerenauslese
- Weissherbst

Annex 8, On the mutual recognition and protection of names of spirit drinks and aromatised wine-based drinks

Protected names for spirits originating in Liechtenstein (within the meaning of Article 4 of Annex 8)

Grape marc spirit

- Balzner Marc
- Benderer Marc
- Eschner Marc
- Eschnerberger Marc
- Gampriner Marc

⁵ without prejudice to the use of the German traditional expression “Federweißer” for grape must partially in fermentation intended for direct human consumption as foreseen in paragraph 34c of the German Wine Regulation and in Articles 12(1)(b) and 14(1) of Commission Regulation (EC) No 753/2002, as amended.

- Maurer Marc
- Ruggeller Marc
- Schaaner Marc
- Schellenberger Marc
- Triesner Marc
- Vaduzer Marc

Annex 9, Organically produced agricultural products and foodstuffs

Annex 10, Recognition of conformity checks for fresh fruit and vegetables subject to marketing standards

Annex 11, Animal-health and zootechnical measures applicable to trade in live animals and animal products

TRACES system

The Commission, in cooperation with the Office of Food Inspection and Veterinary Affairs (OFV, "Amt für Lebensmittelkontrolle und Veterinärwesen") shall integrate Liechtenstein into the TRACES system, in accordance with Commission Decision 2004/292/EC of 30 March 2004⁶.

Rules for animals sent for grazing in border areas

Rules for animals sent for grazing in border areas defined in Appendix 5 to Annex 11 of the Agriculture Agreement, chapter 1, point III, shall apply mutatis mutandis to Liechtenstein.

For Liechtenstein, the parties referred to in Article 1 of Commission Decision 2001/672/EC of 20 August 2001⁷ laying down special rules applicable to movements of bovine animals when put out to summer grazing in mountain areas and referred to in the corresponding Annex shall be: **Liechtenstein**.

Legislation

In the case of Liechtenstein, the Liechtenstein Law on animal welfare (TschG) of 20 December 1988, LGBl. 1989 Nr. 3, LR 455.0 and the Liechtenstein Ordinance on animal welfare (TschV) of 12 June 1990, LGBl. 1990 Nr. 33, LR 455.01 shall replace the Ordinance on animal welfare (SR 455.1) listed for Switzerland under Appendix 5, Chapter 3 III. Animal Welfare, point 1.

⁶ OJ EU L 94, 31.3.2004, p. 63.

⁷ OJ EU L 235, 4.9.2001, p. 23.