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ANNEX

DRAFTDECISION No 2/2011 OF THE JOINT COMMITTEE ON AGRICULTURE of 25 November 2011 amending Annex 9 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

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) The purpose of Annex 9 to the Agreement is to facilitate and foster the bilateral trade flow of organic products from the European Union and Switzerland.
- (3) Under Article 8 of Annex 9 to the Agreement, the Working Group on Organic Products examines all issues relating to Annex 9 and its implementation and makes recommendations to the Committee. This group met to examine, in particular, the scope of the Agreement, the import rules applied by the two Parties to the Agreement and the exchanges of information between them. The Working Group concluded that the content of the Articles of Annex 9 on these subjects should be adapted to take account of developments in organic production and the market for organic products,

HAS DECIDED AS FOLLOWS:

Article 1

Annex 9 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is hereby amended as follows:

- (1) Article 2 is amended as follows:
 - (a) in paragraph 1, the word ‘plant’ is replaced by ‘agricultural’;
 - (b) paragraph 2 is deleted;
- (2) Article 6 is replaced by the following:

Article 6

Third countries and inspection bodies in third countries

- 1 The Parties shall do their utmost to ensure that the import arrangements applicable to organically produced products from third countries are equivalent.
- 2 With a view to ensuring equivalence in practice as regards recognition in the case of third countries and inspection bodies in third countries, the Parties shall establish appropriate collaboration in order to make use of their experience and shall consult each other before they recognise and include any third country or inspection body in the lists drawn up to that end in their laws and regulations.;
- (3) Article 7 is replaced by the following:

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Article 7

Exchange of information

- 1 Under Article 8 of the Agreement, the Parties and Member States shall send each other the following information and documents in particular:
- a list of the competent authorities and inspection bodies and their code numbers and reports on surveillance by the authorities charged with this task,
 - a list of the administrative decisions authorising imports of organically produced products from third countries,
 - details of irregularities or infringements of the laws and regulations listed in Appendix 1 altering the organic character of a product; the level of communication shall depend on the severity and the extent of the irregularity or infringement found in accordance with the Appendix.
- 2 The Parties shall guarantee the confidential treatment of the information referred to in the third indent of paragraph 1.;
- (4) Appendix 1 and Appendix 2 shall be replaced, respectively, by Appendix 1 and Appendix 2 in the Annex to this Decision.

Article 2

This Decision shall enter into force on 1 December 2011.

Done at Brussels, 25 November 2011.

For the Joint Committee on Agriculture

The Head of the EU Delegation

Nicolas VERLET

The President and Head of the Swiss Delegation

Jacques CHAVAZ

The Committee Secretary

Michaël WÜRZNER

ANNEX

‘Appendix 1

List of acts referred to in Article 3 relating to organically produced agricultural products and foodstuffs

Regulations applicable in the European Union:

- Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ([OJ L 189, 20.7.2007, p. 1](#)), as last amended by Council Regulation (EC) No 967/2008 of 29 September 2008 ([OJ L 264, 3.10.2008, p. 1](#)),
- Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with

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- regard to organic production, labelling and control ([OJ L 250, 18.9.2008, p. 1](#)), as last amended by Commission Regulation (EC) No 426/2011 of 2 May 2011 ([OJ L 113, 13.5.2011, p. 1](#)),
- Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries ([OJ L 334, 12.12.2008, p. 25](#)), as last amended by Commission Regulation (EC) No 590/2011 of 20 June 2011 ([OJ L 161, 21.6.2011, p. 9](#)).

Regulations applicable in the Swiss Confederation:

- Ordinance of 22 September 1997 on organic farming and the labelling of organically produced plant products and foodstuffs (Ordinance on organic farming), as last amended on 27 October 2010 (RO 2010 5859),
- Ordinance of the Département Fédéral de l'Economie of 22 September 1997 on organic farming, as last amended on 25 May 2011 (RO 2011 2369).

Exclusion from the equivalence arrangements:

- Swiss products based on ingredients produced under the arrangements for conversion to organic farming,
- Swiss goat products, where the animals are covered by the derogation provided for in Article 39d of the Ordinance on organic farming and the labelling of organically produced products and foodstuffs⁽¹⁾.

Appendix 2

Detailed rules for implementation

The rules on labelling concerning organic feed in force in the legislation of the importing Contracting Party shall apply to the imports of the other Party.

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(1) (RS 910.18)'

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