



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.12.2003
COM(2003) 768 final

Proposal for a

COUNCIL DECISION

**on a Community Position regarding Decision No. 1/2003 of the Community/Switzerland
Air Transport Committee established under the Agreement between the European
Community and the Swiss Confederation on Air Transport, adopting its rules of
procedure**

(presented by the Commission)

EXPLANATORY MEMORANDUM

On 1 June 2002 the Agreement between the European Community and the Swiss Confederation on Air Transport entered into force. Article 21 of the Agreement establishes a Community/Switzerland Air Transport Committee which is responsible for the administration and proper implementation of the Agreement.

RULES OF PROCEDURE OF THE COMMUNITY/ SWITZERLAND AIR TRANSPORT COMMITTEE

Article 21, Paragraph 3 of the Agreement stipulates that the Community/Switzerland Air Transport Committee shall adopt, by a decision, its rules of procedure which shall include, among other provisions, the procedures for convening meetings, appointing the Chairman and laying down the latter's terms of reference.

At the first meeting of the Community/Switzerland Air Transport Committee on 16 December 2002 the two delegations agreed to apply the draft rules of procedure on a provisional basis until their formal adoption at the second meeting of the Committee.

These draft rules of procedure had been drafted by Commission and Swiss experts, with the close involvement of the Member States.

COMMUNITY POSITION ON DECISION 1/2003

Decision (2002/309/EC, Euratom) of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation provides in its Article 3 that the position to be taken by the Community as regards decisions of the Community/Switzerland Air Transport Committee which simply extend acts of Community legislation to Switzerland, subject to any technical adjustment needed, shall be adopted by the Commission. For other Community/Switzerland Air Transport Committee decisions, the Community's position shall be adopted by the Council, acting by qualified majority, on a proposal from the Commission.

Since the adoption of the rules of procedure of the Community/Switzerland Air Transport Committee is no mere technical adjustment, it is for the Council to approve the Community position on the adoption of Decision 1/2003 of the Community/Switzerland Air Transport Committee, regarding the adoption of the rules of procedure of that Committee.

The Council is invited to adopt the attached Decision.

Proposal for a

COUNCIL DECISION

on a Community Position regarding Decision No. 1/2003 of the Community/Switzerland Air Transport Committee established under the Agreement between the European Community and the Swiss Confederation on Air Transport, adopting its rules of procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport¹, and in particular Article 21 thereof,

Having regard to the Decision of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation (2002/309/EC, Euratom), and in particular Article 3 thereof,

Having regard to the proposal from the Commission²,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on Air Transport (hereinafter referred as “The Agreement”) entered into force on 1 June 2002.
- (2) Article 21 of the Agreement creates a Community/Switzerland Air Transport Committee with responsibility for the administration and proper implementation of the Agreement.
- (3) Article 21, Paragraph 3 of the Agreement requires the Community/Switzerland Air Transport Committee to adopt its rules of procedure.
- (4) Article 3, Paragraph 3 of the Decision of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation (2002/309/EC, Euratom) provides that the Community’s position for decisions of the Community/Switzerland Air Transport Committee not mentioned in Paragraph 2 thereof shall be adopted by the Council, acting by qualified majority, on a proposal from the Commission.

¹ Decision of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of April 2002 on the conclusion of seven Agreements with the Swiss Confederation (2002/309/EC, Euratom), OJ L 114, 30.04.2002, p. 1.

² OJ C [...] [...], p. [...]

HAS DECIDED AS FOLLOWS:

Sole Article

The position of the European Community in the Community/Switzerland Air Transport Committee created by Article 21 of the Agreement between the European Community and the Swiss Confederation on Air Transport with regard to the rules of procedure of this Committee shall be based on the annex to this decision.

Done at Brussels,

For the Council
The President

ANNEX

Draft Decision No 1/2003
of the Community/Switzerland Air Transport Committee adopting its rules of
procedure

**DECISION OF THE COMMUNITY/SWITZERLAND AIR TRANSPORT
COMMITTEE**

No 1/2003

of 2003

adopting its rules of procedure

THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport, hereinafter referred to as ‘the Agreement’, and in particular Article 21(3) thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The rules of procedure of the Joint Committee annexed to this decision are hereby adopted.

Done at Brussels, ... 2003

For the Joint Committee
The Head of the Community Delegation

The Head of the Swiss Delegation

ANNEX

Rules of procedure of the Community/Switzerland Air Transport Committee

Article 1 *Chair*

1. The Chair of the Committee shall be held in turn for a period of one calendar year by a representative of the Commission of the European Communities, on behalf of the European Community, hereinafter referred to as "the Community", and by a representative of the Swiss Confederation. It shall be held by Switzerland during the year of entry into force of the Agreement.
2. The head of delegation of the party which holds the Chair or, where appropriate, his or her alternate, shall be Chair of the Committee.

Article 2 *Delegations*

1. Before each meeting, the heads of delegation shall inform the Chair of the intended composition of their delegation.
2. The Parties shall appoint the heads of delegation who, outside the meetings, are to be the contact persons for all matters relating to the Agreement.
3. The Chair, in agreement with the other head of delegation, may invite persons who are not members of the delegations to take part in a meeting of the Committee in order to provide information on specific subjects.
4. The parties shall inform each other, at least one week before the meeting, of the composition of their delegation.

Article 3 *Secretariat*

1. A representative of the Commission and a representative of the Swiss Confederation shall jointly provide the Secretariat for the Committee. The Secretaries shall be designated by their respective head of delegation and shall continue to perform their duties until a new Secretary is appointed. Each party shall send the name and address of its Secretary to the other party.
2. The Secretaries shall be responsible for communication between the delegations, including the transmission of documents, and shall supervise the duties performed by the Secretariat.
3. The Secretariat to the Committee shall be under the direction of the party which holds the Chair.

Article 4
Meetings of the Committee

1. The Committee shall meet at least once a year. It shall be convened by the Chair. The Chair may also convene the Committee at the request of the head of the other delegation.
2. The Chair shall draw up the draft agenda and fix the date and place of the meeting in agreement with the head of the other delegation.
3. The Chair shall send the notice of meeting, together with the draft agenda and the documents for the meeting, to the head of the other delegation no later than 15 working days before the meeting.
4. One of the two heads of delegation may ask the Chair to shorten the period indicated in paragraph 3 in order to take account of the urgency of a particular matter.
5. Meetings of the Committee shall not be public, unless decided otherwise by the Chair, with the agreement of the other head of delegation.
6. Depending on who holds the Chair, the Committee shall meet in Brussels or Berne, unless the parties agree on another meeting place.
7. By joint agreement between the Chair and the other head of delegation, the meeting may also be held by telephone or video conference. In this case, the instruments of the Committee shall be adopted by written procedure, in accordance with Article 7(5), *mutatis mutandis*.

Article 5
Agenda

1. The Chair shall draw up the provisional agenda for each meeting.
2. The heads of delegation may propose one or more additional items to be included in the agenda at the latest 24 hours before the meeting is due to begin. Any request for additional items to be included in the agenda must be duly substantiated and sent in writing to the Chair or to the head of the other delegation.
3. At the beginning of the meeting, the Chair and the other head of delegation shall approve the agenda.

Article 6
Working parties

1. The composition and functioning of the working parties or groups of experts set up in accordance with Article 21(5) of the Agreement shall be agreed, *mutatis mutandis*, in accordance with the rules applicable to the Committee.
2. The working parties or groups of experts shall work under the authority of the Committee, to which they shall report after each of their meetings. They are not

authorised to take decisions but may make recommendations for the Committee's attention.

3. The Committee may decide to terminate or to amend the mandate of the working parties or groups of experts.

Article 7 *Adoption of instruments*

1. The recommendations and decisions of the Committee within the meaning of Article 21(1) of the Agreement shall be adopted by consensus between the two delegations. They shall be entitled "recommendation" or "decision", followed by a sequential number, the date of adoption and an indication as to the subject.
2. The decisions and recommendations of the Committee shall be covered by the signature of the Chair and the head of delegation of the party which does not hold the Chair. An original copy shall be kept by each of the parties.
3. Each party may decide to publish any instrument adopted by the Committee.
4. The instruments of the Committee may be adopted by written procedure if the two heads of delegation so agree.
5. The party which proposes use of the written procedure shall submit the draft instrument to the other party. The other party shall reply indicating whether or not it accepts the draft, whether it proposes any changes to the draft, and whether it requests additional time to consider it. If the draft is adopted, the Chair shall finalise the decision or the recommendation in accordance with paragraphs 1 and 2 above.

Article 8 *Minutes*

1. The Secretariat shall draw up draft minutes of each meeting. The draft shall indicate the decisions taken, the recommendations made and the conclusions adopted. The minutes shall be signed by the Chair and by the head of the other delegation. An original copy shall be held by each party.
2. The draft minutes shall be drawn up within ten working days of the end of the meeting and shall be submitted for the approval of the Chair and the head of the other delegation by written procedure. If this procedure is not completed, the minutes shall be adopted by the Committee at its next meeting.

Article 9 *Confidentiality*

The Committee's deliberations shall be confidential.

Article 10
Expenses

1. Each party shall bear any expenses it incurs relating to its participation in the meetings of the Committee and of the working parties or groups of experts.
2. The Committee shall agree on the breakdown of expenses relating to any missions assigned to experts.

Article 11
Correspondence

All correspondence to or from the Chair of the Committee shall be sent to the Secretariat of the Committee. The Secretariat shall send a copy of all correspondence concerning the Agreement to the heads of delegation and to the Swiss Mission to the European Communities.