EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

PROVISIONAL
2006/0235(AVC)

12.1.2007

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DRAFT RECOMMENDATION

on the proposal for a Council Decision on the approval of an exchange of letters between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, authenticating the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, as drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages
(COM(2006)0717 – C6-0000/2007 – 2006/0235(AVC))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Jean-Marie Cavada

PR_AVC_art83

Symbols for procedures

*	Consultation procedure *majority of the votes cast*
**I	Cooperation procedure (first reading) *majority of the votes cast*
**II	Cooperation procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***	Assent procedure *majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
***I	Codecision procedure (first reading) *majority of the votes cast*
***II	Codecision procedure (second reading) *majority of the votes cast, to approve the common position* *majority of Parliament's component Members, to reject or amend the common position*
***III	Codecision procedure (third reading) *majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council Decision on the approval of an exchange of letters between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, authenticating the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, as drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages (COM(2006)0717 – C6-0000/2007– 2006/0235(AVC))

(Assent procedure)

The European Parliament,

– having regard to the proposal for a Council decision (COM(2006)0717))[1],

– having regard to the Protocol of 26 October 2004 to the Agreement between the European Community and its Member States,

– having regard to the request for assent submitted by the Council pursuant to Article 300(3), second subparagraph, in conjunction with Article 300, second paragraph, first subparagraph, second sentence and Article 310 of the EC Treaty (C6-0000/2007),

– having regard to Rules 75 and 83(7) of its Rules of Procedure,

– having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A6-0000/2006),

1. Gives its assent to conclusion of the agreement;

2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Swiss Confederation.

[1] Not yet published in OJ.

EXPLANATORY STATEMENT

Exchange of letters authenticating the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, as drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages

Since Switzerland's refusal to join the European Economic Area (EEA) in 1992, bilateral agreements (referred to as 'bilateral agreements I') have been negotiated in order to minimise the undesirable consequences of this refusal. These agreements, which cover such fields as the free movement of persons, land transport, air transport, agriculture, research, technical barriers to trade and public contracts, entered into force on 1 June 2002.

The accession to the European Union of the ten new Member States on 1 May 2004 did not automatically result in these agreements being extended to the new Member States, particularly the agreement in question concerning free movement of persons. To enable the new Member States to accede to this agreement, it is necessary for them to conclude a separate enlargement protocol with Switzerland[1] pursuant to Article 6(2) of the Act of Accession[2]. Council Decision 2006/245/EC of 27 February 2006 approves the conclusion of this Enlargement Protocol[3].

The Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons is a mixed international agreement concluded with the European Community and its Member States as contracting parties. Article 9(3) of the Enlargement Protocol stipulates that the new language versions[4] of the Agreement are also equally authentic[5].

As the new language versions of the Enlargement Protocol were not available in time for the date of signature, 26 October 2004, the agreement concluded by the negotiators permitted the contracting parties to sign the Protocol and authenticate the new language versions of the Agreement at a later stage, following the Protocol's entry into force[6]. This procedure was carried out by an exchange of letters, as provided for by Article 9(3) of the Enlargement Protocol. The exchange of letters authenticating the new language versions constitutes an international agreement amending the Agreement. This international agreement was concluded on the basis of Articles 310 and 300 of the EC Treaty, which provides for the European Parliament's assent, and the exchange of letters amending this Agreement must follow the same procedure.

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[1] This concerns the Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, regarding the participation, as contracting parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, pursuant to their accession to the European Union, OJ L 89, 28.3.2006, p. 30.

[2] OJ L 236, 23.9.2003, p. 33.

[3] OJ L 89, 28.3.2006, p. 28.

[4] The new language versions are Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovene.

[5] OJ L 89, 28/3/2006, p. 34. This provision complies with Regulation No 1/1958 of 15 April 1958, OJ 17, 6.10.1958, p. 385/58. Last amended by the Act of Accession of 2003.

[6] The Protocol of 26 October 2004 (OJ L 89, 28.3.2006) entered into force on 1 April 2006.

The Commission proposal concerning the Council decision approving the exchange of letters between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, is therefore of a purely administrative character. The Committee on Civil Liberties, Justice and Home Affairs recommends that Parliament give its assent.