



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.02.2006  
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2006/0019 (ACC)

Proposal for a

**COUNCIL DECISION**

**on a Community position concerning the rules of procedure of the Joint Committee established under Article 27 of the agreement between the European Community and Canada on trade in wines and spirit drinks**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

The “Agreement between the European Community and Canada on trade in wines and spirit drinks” entered in to force on 1 June 2004. Article 27 of this Agreement establishes a “Joint Committee” consisting of representatives of the Community and Canada. The Joint Committee sees to the proper functioning of the Agreement and may consider any matter related to its implementation and operation. In particular it shall be responsible for:

- recommending amendments to the Annexes as foreseen in the Agreement,
- making recommendations which would contribute to the attainment of the objectives of this Agreement or of the 1989 Agreement,
- exchanging information to optimise the operation of this Agreement,
- recommending proposals on issues of mutual interest to the Contracting Parties in the wine or spirits sector and
- establishing the schedule of fees and expenses payable to arbitrators acting for the resolution of disputes

The Joint Committee makes recommendations by consensus and determines its own rules of procedure. It meets at the request of either of the Contracting Parties no later than 90 days from the date of the request, alternately in the Community and in Canada, at a time and place, or in a manner mutually determined by the Contracting Parties, including by videoconference.

According to the draft rules of procedure the Chair of the Committee shall be held alternately by the Head of Delegation of each Party. The chair shall also be responsible for the secretarial duties of the Committee. Each party shall bear the expenses it incurs in taking part in the meetings of the Committee.

Proposal for a

**COUNCIL DECISION**

**on a Community position concerning the rules of procedure of the Joint Committee established under Article 27 of the agreement between the European Community and Canada on trade in wines and spirit drinks**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,<sup>1</sup>

Whereas:

- (1) The agreement between the European Community and Canada on trade in wines and spirits<sup>2</sup> was signed on 16 September 2003 and entered into force on 1 June 2004
- (2) Article 27 of the agreement establishes a Joint Committee consisting of representatives of the Community and Canada.
- (3) Article 27(2) of the agreement states that the Joint Committee shall determine its own rules of procedure.
- (4) The Community should decide on the position to be adopted within the Joint Committee regarding the rules of procedure of this Joint Committee,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The position to be adopted by the Community within the Joint Committee set up by Article 27 of the Agreement between the European Community and Canada on trade in wines and spirit drinks of 16 September 2003, regarding the rules of procedure of said Joint Committee, shall be based on the draft decision of the Joint Committee, which is annexed to this Decision.

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<sup>1</sup> OJ C [...] [...], p. [...]

<sup>2</sup> OJ L 35, 6.2.2004, p. 3.

Done at Brussels,

*For the Council  
The President*

## **ANNEX**

*Article 27 / EC-Canada Wine and Spirits Agreement:*

### **Draft rules of procedure of the Joint Committee**

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Community and Canada on trade in wines and spirit drinks, and in particular Article 27 thereof,

Whereas that Agreement entered into force on 1 June 2004,

HAS DETERMINED ITS RULES OF PROCEDURE AS FOLLOWS:

#### ***Article 1*** ***Heads of Delegation***

1. The European Commission and the Canadian Department of International Trade, hereafter jointly referred to as “the Parties”, shall each appoint a Head of Delegation who shall be the contact person for all matters relating to the Committee.
2. Each Head of Delegation may delegate all or any of the functions of Head of Delegation to a nominated deputy, in which case all references hereafter to the Head of Delegation apply equally to the nominated deputy.

#### ***Article 2*** ***Chair***

1. The office of Chair of the Committee shall be held alternately, for a period of one calendar year, by the Head of Delegation of each Party.
2. The Chair shall be responsible for the secretarial duties of the Committee.

#### ***Article 3*** ***Meetings***

1. The Chair shall fix the date and venue or, in the case of meetings by electronic means, the technical arrangements, of meetings in agreement with the other Head of Delegation. The Chair and the other Head of Delegation shall, in agreeing the time and place of the meeting, observe the requirement to hold a meeting within 90 days except if the issue relates to Article 42 of the Agreement.
2. Unless otherwise jointly agreed, the meetings of the Committee shall not be public.

**Article 4**  
**Correspondence**

1. All correspondence to or for the Committee shall be sent to the Chair of the Committee. The latter shall send a copy of all correspondence relating to the Committee to the other Head of Delegation, to the Head of the Canadian Mission in Brussels and to the Head of the Delegation of the Commission in Ottawa.
2. Correspondence between the Chair and the other Head of Delegation may be by any written means, including electronic mail.

**Article 5**  
**Agendas for meetings**

1. The Chair shall draw up the draft agenda prior to a meeting. The draft agenda shall be sent to the other Head of Delegation no later than 20 working days before the start of the meeting. The draft agenda circulated by the Chair shall include any item covered by Article 27(3) of the Agreement, chosen by the Chair.
2. The Heads of Delegation may request additional items covered by Article 27(3) at least 10 working days before the start of the meeting, which the Chair must include on the draft agenda.
3. A final draft agenda shall be circulated to the other Head of Delegation by the Chair at least five working days before the start of the meeting. The agenda shall be adopted by joint agreement by the Chair and other Head of Delegation at the start of each meeting. An item other than those appearing on the draft agenda may be placed on the agenda if the Chair and other Head of Delegation so agree.
4. By way of derogation from paragraphs 1, 2 and 3, in the case of a meeting convened pursuant to Article 42(2), the agenda shall comprise the matter described in that Article and no draft agenda need be circulated.

**Article 6**  
**Adoption of instruments**

1. The recommendations of the Committee within the meaning of Article 27(2) of the Agreement shall be addressed to the Parties and shall bear the signatures of the Chair and of the other Head of Delegation.
2. In the case of the schedule of fees referred to in the fifth indent of Article 27(3), the Committee shall only establish the schedule pursuant to a decision to that effect adopted by each Party.
3. Either Party may decide to publish any recommendation adopted by the Committee.

**Article 7**  
**Written procedure**

1. A recommendation of the Committee may be adopted by a written procedure where the Chair and the other Head of Delegation so agree.

2. The Head of Delegation proposing the use of the written procedure shall submit the draft recommendation to the other Head of Delegation. The other Head of Delegation shall reply, indicating whether he or she accepts or does not accept the draft, whether he or she proposes any amendments, or whether he or she requests further time for reflection. If the draft is adopted, it shall be finalised in accordance with Article 6(1).

***Article 8***  
***Minutes***

1. The Chair shall draw up draft minutes of each meeting and submit them to the other Head of Delegation within 20 working days of the meeting. The draft minutes shall state the recommendations made and may also note any other conclusions reached. The other Head of Delegation shall agree to the draft, or submit proposed amendments. Once there is agreement on the draft minutes, two original copies shall be signed by the Chair and by the other Head of Delegation. An original copy of the minutes shall be kept by the Chair and one by the other Head of Delegation.
2. In the event there is no agreement on the minutes before the subsequent meeting is convened, the minutes shall record the draft drawn up by the Chair to which shall be annexed the proposed amendments submitted by the other Head of Delegation.

***Article 9***  
***Expenses***

Each Party shall bear the expenses it incurs in taking part in the meetings of the Committee.

***Article 10***  
***Confidentiality***

The deliberations of the Committee shall be confidential.

## LEGISLATIVE FINANCIAL STATEMENT

**Policy area: External Aspects of certain policies**

**Activity: International Agricultural Agreements**

**TITLE OF ACTION: COMMUNITY POSITION CONCERNING THE RULES OF PROCEDURE OF THE JOINT COMMITTEE ESTABLISHED UNDER ARTICLE 27 OF THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND CANADA ON TRADE IN WINES AND SPIRIT DRINKS**

**1. BUDGET LINES + HEADINGS: XX 01 01 01 01, XX 01 02 11 01**

**2. OVERALL FIGURES**

**2.1. Total allocation for action: € for commitment**

No funding

**2.2. Period of application:**

As from 1 January 2006

**2.3. Overall multiannual estimate of expenditure**

(c) Overall financial impact of human resources and other administrative expenditure (*see points 7.2 and 7.3*)

€

Commitments / payments	2006	2007	2008	2009	2010	2011	2012
	41 600	41 600	41 600	41 600	41 600	41 600	41 600

TOTAL c							
Commitments	41 600	41 600	41600	41600	41 600	41 600	41 600
Payments	41 600	41 600	41600	41600	41 600	41 600	41 600

**2.4. Compatibility with financial programming and financial perspective**

**2.5. Financial impact on revenue**

X Proposal has no financial implications (involves technical aspects regarding implementation of a measure)

**3. BUDGET CHARACTERISTICS**

Type of expenditure		New	EFTA contribution	Contributions form applicant countries	Heading in financial perspective
CE	DA/NDA	YES	NO	NO	No 8



#### **4. LEGAL BASIS**

Article 133 of the Treaty in conjunction with Article 300

#### **5. DESCRIPTION AND GROUNDS**

##### **5.1. Need for Community intervention**

###### *5.1.1. Objectives pursued*

The agreement between the European Community and Canada on trade in wines and spirits was signed on 16 September 2003 and entered into force on 1 June 2004. Article 27 of the agreement establishes a Joint Committee consisting of representatives of the Community and Canada. Article 27(2) of the agreement states that the Joint Committee shall determine its own rules of procedure. The Community should decide on the position to be adopted within the Joint Committee regarding the rules of procedure of this Joint Committee,

###### *5.1.2. Measures taken in connection with ex ante evaluation*

None

###### *5.1.3. Measures taken following ex post evaluation*

None

##### **5.2. Action envisaged and budget intervention arrangements**

Establishing the rules of procedure for the Joint Committee that sees to the proper functioning of the EU – Canada Agreement on trade in wines and spirits, responsible for:

- recommending amendments to the Annexes as foreseen in the Agreement,
- making recommendations which would contribute to the attainment of the objectives of this Agreement or of the 1989 Agreement,
- exchanging information to optimise the operation of this Agreement,
- recommending proposals on issues of mutual interest to the Contracting Parties in the wine or spirits sector and
- establishing the schedule of fees and expenses payable to arbitrators acting for the resolution of disputes.

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##### **5.3. Methods of implementation**

Direct management by DG AGRI with statutory staff.

## 6. FINANCIAL IMPACT

### 6.1. Total financial impact on Part B - (over the entire programming period)

#### 6.1.1. Financial intervention

None

#### 6.1.2. Technical and administrative assistance, support expenditure and IT expenditure (commitment appropriations)

None

### 6.2. Calculation of costs by measure envisaged in Part B (over the entire programming period)

None

## 7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

### 7.1. Impact on human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources		Total	Description of tasks deriving from the action
		Number of permanent posts	Number of temporary posts		
Officials or temporary staff	A				<i>Preparation of and follow-up to the meetings of the Joint Committee and in particular preparation of Council Decisions prior to the adoption of decisions by the Joint Committee</i>
	B	0.1		0.1	
	C	0.1		0.1	
Other human resources					
Total		0.2		0.2	

### 7.2. Overall financial impact of human resources

Type of human resources	Amount (€)	Method of calculation *
Officials Temporary staff	108 000*0.2 = 21 600 EUR	Average standard cost
Other human resources (specify budget line)		
Total	21 600	

The amounts are total expenditure for twelve months.

### 7.3. Other administrative expenditure deriving from the action

Budget line (number and heading)	Amount (€)	Method of calculation
<b>Overall allocation</b>		
XX 01 02 11 01 – Missions	20 000	
Other expenditure (specify)	p.m.	
<b>Information systems</b>		
<b>Other expenditure</b>		
Total	20 000	

The amounts are total expenditure for twelve months.

I.	Annual total (7.2 + 7.3)	€41 600
II.	Duration of action	undetermined
III.	Total cost of action (I x II)	€41 600

The amounts are total expenditure for twelve months.

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure.

## 8. FOLLOW-UP AND EVALUATION

### 8.1. Follow-up arrangements

Not applied

### 8.2. Arrangements and schedule for the planned evaluation

Not applied

## 9. ANTI-FRAUD MEASURES

None