



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 03.06.2002
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2002/0119 (ACC)

Proposal for a

COUNCIL DECISION

**amending Council Decision 1999/78/EC of 22 June 1998 on the conclusion of an
Agreement on Mutual Recognition between the European Community and the United
States of America**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Mutual Recognition Agreement (MRA) concluded between the European Community and the United States of America¹, was approved by Council Decision 1999/78/EC of 22 June 1998².

The Agreement sets up (in Article 14) a Joint Committee entrusted with the tasks of management of the Agreement. Article 3 of the Council Decision approving the MRA allocates certain tasks, for example, exchanges of information and verifications regarding the legislation used by the Parties, to the Commission after consultation of the Special Committee set up by the Council for the purpose, and also allocates to the Commission - again, in consultation with the special committee - the task of establishing the Community position for the Joint Committee in certain cases. In other cases the Community position for the Joint Committee has to be determined by the Council.

The Community has now also concluded MRAs with Australia, New Zealand, Canada and Japan. The procedures laid down in this respect for each MRA differ from one to another, and it is one purpose of the present Amendment to bring them as far as possible into line.

The MRA with the United States is unique in that it gives power to the Joint Committee to make amendments to the main body of the Agreement. The other tasks of the Joint Committee are day-to-day management, and amendments of the Sectoral Annexes. It is regarded as an inefficient use of resources, and in practice has proved unacceptably slow, to require the Council to agree on such purely technical matters.

Consequently, it is proposed to amend the Council Decision approving the MRA in such a way as to empower the Commission to establish the position for the Joint Committees. An exception is made with regard to the powers given to the Joint Committee in accordance with Article 14.4(g) and Article 21 paragraph 2, i.e., to amend the framework part of the MRA. In this case it is proposed that the establishment of the Community position be placed with the Council.

¹ Agreement on Mutual Recognition between the European Community and the United States of America, OJ L 31 of 4.2.1999, p.3

² OJ L 31 of 4.2.1999, p.1

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amending Council Decision 1999/78/EC of 22 June 1998 on the conclusion of an Agreement on Mutual Recognition between the European Community and the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with Article 300 paragraph 2, first sub-paragraph, first sentence, and paragraph 3, first subparagraph, first sentence, and paragraph 4 thereof;

Having regard to the proposal from the Commission³,

Whereas:

- (1) In order to ensure the efficient operation of the Agreement on Mutual Recognition between the European Community and the United States of America⁴ (the Agreement) it is necessary to amend Council Decision 1999/78/EC of 22 June 1998⁵ in order to empower the Commission to take all necessary measures for the operation of the Agreement;
- (2) The Council should retain the power to decide on amendments to the main body of the Agreement;

HAS DECIDED AS FOLLOWS:

Sole Article

Article 3 of Council Decision 1999/78/EC of 22 June 1998 on the conclusion of an Agreement on Mutual Recognition between the European Community and the United States of America is deleted and substituted with the following:

“Article 3

1. The Commission shall represent the Community in the Joint Committee provided for in Article 14 of the Agreement, and in the Joint Sectoral Committees established by the Sectoral Annexes, assisted by the special Committee designated by the Council. The Commission shall proceed, after consultation with this special Committee, to the

³ OJ C [...], [...], p. [...]

⁴ OJ L 31 of 4.2.1999, p.3

⁵ OJ L 31 of 4.2.1999, p.1

appointments, notifications, exchanges of information and requests for information specified in the Agreement.

2. The position of the Community with regard to decisions to be taken by the Joint Committee shall be determined, with regard to amendments to the main body of the Agreement in accordance with Article 14.4(g) and Article 21 paragraph 2, by the Council, acting by qualified majority on a proposal by the Commission.
3. The position of the Community in the Joint Committee or Joint Sectoral Committees in all other cases shall be determined by the Commission, following consultation of the special Committee referred to in paragraph 1 of this Article.”

Done at Brussels,

For the Council
The President