

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 18 December 2008

concerning the signature, on behalf of the European Community, of the Cooperation Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests

(2009/127/EC)

THE COUNCIL OF THE EUROPEAN UNION,

was signed on behalf of the European Community on 26 October 2004.

Having regard to the Treaty establishing the European Community, and in particular Article 280 in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

- (3) The Agreement establishes a Joint Committee with decision-making powers in certain areas and it is thus necessary to specify who represents the Community within this Committee.

Having regard to the proposal from the Commission,

- (4) The Agreement should be approved,

Having regard to the opinion of the European Parliament ⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Whereas:

- (1) On 14 December 2000, the Council authorised the Commission to negotiate with the Swiss Confederation an Agreement to combat fraud and any other illegal activity to the detriment of the financial interests of the Community and its Member States, including value added tax and excise duties.

- (2) In accordance with the Council Decision of 26 October 2004 concerning the signature, on behalf of the European Community, of the Cooperation Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests, and subject to its conclusion at a later date, the Agreement

Article 1

The Cooperation Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests (hereinafter the Agreement) and the accompanying Final Act are hereby approved on behalf of the Community.

The text of the Agreement and the Final Act are attached to this Decision ⁽²⁾.

Article 2

In respect of matters falling within its competence, the Community shall be represented on the Joint Committee set up under Article 39 of the Agreement by the Commission.

⁽¹⁾ OJ C 304 E, 1.12.2005, p. 106.

⁽²⁾ See page 8 of this Official Journal.

The position to be taken by the Community in the course of the implementation of the Agreement as regards decisions or recommendations of the Joint Committee shall be laid down by the Council, acting by qualified majority, on a proposal from the Commission. The Council shall act unanimously when the position covers a field for which unanimity is required for the adoption of internal rules.

Article 3

The President of the Council shall, on behalf of the European Community, give the notification provided for in Article 44(2) of the Agreement ⁽¹⁾.

The President of the Council shall notify a declaration of the European Community according to which, until the entry into force of the Agreement, the Community shall consider itself

bound by the Agreement, within the limits of its competence, in its relations with any other Contracting Party having made the same declaration, in accordance with Article 44(3) of the Agreement ⁽²⁾.

Article 4

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 18 December 2008.

For the Council

The President

M. BARNIER

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

⁽²⁾ The date of application of the Agreement between the Community and Switzerland, by virtue of Article 44(3) of the Agreement, will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.