

DECISION No 2/2004
OF THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE
of 22 April 2004
adopting its rules of procedure
(2004/405/EC)

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, 22 April 2004.

For the Joint Committee
The Head of the Community Delegation
Enrico Grillo PASQUARELLI

The Head of the Swiss Delegation
Dante MARTINELLI

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.