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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.11.2008
COM(2008) 683 final

Proposal for a

COUNCIL DECISION

on the Community position on Decision No 1/2008 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendment of Appendices 2, 3, 4, 5, 6 and 10 to Annex 11 to the Agreement

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Agreement between the European Community and the Swiss Confederation on trade in agricultural products, hereinafter called the "Agriculture Agreement", entered into force on 1 June 2002.

The Swiss Confederation has undertaken to incorporate into its national legislation the provisions of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC, Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries, Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption, Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, and all the provisions adopted for their implementation in the control of imports from third countries into the European Union.

In order to provide the resources needed for carrying out import controls on products of animal origin from third countries, it is necessary for Switzerland to be included, at least partially, in the rapid alert system established by Article 50 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

The Swiss Confederation has undertaken to incorporate into its national legislation the provisions of Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC.

The provisions of Annex 11 to the Agriculture Agreement and its appendices should therefore be adapted accordingly. Since its entry into force, the legislative provisions of the parties listed in the appendices to Annex 11 of the Agriculture Agreement have been amended in the sectors affecting the Agreement. These appendices must be amended to take account of these changes.

The Joint Veterinary Committee does not have the authority to adapt the provisions of Annex 11 to the Agreement. The amendment of Annex 11 must therefore be approved by a procedure identical to that used for the Agriculture Agreement. This amendment is the subject of a separate procedure.

Article 19(1) of Annex 11 to the Agriculture Agreement sets up a Joint Veterinary Committee made up of representatives of the parties. It is responsible for examining all questions relating to the said Annex and its implementation and for carrying out the tasks provided for therein. In particular, the Joint Veterinary Committee has power of decision in the cases provided for in Annex 11. Article 19(3) of Annex 11 to the Agriculture Agreement authorises the Joint Veterinary Committee to amend the appendices to Annex 11, in particular with a view to adapting and updating them.

The Community must adopt the position it is to take in the Joint Veterinary Committee regarding adoption of the necessary amendments to Appendices 2, 3, 4, 5, 6 and 10 to Annex 11. Under the first subparagraph of Article 5(2) of Decision 2002/309/EC, Euratom, the Community position is to be adopted by the Council on a proposal from the Commission.

The amendment of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products and Decision No 1/2008 of the Joint Veterinary Committee will be published in the *Official Journal of the European Union*.

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Proposal for a

COUNCIL DECISION

on the Community position on Decision No 1/2008 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendment of Appendices 2, 3, 4, 5, 6 and 10 to Annex 11 to the Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with the second subparagraph Article 300(2), thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The first subparagraph of Article 5(2) of Decision 2002/309/EC, Euratom, of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation, provides that the Community's position within the Joint Veterinary Committee is to be adopted by the Council on a proposal from the Commission.
- (2) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products, of 21 June 1999, hereinafter called the "Agriculture Agreement", entered into force on 1 June 2002.
- (3) Article 19(1) of Annex 11 to the Agriculture Agreement sets up a Joint Veterinary Committee responsible for examining all questions relating to the said Annex and its implementation and for carrying out the tasks provided for therein. Article 19(3) of that Annex authorises the Committee to amend the appendices thereto, in particular with a view to adapting and updating them.
- (4) In order to provide the resources needed for carrying out import controls on products of animal origin from third countries, it is necessary for Switzerland to be included, at least partially, in the rapid alert system established by Article 50 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

- (5) The Community and the Swiss Confederation have negotiated and signed an agreement amending Annex 11 to the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products.
- (6) The Community should adopt the position it is to take in the Joint Veterinary Committee regarding the adoption of the necessary amendments to the appendices to Annex 11 to the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted by the Community in the Joint Veterinary Committee set up by Article 19(1) of Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendments to Appendices 2, 3, 4, 5, 6 and 10 to Annex 11 shall be based on the draft Decision of the Joint Veterinary Committee annexed to this Decision.

Article 2

Decision No 1/2008 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendment of Appendices 2, 3, 4, 5, 6 and 10 to Annex 11 to the Agreement shall be published in the Official Journal of the European Union as soon as it has been adopted.

Done at Brussels,

*For the Council
The President*

ANNEX

Proposal for

**DECISION NO 1/2008 OF THE JOINT VETERINARY COMMITTEE
SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY
AND THE SWISS CONFEDERATION
ON TRADE IN AGRICULTURAL PRODUCTS
of ... 2008
regarding the amendment of Appendices 2, 3, 4, 5, 6 and 10 to Annex 11**

(2008/.../EC)

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as the “Agriculture Agreement”), and in particular Article 19(3) of Annex 11 thereto,

Whereas:

- (1) The Agriculture Agreement entered into force on 1 June 2002.
- (2) Article 19(1) of Annex 11 to the Agriculture Agreement sets up a Joint Veterinary Committee responsible for examining all questions relating to the said Annex and its implementation and for carrying out the tasks provided for therein. Article 19(3) of that Annex authorises the Committee to amend the appendices thereto, in particular with a view to adapting and updating them.
- (3) The appendices to Annex 11 to the Agriculture Agreement were amended for the first time by Decision No 2/2003 of the Joint Veterinary Committee set up under the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 25 November 2003 regarding the amendment of Appendices 1, 2, 3, 4, 5, 6 and 11 to Annex 11 to the Agreement¹.

¹ OJ L 23, 28.01.2004, p. 27.

- (4) The appendices to Annex 11 to the Agriculture Agreement were last amended by Decision No 1/2006 of the Joint Veterinary Committee set up under the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 1 December 2006 regarding the amendment of Appendices 1, 2, 3, 4, 5, 6 and 10 to Annex 11 to the Agreement².
- (5) The Swiss Confederation has undertaken to incorporate into its national legislation the provisions of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC³, Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁴, Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁵, Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁶, and all the provisions adopted for their implementation in the control of imports from third countries into the European Union.
- (6) In order to provide the resources needed for carrying out import controls on products of animal origin from third countries, it is necessary for Switzerland to be included, at least partially, in the rapid alert system established by Article 50 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁷.
- (7) The health measures provided for by Swiss legislation and Community legislation for veterinary checks on movements and imports of animals and products of animal origin are recognised as being equivalent. Appendices 5 and 10 to Annex 11 to the Agreement therefore need to be amended.
- (8) The Swiss Confederation has undertaken to incorporate into its national legislation the provisions of Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC⁸.

² OJ L 32, 06.02.2007, p. 91.

³ OJ L 268, 24.09.1991, p. 56.

⁴ OJ L 24, 30.01.1998, p. 9.

⁵ OJ L 18, 23.01.2003, p. 11.

⁶ OJ L 165, 30.04.2004, p. 1.

⁷ OJ L 31, 01.02.2002, p. 1.

⁸ OJ L 146, 13.06.2003, p. 1.

- (9) Appendices 2, 3, 4 and 6 to Annex 11 to the Agreement need to be amended to take account of changes in the Community and Swiss legislation in force on 30 June 2008,

HAS DECIDED AS FOLLOWS:

Article 1

Appendix 2 to Annex 11 to the Agriculture Agreement shall be amended in accordance with the provisions in Annex I to this Decision, subject to the entry into force of the agreement between the European Community and the Swiss Confederation of 23 December 2008 amending Annex 11 to the Agreement between the European Community and the Swiss Confederation of 21 June 1999 on trade in agricultural products.

Article 2

Appendices 3, 4, 5, 6 and 10 to Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall be amended in accordance with the provisions in Annexes II to VI to this Decision.

Article 3

This Decision, drawn up in duplicate, shall be signed by the joint chairmen or other persons empowered to act on behalf of the parties.

Article 4

This Decision shall enter into force on 1 January 2009.

Signed at Brussels,

Signed at Brussels,

On behalf of the Swiss Confederation

On behalf of the European Commission

The Head of Delegation

The Head of Delegation

ANNEX I

Appendix 2 to Annex 11 is supplemented as follows:

"X. NON-COMMERCIAL MOVEMENTS OF PET ANIMALS

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

European Community	Switzerland
Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJ L 146, 13.6.2003, p. 1).	Ordinance on the importation of pet animals (OIIAC) of 18 April 2007 (RS 916.443.14).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. The identification system shall be the one provided for in Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003.
2. The validity of the anti-rabies vaccination, and if relevant the revaccination, shall be recognised in accordance with the recommendations of the laboratory of manufacture, pursuant to Article 5 of Regulation (EC) No 998/2003 and Commission Decision 2005/91/EC of 2 February 2005 establishing the period after which the anti-rabies vaccination is considered as valid⁹.
3. The passport to be used is that provided for by Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets¹⁰.
4. For the purposes of this Appendix, the provisions of Chapter II (Provisions applicable to movement between Member States) of Regulation (EC) No 998/2003 shall apply *mutatis mutandis* to the non-commercial movement of pet animals between the Member States of the Community and Switzerland.”

⁹ OJ L 31, 04.02.2005, p. 61.

¹⁰ OJ L 312, 27.11.2003, p. 1.

ANNEX II

Appendix 3 to Annex 11 is replaced as follows:

"Appendix 3

IMPORTS OF LIVE ANIMALS, THEIR SEMEN, OVA AND EMBRYOS FROM THIRD COUNTRIES

I. EUROPEAN COMMUNITY - LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

A. Ungulates, excluding Equidae

Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC (OJ L 139, 30.4.2004, p. 320).

B. Equidae

Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae (OJ L 224, 18.8.1990, p. 42).

C. Poultry and hatching eggs

Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 303, 31.10.1990, p. 6).

D. Aquaculture animals

Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p.14).

E. Bovine embryos

Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (OJ L 302, 19.10.1989, p. 1).

F. Bovine semen

Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species (OJ L 194, 22.7.1988, p. 10).

G. Porcine semen

Council Directive 90/429/EEC of 26.06.1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJ L 224, 18.08.1990, p. 62).

H. Other live animals

1. Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54).
2. Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJ L 146, 13.06.2003, p. 1).

I. Other specific provisions

1. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3).
2. Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L 125, 23.5.1996, p. 10).

II. SWITZERLAND – LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

1. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE), (RS 916.443.10);

2. Ordinance of 18 April 2007 on the import and transit of animals by air from third countries (OITA), (RS 916.443.12);
3. Ordinance of 18 April 2007 on the import and transit of animal products by air from third countries (OITPA), (RS 916.443.13);
4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE), (RS 916.443.106);
5. Ordinance of 18 April 2007 on the importation of pet animals (OIAC) (RS 916.443.14);
6. Ordinance of 18 August 2004 on veterinary medicinal products (OMédV), (RS 812.212.27);
7. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEVET), (RS 916.472).

III. IMPLEMENTING RULES

The Federal Veterinary Office shall apply, simultaneously with the Member States, the import conditions referred to in point I of this Appendix, the implementing measures and the lists of establishments from which the corresponding imports are authorised. This undertaking shall apply to all the relevant acts, irrespective of their date of adoption.

The Federal Veterinary Office may adopt more restrictive measures and demand additional guarantees. Consultations shall be held within the Joint Veterinary Committee to find suitable solutions.

The Federal Veterinary Office and the Member States shall notify each other of the specific import conditions established bilaterally which have not been harmonised at Community level.

For the purposes of this Annex, for Switzerland, Zürich Zoo is accepted as an approved centre in accordance with Annex C to Directive 92/65/EEC.

ANNEX III

Appendix 4 to Annex 11 is replaced as follows:

"Appendix 4

ZOOTECHNICAL PROVISIONS, INCLUDING THOSE GOVERNING IMPORTS FROM THIRD COUNTRIES

A. LEGISLATION

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

European Community	Switzerland
<p>Council Directive 77/504/EEC of 25 July 1977 on pure-bred breeding animals of the bovine species (OJ L 206, 12.8.1977, p. 8).</p> <p>Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species (OJ L 382, 31.12.1988, p. 36).</p> <p>Council Directive 87/328/EEC of 18 June 1987 on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ L 167, 26.6.1987, p. 54).</p> <p>Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species (OJ L 194, 22.7.1988, p. 10).</p> <p>Council Directive 89/361/EEC of 30 May 1989 concerning pure-bred breeding sheep and goats (OJ L 153, 6.6.1989, p. 30).</p> <p>Council Directive 90/118/EEC of 5 March 1990 on the acceptance of pure-bred breeding pigs for breeding (OJ L 71, 17.3.1990, p. 34).</p> <p>Council Directive 90/119/EEC of 5 March 1990 on the acceptance of hybrid breeding pigs for breeding (OJ L 71, 17.3.1990, p. 36).</p>	<p>Ordinance of 14 November 2007 on animal breeding (RS 916.310).</p>

Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.8.1990, p. 55).

Council Directive 90/428/EEC of 26 June 1990 on trade in equidae intended for competitions and laying down the conditions for participation therein (OJ L 224, 18.8.1990, p. 60).

Council Directive 91/174/EEC of 25 March 1991 laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives 77/504/EEC and 90/425/EEC (OJ L 85, 5.4.1991, p. 37).

Council Directive 94/28/EC of 23 June 1994 laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species (OJ L 178, 12.7.1994, p. 66).

B. IMPLEMENTING RULES

For the purposes of this Appendix, live animals and animal products traded between the Member States of the European Community and Switzerland shall circulate under the conditions established for trade between the Member States of the European Community.

Without prejudice to the provisions on zootechnical checks in Appendices 5 and 6, the Swiss authorities undertake to ensure that Switzerland applies to its imports the same provisions as those in Council Directive 94/28/EC.

Where difficulties arise, the matter shall be referred to the Joint Veterinary Committee at the request of either party."

ANNEX IV

Appendix 5 to Annex 11 is replaced as follows:

"Appendix 5

LIVE ANIMALS, THEIR SEMEN, OVA AND EMBRYOS: BORDER CHECKS AND INSPECTION FEES

CHAPTER I

General provisions – TRACES system

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

European Community	Switzerland
Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the TRACES system and amending Decision 92/486/EEC (OJ L 94, 31.3.2004, p. 63).	<ol style="list-style-type: none">1. Law of 1 July 1966 on epizootic diseases (LFE), (RS 916.40);2. Ordinance of 27 June 1995 on epizootic diseases (OFE), (RS 916.401);3. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE), (RS 916.443.10);4. Ordinance of 18 April 2007 on the import and transit of animals by air from third countries (OITA), (RS 916.443.12);5. Ordinance of 18 April 2007 on the import and transit of animal products by air from third countries (OITPA), (916.443.13);6. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE), (RS 916.443.106);7. Ordinance of 18 April 2007 on the importation of pet animals (OIAC), (RS 916.443.14).

B. IMPLEMENTING RULES

The Commission, in cooperation with the Federal Veterinary Office, shall integrate Switzerland into the TRACES system, in accordance with Commission Decision 2004/292/EC.

If necessary, transitional and complementary measures shall be laid down by the Joint Veterinary Committee.

CHAPTER II

Veterinary and zootechnical checks applicable in trade between the Member States of the European Community and Switzerland

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

Veterinary and zootechnical checks applicable in trade between the Member States of the European Community and Switzerland shall be carried out in accordance with the provisions below:

European Community	Switzerland
<ol style="list-style-type: none">1. Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters (OJ L 351, 2.12.1989, p. 34).2. Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market (OJ L 224, 18.08.1990, p. 29).	<ol style="list-style-type: none">1. Law on epizootic diseases (LFE) of 1 July 1966, (RS 916.40), and in particular Article 57 thereof ;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE), (RS 916.443.10);3. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE), (RS 916.443.106);4. Ordinance of 18 April 2007 on the importation of pet animals (OIAC), (RS 916.443.14);5. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEVET), (RS 916.472).

B. GENERAL IMPLEMENTING RULES

In the cases provided for in Article 8 of Directive 90/425/EEC, the competent authorities of the place of destination shall contact the competent authorities of the place of dispatch without delay. They shall take all necessary measures and notify the competent authority of the place of dispatch and the Commission of the nature of the checks carried out, the decisions taken and the reasons for such decisions.

The Joint Veterinary Committee shall be responsible for the application of the provisions of Articles 10, 11 and 16 of Directive 89/608/EEC and Articles 9 and 22 of Directive 90/425/EEC.

C. SPECIAL RULES APPLICABLE TO ANIMALS SENT FOR GRAZING IN BORDER AREAS

1. Definitions:

Grazing: dispatching animals to a Member State or to Switzerland with a view to grazing in a 10 km strip on either side of the border. In special, duly substantiated conditions, a wider strip on either side of the border between Switzerland and the Community may be authorised by the competent authorities concerned.

Daily grazing: grazing where the animals are returned to their holding of origin in a Member State or in Switzerland at the end of each day.

2. In the event of grazing between the Member States and Switzerland, Commission Decision 2001/672/EC of 20 August 2001 laying down special rules applicable to movements of bovine animals when put out to summer grazing in mountain areas (OJ L 235, 4.9.2001, p. 23) shall apply *mutatis mutandis*. However, for the purposes of this Annex, the following adjustments shall apply to Article 1 of Decision 2001/672/EC:

- the reference to the period from 1 May to 15 October shall be replaced by "the calendar year";
- for Switzerland, the parties referred to in Article 1 of Decision 2001/672/EC and referred to in the corresponding Annex shall be:

SWITZERLAND

CANTON OF ZÜRICH

CANTON OF BERN/BERNE

CANTON OF LUZERN

CANTON OF URI

CANTON OF SCHWYZ

CANTON OF OBWALDEN
CANTON OF NIDWALDEN
CANTON OF GLARIS
CANTON OF ZUG
CANTON OF FRIBOURG
CANTON OF SOLOTHURN
CANTON OF BASEL STADT
CANTON OF BASEL LAND
CANTON OF SCHAFFHAUSEN
CANTON OF APPENZEL AUSSERRHODEN
CANTON OF APPENZEL INNERRHODEN
CANTON OF SANKT GALLEN
CANTON OF GRAUBÜNDEN
CANTON OF AARGAU
CANTON OF THURGAU
CANTON OF TICINO
CANTON OF VAUD
CANTON OF VALAIS/WALLIS
CANTON OF NEUCHÂTEL
CANTON OF GENEVA
CANTON OF JURA

Pursuant to the Ordinance on epizootic diseases (OFE) of 27 June 1995 (RS 916.401), and in particular Article 7 thereof (registration), and the Ordinance of 23 November 2005 on the database on animal movements (RS 916.404), and in particular Section 2 thereof (content of the database), Switzerland is to allocate to each pasturage a specific registration code which must be registered in the national database on bovine animals.

3. In the case of grazing between the Member States and Switzerland, the official veterinarian of the country of dispatch shall:
 - (a) on the date of issue of the certificate and no later than 24 hours before the planned date of arrival of the animals, by means of the computerised system linking veterinary authorities provided for in Article 20 of Directive 90/425/EEC, inform the competent authority of the place of destination (local veterinary unit) to which the animals have been dispatched;
 - (b) examine the animals within 48 hours prior to their departure for the grazing ground; the animals must be duly identified;
 - (c) issue a certificate in accordance with the model in 9 below.
4. Throughout the duration of the grazing period, the animals shall remain under customs control.
5. The holder of the animals must:
 - (a) agree, in a written statement, to comply with all measures taken pursuant to this Annex and any other measures introduced at local level, in the same way as any holder originating in a Member State or Switzerland;
 - (b) pay the costs of the checks required pursuant to this Annex;
 - (c) cooperate fully with arrangements for customs or veterinary checks required by the authorities of the country of dispatch or of destination.
6. When the animals return at the end of the season or before, the official veterinarian of the country where the grazing ground is located shall:
 - (a) on the date of issue of the certificate and no later than 24 hours before the planned date of arrival of the animals, by means of the computerised system linking veterinary authorities provided for in Article 20 of Directive 90/425/EEC, inform the competent authority of the place of destination (local veterinary unit) to which the animals have been dispatched;
 - (b) examine the animals within 48 hours prior to their departure for the grazing ground; the animals must be duly identified;
 - (c) issue a certificate in accordance with the model in 9 below.
7. In the event of outbreaks of disease, the competent veterinary authorities shall take appropriate measures by mutual agreement. Those authorities shall consider how to cover any costs involved. If necessary, the matter shall be referred to the Joint Veterinary Committee.

8. As an exception to the rules on grazing in 1 to 7, in the case of daily grazing between the Member States and Switzerland:
- (a) the animals shall not enter into contact with animals from another holding;
 - (b) the holders of such animals shall undertake to inform the competent veterinary authority of any contact between their animals and animals from another holding;
 - (c) the health certificate set out in 9 below shall be presented to the competent veterinary authorities every calendar year when the animals first enter a Member State or Switzerland. This health certificate must be presented to the competent veterinary authorities at the request of the latter;
 - (d) points 2 and 3 above shall apply only to the first time in each calendar year that the animals are dispatched to a Member State or to Switzerland;
 - (e) point 6 shall not apply;
 - (f) the holders of animals shall undertake to inform the competent veterinary authority of the end of the grazing period.
9. Model health certificate for bovine animals sent for grazing or daily grazing in border areas and for bovine animals returning from border grazing:

II. Health information	II.a. Certificate reference number	II.b. Local reference number
Part II: Certification	II.1.	Health certificate for bovine animals sent for grazing ⁽³⁾ or daily grazing ⁽³⁾⁽⁴⁾ in border areas.
	I,	the undersigned official veterinarian, certify that each animal from the lot described above:
	II.1.1.	comes from a holding of origin and an area which, in conformity with Community or national legislation, is not subject to any prohibition or restriction for reasons of animal diseases affecting bovine animals;
	II.1.2.	comes from a herd of origin situated in a Member State or part of its territory:
	(a)	with a surveillance network approved by Commission Decision xx/xx/EC, or, for Switzerland, by the Agreement of 21 June 1999 between the European Community and Switzerland (point I of Appendix 2 to Annex 11);
	(b)	which is officially recognised as free of leucosis, tuberculosis and brucellosis.
	II.1.3.	is an animal for breeding ⁽³⁾ or production ⁽³⁾ that:
	(a)	has been resident, as far as can be ascertained, on the holding of origin during the past 30 days, or since birth if less than 30 days of age, and no animal imported from a third country was introduced into that holding during this period, unless it was isolated from all other animals on the holding;
	(b)	has not been in contact during the past 30 days with animals from herds not meeting the conditions set out in point II.1.2.
	II.1.4.	The above described animals were inspected on [insert date], during the 24 hours before scheduled departure and showed no clinical signs of infectious or contagious disease.
II.1.5.	The holding of origin and, where applicable, the approved assembly centre and the area they are situated in are not subject to any prohibitions or restrictions for reasons of animal diseases affecting bovine animals in conformity with Community or national legislation.	
II.1.6.	All applicable provisions of Council Directive 64/432/EEC have been fulfilled.	
II.1.7.	The animals comply with the additional guarantees regarding infectious bovine rhinotracheitis/infectious pustular vulvovaginitis in accordance with Commission Decision 93/42/EEC, which applies <i>mutatis mutandis</i> in accordance with the Agreement of 21 June 1999 between the European Community and Switzerland.	
II.1.8.	At the time of inspection the above animals were fit to be transported on the intended journey in accordance with the provisions of Council Regulation (EC) No. 1/2005 ⁽⁵⁾ .	
II.1.9.	Date of arrival at the pasture ⁽⁶⁾ :	
II.1.10.	Planned date of departure from the pasture:	
II.2.	Health certificate for bovine animals returning from grazing in border areas (at or before the end of the normal grazing period).	
II.2.1.	the animals described above [list of animals returning early ⁽³⁾ or list of animals on the associated original certificate ^{(3), (7), (8)}] were inspected on (date of loading or 48 hours before departure) and showed no clinical signs of infectious or contagious disease;	
II.2.2.	the area in which the animals have been grazing is not subject to any prohibition or restriction in connection with animal diseases affecting the bovine species in accordance with Community or national legislation and, in particular, no cases of tuberculosis, brucellosis or leucosis have been found during the grazing period.	

II. Health information	II.a. Certificate reference number	II.b. Local reference number
<p>Notes</p> <p>Part I:</p> <ul style="list-style-type: none"> The number of the health certificate used to move the animals to the grazing area is given in part I.6 of this certificate. <p>Part II:</p> <p>(1) The information which must appear on this certificate must be entered in the computerised system linking veterinary authorities provided for in Article 20 of Directive 90/425/EEC on the date of issue of the certificate and no later than 24 hours before the planned date of arrival of the animals.</p> <p>(2) This certificate shall be valid for ten days from the date of the health inspection carried out in Switzerland or in the Member State of origin. In the case of daily grazing, this certificate shall be valid for the entire grazing period.</p> <p>(3) Delete as appropriate.</p> <p>(4) In the case of daily grazing, this certificate shall be valid for the entire grazing period.</p> <p>(5) This statement does not exempt transporters from their obligations in accordance with Community provisions in force, in particular regarding the fitness of animals to be transported.</p> <p>(6) The registration code of the pasture ground is shown in part I.13 (Approval number) of this certificate.</p> <p>(7) If animals are returned to their holding of origin during the grazing period for health reasons, accompanied by a health certificate, the identification marks must be deleted from the initial list, which must be validated by the official veterinarian.</p> <p>(8) Part II.1 to be filled in for dispatch to grazing or daily grazing in a border area, Part II.2 to be filled in for return from grazing in a border area.</p> <p>The colour of the stamp and signature must be different from that of the other particulars in the certificate.</p>		
<p>Name (in capitals):</p> <p>Official veterinarian or inspector</p> <p>Local Veterinary Unit:</p> <p>Date :</p> <p>Seal:</p>		<p>Qualification and title:</p> <p>Local Veterinary Unit number:</p> <p>Signature:</p>

CHAPTER III

Conditions applying to trade between the European Community and the Swiss Confederation

A. LEGISLATION

For trade in live animals and their semen, ova and embryos between the European Community and Switzerland, and for the grazing of bovine animals in border areas between the European Community and Switzerland, the health certificates shall be those provided for in this Annex and available in the TRACES system, in accordance with Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin (OJ L 94, 31.3.2004, p. 44).

CHAPTER IV

Veterinary checks applicable to imports of animals from third countries

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

Checks on imports from third countries shall be carried out in accordance with the provisions referred to below:

European Community	Switzerland
<ol style="list-style-type: none"> 1. Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community (OJ L 49, 19.02.2004, p. 11); 2. Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1); 3. Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC (OJ L 268, 24.9.1991, p. 56); 4. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3); 	<ol style="list-style-type: none"> 1. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE), (RS 916.443.10); 2. Ordinance of 18 April 2007 on the import and transit of animals by air from third countries (OITA), (RS 916.443.12); 3. Ordinance of 18 April 2007 on the import and transit of animal products by air from third countries (OITPA), (RS 916.443.13); 4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE), (RS 916.443.106); 5. Ordinance of 18 April 2007 on the importation of pet animals (OIAC), (RS 916.443.14). 6. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEVET), (RS 916.472); 7. Ordinance of 18 August 2004 on veterinary medicinal products (OMédV), (RS 812.212.27).

<p>5. Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L 125, 23.5.1996, p. 10);</p> <p>6. Commission Decision 97/794/EC of 12 November 1997 laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries (OJ L 323, 26.11.1997, p. 31).</p>	
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B. IMPLEMENTING RULES

1. For the purposes of implementing Article 6 of Directive 91/496/EEC, the Member States' border inspection posts approved for veterinary checks on live animals are listed in the Annex to Commission Decision 2001/881/EC of 7 December 2001 drawing up a list of border inspection posts approved for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission.
2. For the purposes of implementing Article 6 of Directive 91/496/EEC, the border inspection posts for Switzerland shall be:

Name	TRACES code	Type	Inspection centre	Type of approval
Zürich Airport	CHZRH4	A	Centre 3	O - Other animals (including zoo animals)*
Geneva Airport	CHGVA4	A	Centre 2	O - Other animals (including zoo animals)*

* By reference to the approval categories defined in Commission Decision 2001/881/EC

The Joint Veterinary Committee shall be responsible for any subsequent amendments to the list of border inspection posts, their inspection centres and their type of approval.

On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 19 of Directive 91/496/EEC and Article 57 of the Law on epizootic diseases.

3. The Federal Veterinary Office shall apply, simultaneously with the Member States, the import conditions referred to in Appendix 3 to this Annex, and the implementing measures.

The Federal Veterinary Office may adopt more restrictive measures and demand additional guarantees. Consultations shall be held within the Joint Veterinary Committee to find suitable solutions.

The Federal Veterinary Office and the Member States shall notify each other of the specific import conditions established bilaterally which have not been harmonised at Community level.

4. The Member States' border inspection posts mentioned at point 1 shall check imports from third countries destined for Switzerland in accordance with the provisions of point A of Chapter IV of this Appendix.
5. The Swiss border inspection posts mentioned at point 2 shall check imports from third countries destined for the Member States in accordance with the provisions of point A of Chapter IV of this Appendix.

CHAPTER V

Specific provisions

A. IDENTIFICATION OF ANIMALS

1. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

European Community	Switzerland
1. Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals (OJ L 355, 5.12.1992, p. 32);	1. Ordinance of 27 June 1995 on epizootic diseases (OFE), (RS 916.401), and in particular Articles 7 to 20 thereof (registration and identification);
2. Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p. 1).	2. Ordinance of 23 November 2005 on the database on animal movements (RS 916.404).

2. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

- a. The Joint Veterinary Committee shall be responsible for the application of Article 3(2), the fifth subparagraph of Article 4(1)(a) and Article 4(2) of Directive 92/102/EEC.
- b. For movements of porcine, ovine and caprine animals within Switzerland, the date to be taken into account for the purposes of Article 5(3) shall be 1 July 1999.
- c. In the context of Article 10 of Directive 92/102/EEC, the Joint Veterinary Committee shall be responsible for coordination where any electronic identification systems are set up.

B. PROTECTION OF ANIMALS

1. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

European Community	Switzerland
<p>1. Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1);</p> <p>2. Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for staging points and amending the route plan referred to in the Annex to Directive 91/628/EEC (OJ L 174, 02.07.1997, p. 1).</p>	<p>Ordinance of 23 April 2008 on the protection of animals (OPAn), (RS 455.1), and in particular Articles 169 to 176 thereof.</p>

2. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

- a. The Swiss authorities undertake to comply with the provisions of Regulation (EC) No 1/2005 for trade between Switzerland and the Community and for imports from third countries.
- b. In the cases provided for in Article 26 of Regulation (EC) No 1/2005, the competent authorities of the place of destination shall contact the competent authorities of the place of departure without delay.
- c. The Joint Veterinary Committee shall be responsible for the application of Articles 10, 11 and 16 of Directive 89/608/EEC.
- d. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 28 of Regulation (EC) No 1/2005 and Article 208 of the Ordinance of 23 April 2008 on the protection of animals (OPAn), (RS 455.1).
- e. Pursuant to Article 175 of the Ordinance of 23 April 2008 on the protection of animals (OPAn), (RS 455.1), transit via Switzerland of cattle, sheep, goats and pigs may be by rail or by aircraft only. This matter shall be examined by the Joint Veterinary Committee.

C. FEES

1. No fees shall be levied for veterinary checks carried out in trade between the Member States of the European Community and Switzerland.
2. For veterinary checks on imports from third countries, the Swiss authorities undertake to collect the official control fees provided for in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1)."

ANNEX V

A. The special conditions relating to animal products for human consumption listed in Chapter I of Appendix 6 to Annex 11 shall be supplemented as follows:

«(11) Pending recognition of the alignment of the Community legislation and the Swiss legislation, for exports to the European Community Switzerland shall monitor compliance with the acts listed below and their implementing texts:

- Council Directive 88/344/EEC of 13 June 1988 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (OJ L 157, 24.6.1988, p. 28)
- Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foods and to source materials for their production (OJ L 184, 15.7.1988, p. 61)
- Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption (OJ L 40, 11.2.1989, p. 27)
- Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin (OJ L 224, 18.8.1990, p. 1)
- Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (OJ L 37, 13.2.1993, p. 1)
- Directive 94/35/EC of the European Parliament and the Council on sweeteners for use in foodstuffs (OJ L 237, 10.9.1994, p. 3)
- Directive 94/36/EC of the European Parliament and the Council on colours for use in foodstuffs (OJ L 237, 10.9.1994, p. 13)

- Directive 95/2/EC of the European Parliament and the Council on food additives other than colours and sweeteners (OJ L 61, 18.3.1995, p. 1)
- Commission Directive 95/31/EC of 5 July 1995 laying down specific criteria of purity concerning sweeteners for use in foodstuffs (OJ L 178, 28.7.1995, p. 1)
- Commission Directive 95/45/EC of 26 July 1995 laying down specific criteria of purity concerning colours for use in foodstuffs (OJ L 226, 22.09.1995, p. 1)
- European Parliament and Council Regulation (EC) No 2232/96 of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs (OJ L 299, 23.11.1996, p. 1)
- Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3)
- Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L 125, 23.5.1996, p. 10)
- Commission Directive 96/77/EC of 2 December 1996 laying down specific purity criteria on food additives other than colours and sweeteners (OJ L 339, 30.12.1996, p. 1)
- Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ L 66, 13.3.1999, p. 16)

- Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation (OJ L 66, 13.3.1999, p. 24)
- Commission Decision 1999/217/EC of 23 February 1999 adopting a register of flavouring substances used in or on foodstuffs drawn up in application of Regulation (EC) No 2232/96 of the European Parliament and of the Council (OJ L 84, 27.3.1999, p. 1)
- Commission Decision 2002/840/EC of 23 October 2002 adopting the list of approved facilities in third countries for the irradiation of foods (OJ L 287, 25.10.2002, p. 40)
- Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods (OJ L 309, 26.11.2003, p. 1)
- Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55)
- Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5)
- Commission Regulation (EC) No 884/2007 of 26 July 2007 on emergency measures suspending the use of E 128 Red 2G as food colour (OJ L 195, 27.7.2007, p. 8)"

- B. The part relating to animal by-products not intended for human consumption listed in Appendix 6 to Annex 11 shall be replaced by the following:

“Animal by-products not intended for human consumption”

Exports from the European Community to Switzerland and exports from Switzerland to the European Community		
Trade conditions		Equivalence
EC standards*	Swiss standards*	
<p>Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1).</p> <p>Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption (OJ L 273, 10.10.2002, p. 1).</p>	<p>Ordinance of 23 November 2005 on the slaughter of livestock and the checking of meat (OAbCV), (RS 817.190)</p> <p>Ordinance of the DFE of 23 November 2005 on hygiene during the slaughter of livestock (OHyAb), (RS 817.190.1)</p> <p>Ordinance of 27 June 1995 on epizootic diseases (OFE), (RS 916.401)</p> <p>Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE), (RS 916.443.10)</p> <p>Ordinance of 23 June 2004 on the elimination of animal by-products (OESPA), (RS 916.441.22)</p>	<p>Yes, subject to special conditions</p>

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

Special conditions

Switzerland shall apply to its imports the same provisions as those in Annexes VII, VIII, X (certificates) and XI (countries), in accordance with Article 29 of Regulation (EC) No 1774/2002.

Trade in Category 1 and Category 2 materials shall be governed by the provisions of paragraphs 2 to 6 of Article 8 of Regulation (EC) No 1774/2002.

Category 3 materials traded between the Member States of the Community and Switzerland must be accompanied by the commercial documents and health certificates provided for in Chapter III of Annex II, in accordance with Articles 7 and 8 of Regulation (EC) No 1774/2002.

In accordance with Chapter III of Regulation (EC) No 1774/2002, Switzerland shall draw up a list of its corresponding establishments.

In accordance with Chapter III of Regulation (EC) No 1774/2002, Switzerland shall prohibit the feeding of pigs with catering waste by 1 July 2011. This matter shall be examined by the Joint Veterinary Committee."

ANNEX VI

Appendix 10 to Annex 11 is replaced as follows:

"Appendix 10

ANIMAL PRODUCTS: BORDER CHECKS AND INSPECTION FEES

CHAPTER I

General provisions

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

European Community	Switzerland
<p>Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the TRACES system and amending Decision 92/486/EEC (OJ L 94, 31.3.2004, p. 63);</p> <p>Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).</p>	<ol style="list-style-type: none">1. Law on epizootic diseases (LFE) of 1 July 1966, (RS 916.40), and in particular Article 57 thereof ;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE), (RS 916.443.10);3. Ordinance of 18 April 2007 on the import and transit of animal products by air from third countries (OITPA), (RS 916.443.13);4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE), (RS 916.443.106);5. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEVET), (RS 916.472).

B. IMPLEMENTING RULES

1. The Commission, in cooperation with the Federal Veterinary Office, shall integrate Switzerland into the TRACES system, in accordance with Commission Decision 2004/292/EC.
2. The Commission, in cooperation with the Federal Veterinary Office, shall integrate Switzerland into the rapid alert system provided for in Article 50 of Regulation (EC) No 178/2002 as regards the provisions relating to refusal to allow entry of animal products at borders.

The Commission shall immediately notify Switzerland of any rejection of a batch, a container or a cargo by a competent authority at a border post of the European Union.

Switzerland shall immediately notify the Commission of any rejection of a batch, container or cargo of food or feed by a competent authority at a border post on the grounds of a direct or indirect risk to human health, and shall comply with the confidentiality rules provided for in Article 52 of Regulation (EC) No 178/2002.

The special measures relating to this participation shall be established by the Joint Veterinary Committee.

CHAPTER II

Veterinary checks applicable in trade between the Member States of the European Community and Switzerland

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

Veterinary checks applicable in trade between the Member States of the European Community and Switzerland shall be carried out in accordance with the provisions below:

European Community	Switzerland
<ol style="list-style-type: none">1. Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters (OJ L 351, 2.12.1989, p. 34);2. Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market (OJ L 395, 30.12.1989, p. 13);3. Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (OJ L 18, 23.1.2003, p. 11).	<ol style="list-style-type: none">1. Law on epizootic diseases (LFE) of 1 July 1966, (RS 916.40), and in particular Article 57 thereof ;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE), (RS 916.443.10);3. Ordinance of 18 April 2007 on the import and transit of animal products by air from third countries (OITPA), (RS 916.443.13);4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE), (RS 916.443.106);5. Ordinance of 18 April 2007 on the importation of pet animals (OIAC), (RS 916.443.14);6. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEVET), (RS 916.472).

B. IMPLEMENTING RULES

In the cases provided for in Article 8 of Directive 89/662/EEC, the competent authorities of the place of destination shall contact the competent authorities of the place of dispatch without delay. They shall take all necessary measures and notify the competent authority of the place of dispatch and the Commission of the nature of the checks carried out, the decisions taken and the reasons for such decisions.

The Joint Veterinary Committee shall be responsible for the application of the provisions of Articles 10, 11 and 16 of Directive 89/608/EEC and Articles 9 and 16 of Directive 89/662/EEC.

CHAPTER III

Veterinary checks applicable to imports from third countries

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as most recently amended.

Checks on imports from third countries shall be carried out in accordance with the provisions referred to below:

European Community	Switzerland
<ol style="list-style-type: none">1. Commission Regulation (EC) No. 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJ L 21, 28.1.2004, p. 11);2. Commission Regulation (EC) No 745/2004 of 16 April 2004 laying down measures with regard to imports of products of animal origin for personal consumption (OJ L 122, 26.04.2004, p. 1);3. Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206);	<ol style="list-style-type: none">1. Law on epizootic diseases (LFE) of 1 July 1966, (RS 916.40), and in particular Article 57 thereof ;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE), (RS 916.443.10);3. Ordinance of 18 April 2007 on the import and transit of animal products by air from third countries (OITPA), (RS 916.443.13);4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE), (RS 916.443.106);5. Ordinance of 18 April 2007 on the importation of pet animals (OIAC), (RS 916.443.14).6. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEvet), (RS 916.472);

<p>4. Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1);</p> <p>5. Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters (OJ L 351, 2.12.1989, p. 34);</p> <p>6. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3);</p> <p>7. Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L 125, 23.5.1996, p. 10);</p> <p>8. Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9);</p> <p>9. Commission Decision of 12 August 2002 implementing Council Directive 96/23/EC concerning the performance of analytical methods and the interpretation of results (OJ L 221, 17.08.2002, p. 8);</p>	<p>7. Law of 9 October 1992 on foodstuffs (LDA1), (RS 817.0);</p> <p>8. Ordinance of 23 November 2005 on foodstuffs and consumer products (ODAIOUTs), (RS 817.02);</p> <p>9. Ordinance of 23 November 2005 on the implementation of foodstuffs legislation (RS 817.025.21);</p> <p>10. Ordinance of the DFI of 26 June 1995 on foreign substances and components in foodstuffs (OSEC), (RS 817.021.23).</p>
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<p>10. Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (OJ L 18, 23.1.2003, p. 11);</p> <p>11. Commission Decision 2005/34/EC of 11 January 2005 laying down harmonised standards for the testing for certain residues in products of animal origin imported from third countries (OJ L 16, 20.1.2005, p. 61).</p>	
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B. IMPLEMENTING RULES

- For the purposes of implementing Article 6 of Directive 97/78/EEC, the border inspection posts for the Member States shall be: the border inspection posts approved for veterinary checks on animal products and listed in the Annex to amended Commission Decision 2001/881/EC of 7 December 2001 drawing up a list of border inspection posts approved for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission.
- For the purposes of implementing Article 6 of Directive 97/78/EEC, the border inspection posts for Switzerland shall be:

Name	TRACES code	Type	Inspection centre	Type of approval
Zürich Airport	CHZRH4	A	Centre 1	NHC*
			Centre 2	HC(2)*
Geneva Airport	CHGVA4	A	Centre 1	HC(2), NHC*

* By reference to the approval categories defined in Commission Decision 2001/881/EC

The Joint Veterinary Committee shall be responsible for any subsequent amendments to the list of border inspection posts, their inspection centres and their type of approval.

On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 45 of Regulation (EC) No 882/2004 and Article 57 of the Law on epizootic diseases.

CHAPTER IV

Health requirements and control requirements in trade between the European Community and Switzerland

For sectors where recognition of equivalence is mutual, animal products traded between the Member States of the Community and Switzerland shall move under the same conditions as products traded between the Member States of the Community. Where necessary, these products shall be accompanied by the health certificates required for trade between the Member States of the Community or defined in this Annex and available in the TRACES system.

For the other sectors, the health requirements laid down in Chapter II of Appendix 6 shall continue to apply.

CHAPTER V

Health requirements and control requirements relating to imports from third countries

1. European Community – Legislation*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.

A. PUBLIC HEALTH MEASURES

1. Council Directive 88/344/EEC of 13 June 1988 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (OJ L 157, 24.6.1988, p. 28).
2. Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foods and to source materials for their production (OJ L 184, 15.7.1988, p. 61).
3. Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption (OJ L 40, 11.2.1989, p. 27).

4. Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin (OJ L 224, 18.8.1990, p. 1).
5. Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (OJ L 37, 13.2.1993, p. 1).
6. European Parliament and Council Directive 94/35/EC on sweeteners for use in foodstuffs (OJ L 237, 10.9.1994, p. 3).
7. European Parliament and Council Directive 94/36/EC of 30 June 1994 on colours for use in foodstuffs (OJ L 237, 10.9.1994, p. 13).
8. European Parliament and Council Directive 95/2/EC of 20 February 2005 on food additives other than colours and sweeteners (OJ L 61, 18.3.1995, p. 1).
9. Commission Directive 95/31/EC of 5 July 1995 laying down specific criteria of purity concerning sweeteners for use in foodstuffs (OJ L 178, 28.7.1995, p. 1).
10. Commission Directive 95/45/EC of 26 July 1995 laying down specific criteria of purity concerning colours for use in foodstuffs (OJ L 226, 22.09.1995, p. 1).
11. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3).
12. Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L 125, 23.5.1996, p. 10).
13. European Parliament and Council Regulation (EC) No 2232/96 of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs (OJ L 299, 23.11.1996, p. 1).

14. Commission Directive 96/77/EC of 2 December 1996 laying down specific purity criteria on food additives other than colours and sweeteners (OJ L 339, 30.12.1996, p. 1).
15. Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ L 66, 13.3.1999, p. 16).
16. Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation (OJ L 66, 13.3.1999, p. 24).
17. Commission Decision 1999/217/EC of 23 February 1999 adopting a register of flavouring substances used in or on foodstuffs drawn up in application of Regulation (EC) No 2232/96 of the European Parliament and of the Council (OJ L 84, 27.3.1999, p. 1).
18. Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1).
19. Commission Decision 2002/840/EC of 23 October 2002 adopting the list of approved facilities in third countries for the irradiation of foods (OJ L 287, 25.10.2002, p. 40).
20. Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents (OJ L 325, 12.12.2003, p. 1).
21. Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods (OJ L 309, 26.11.2003, p. 1).
22. Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC (OJ L 157, 30.4.2004, p. 33).
23. Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 14).

24. Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206).
25. Commission Decision 2005/34/EC of 11 January 2005 laying down harmonised standards for the testing for certain residues in products of animal origin imported from third countries (OJ L 16, 20.1.2005, p. 61).
26. Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in food (OJ L 70, 9.3.2006, p. 12).
27. Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).
28. Commission Regulation (EC) No 1883/2006 of 19 December 2006 laying down methods of sampling and analysis for the official control of levels of dioxins and dioxin-like PCBs in certain foodstuffs (OJ L 364, 20.12.2006, p. 32).
29. Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29).
30. Commission Regulation (EC) No 884/2007 of 26 July 2007 on emergency measures suspending the use of E 128 Red 2G as food colour (OJ L 195, 27.7.2007, p. 8).

B. ANIMAL HEALTH RULES

1. Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(1) to Directive 89/662/EEC and, as regards pathogens, in Directive 90/425/EEC (OJ L 62, 15.3.1993, p. 49).
2. Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1).

3. Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption (OJ L 273, 10.10.2002, p. 1).
4. Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (OJ L 18, 23.1.2003, p. 11).
5. Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p.14).

C. OTHER SPECIFIC MEASURES*

- * Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.
1. Interim Agreement on trade and customs union between the European Economic Community and the Republic of San Marino - Joint Declaration - Declaration by the Community (OJ L 359, 9.12.1992, p. 14).
 2. Decision 94/1/EC of the Council and the Commission of 13 December 1993 on the conclusion of the Agreement on the European Economic Area between the European Communities, their Member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation (OJ L 1, 3.1.1994, p. 1).
 3. Council Decision 97/132/EC of 17 December 1996 on the conclusion of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products (OJ L 57, 26.2.97, p. 4).
 4. Council Decision 97/345/EC of 17 February 1997 concerning the conclusion of a Protocol on veterinary matters supplementary to the Agreement in the form of an exchange of letters between the European Economic Community and the Principality of Andorra (OJ L 148, 6.6.1997, p. 15).
 5. Council Decision 98/258/EC of 16 March 1998 on the conclusion of the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products (OJ L 118, 21.4.1998, p. 1).

6. Council Decision 98/504/EC of 29 June 1998 concerning the conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the United Mexican States, of the other part (OJ L 226, 13.8.1998, p. 24).
7. Council Decision 1999/201/EC of 14 December 1998 on the conclusion of the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products (OJ L 71, 18.3.1999, p. 1).
8. Council Decision 1999/778/EC of 15 November 1999 concerning the conclusion of a Protocol on veterinary matters supplementing the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part (OJ L 305, 30.11.1999, p. 25).
9. Protocol 1999/1130/EC on veterinary matters supplementing the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part (OJ L 305, 30.11.1999, p. 26).
10. Council Decision 2002/979/EC of 18 November 2002 on the signature and provisional application of certain provisions of an Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part (OJ L 352, 30.12.2002, p. 1).

2. Switzerland – Legislation*

- * Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2008.
- A. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE), (RS 916.443.10);
- B. Ordinance of 18 April 2007 on the import and transit of animal products by air from third countries (OITPA).

3. Implementing rules

- A. The Federal Veterinary Office shall apply, simultaneously with the Member States, the import conditions referred to in point I of this Appendix, the implementing measures and the lists of establishments from which the corresponding imports are authorised. This undertaking shall apply to all the relevant acts, irrespective of their date of adoption.

The Federal Veterinary Office may adopt more restrictive measures and demand additional guarantees. Consultations shall be held within the Joint Veterinary Committee to find suitable solutions.

The Federal Veterinary Office and the Member States shall notify each other of the specific import conditions established bilaterally which have not been harmonised at Community level.

- B. The Member States' border inspection posts mentioned at point B.1) of Chapter III of this Appendix shall check imports from third countries destined for Switzerland in accordance with the provisions of point A of Chapter III of this Appendix.
- C. The Swiss border inspection posts mentioned at point B.2) of Chapter III of this Appendix shall check imports from third countries destined for the Member States in accordance with the provisions of point A of Chapter III of this Appendix.
- D. Pursuant to the Ordinance of 18 April 2007 on the import and transit of animal products by air from third countries (OITPA), (RS 916.443.13), the Swiss Confederation shall retain the possibility of importing bovine meat from cattle potentially treated with hormonal growth promoters. The exportation of such meat to the European Community shall be prohibited. In addition, the Swiss Confederation shall:
 - confine the use of such meat to direct selling by retail establishments to consumers under appropriate labelling conditions;
 - allow such meat to be introduced into Switzerland only through Swiss border inspection posts, and
 - maintain an appropriate traceability and channelling system to prevent any possibility of such meat being subsequently introduced into the territory of the Member States;
 - present annually a report to the Commission on the origin and destination of the imports, plus an account of the checks carried out to ensure compliance with the conditions listed above;
 - where there are concerns, these provisions shall be examined by the Joint Veterinary Committee.

CHAPTER VI

Fees

1. No fees shall be charged for veterinary checks carried out in trade between the Member States of the European Community and Switzerland.
2. For veterinary checks on imports from third countries, the Swiss authorities undertake to collect the official control fees provided for in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1)."