

Proposal for a Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters concerning amendments of the Annexes to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products

(2002/C 331 E/47)

COM(2002) 503 final — 2002/0224(ACC)

(Submitted by the Commission on 13 September 2002)

EXPLANATORY MEMORANDUM

On 17 December 1996, the Council adopted Decision 97/132/EC approving the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products (hereinafter referred to as the Veterinary Agreement). The Council adopted also on 17 December 1996 Decision 97/131/EC, approving an Agreement in the form of an Exchange of Letters between these Parties concerning the provisional application of the Veterinary Agreement. In this latter Agreement it was confirmed that the veterinary certification for live animals and animal products applicable at 31 December 1996 would continue to apply until the Veterinary Agreement comes into force.

On 15 November 1999, the Council adopted Decision 1999/837/EC amending Council Decision 97/132/EC to provide for a procedure for amending the Annexes to the Veterinary Agreement. This procedure may be used once the Veterinary Agreement is in force. This same Decision approved an Agreement in the form of an Exchange of Letters concerning certain amendments to the Annexes to the Veterinary Agreement. With these amendments equivalence for several more commodities has been recognised.

Article 9.3 of the Veterinary Agreement requires the introduction of 'simplified' certification for trade between the Community and New Zealand in live animals and animal products for which equivalence concerning all public and animal health measures (full equivalence) has been recognised. However, due to a difference between the Parties in certification systems, the Parties could not agree on the 'simplified' certification requirements. Because of this situation and in accordance with Article 18 of the Veterinary Agreement, the Veterinary Agreement could not enter into force and consequently has led to an unexpected and undesired prolonged 'standstill' in the certification requirements as referred to in Council Decision 97/131/EC.

Therefore it is necessary for the Parties to agree that full equivalence referred to in Article 9.3 of the Veterinary Agreement also includes equivalence of certification systems. Recognition of this equivalence for certain commodities must be recognised before a Commission Decision laying down the new simplified certificates for these products may be proposed. The proposed amendments to Annexes V and VII to the Veterinary Agreement provide for this.

The two Parties have confirmed their agreement in principle to the form of an Exchange of Letters concerning these amendments to the Annexes to the Veterinary Agreement.

After adoption by the Council of this proposal and the formal physical exchange of letters between the Parties, the Commission may adopt a Commission Decision establishing 'simplified' certificates for import from New Zealand of products fully recognised equivalent. Following its adoption and after the Parties have notified each other in writing that the necessary administrative procedures have been completed, the Veterinary Agreement enters into force in accordance with Article 18 of the Veterinary Agreement.

From the date the Veterinary Agreement enters into force, the 'standstill' on certification conditions referred to in Council Decision 97/131/EC will end.

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products has been approved by Council Decision 97/132/EC ⁽¹⁾, as amended by Council Decision 1999/837/EC ⁽²⁾.
- (2) Due to a difference in certification systems between the two Parties, the Parties have not notified each other of the completion of their respective procedures for ratification of the Agreement, as provided for in the second subparagraph of Article 18 (1) thereof.
- (3) Therefore, the Agreement has not entered into force and until it does the Agreement is provisionally applied as agreed by the Agreement in the form of an Exchange of Letters, attached to Council Decision 97/131/EC ⁽³⁾.
- (4) Certain amendments to the Annexes to the Agreement concerning certification and recognition of equivalence of certification systems for certain commodities are necessary before the two Parties can complete their respective procedures and notify each other of their completion and the Agreement can enter into force.
- (5) The two Parties have confirmed their agreement in principle to the form of an Exchange of Letters and the

determination of the sanitary measures applicable to trade in live animal and animal products; the Exchange of Letters should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning amendments to the Annexes V and VII to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters, including the amendments to the Annexes to the Agreement, is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the European Community.

Article 3

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

This Decision shall take effect on the date of publication.

⁽¹⁾ OJ L 57, 26.2.1997, p. 4.

⁽²⁾ OJ L 33, 23.12.1999, p. 1.

⁽³⁾ OJ L 57, 26.2.1997, p. 1.

EXCHANGE OF LETTERS**concerning the amendment to the Annexes to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products***A. Letter from the competent authority of the European Community*

Dear Sir,

With reference to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products, I have the honour to propose to you to amend the Annexes to this Agreement as follows:

Replace the texts of Annex V, Horizontal Issues 42A and 42B, and Annex VII with the texts of Annexes A and B as agreed by our respective services and attached hereto.

I should be obliged if you would confirm the agreement of New Zealand to such amendment of the Annexes to the Agreement.

Please accept, Dear Sir, the assurance of my highest consideration.

On behalf of the European Community

B. Letter from the competent authority of New Zealand

Dear Sir,

I have the honour to refer to your letter containing details of proposed amendments to Annex V, Horizontal Issues 42A and 42B, and Annex VII, of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products.

In this regard I have the honour to confirm the acceptability to New Zealand of the proposed amendments as set out in your letter referred to above, a copy of which is attached hereto.

Please accept, Sir, the assurances of my highest consideration.

For the competent Authority of New Zealand

ANNEX V

RECOGNITION OF SANITARY MEASURES

Commodity	EC Exports to New Zealand					New Zealand Exports to EC				
	Trade conditions		Equiv	Special conditions	Action	Trade conditions		Equiv	Special conditions	Action
	EC Stds	New Zealand Stds				New Zealand Stds	EC Stds			

42A Horizontal Issues

Definitions									For 'serious infectious disease' and 'epizootic'	EC to confirm
Water	80/778/EEC	Meat Act 1981 Health Act 1956	Yes (1)			Meat Act 1981	80/778/EEC	Yes (1)		EC to evaluate new New Zealand proposal for water system
Residues	96/22/EC	Meat Act 1981	Yes (1)			Meat Act 1981	96/22/EC	Yes (1)		
<i>Residue monitoring</i>	96/23/EC	Food Act 1981					96/23/EC			
— Red meat species										
— Other species			NE	Not evaluated	Still to be addressed			NE	Not evaluated	Still to be addressed
— Standards			NE	Not evaluated (currently outside the scope of the Agreement)	Still to be addressed			NE	Not evaluated (currently outside the scope of the Agreement)	Still to be addressed

Commodity	EC Exports to New Zealand				New Zealand Exports to EC					
	Trade conditions		Equiv	Special conditions	Action	Trade conditions		Equiv	Special conditions	Action
	EC Stds	New Zealand Stds				New Zealand Stds	EC Stds			
Certification Systems	96/93/EC	Animal Products Act 1999	Yes (1)	Equivalency status applies to all animals and animal product commodities accorded both animal and public health equivalence (Yes 1) as appropriate		Animal Products Act 1999	72/462/EEC 91/495/EEC 92/5/EEC 92/45/EEC 94/65/EC 96/93/EC	Yes (1)	Equivalency status applies to animals and animal product commodities under the scope of Directives 72/462/EEC, 91/495/EEC, 92/5/EEC, 92/45/EEC, 94/65/EC, accorded both animal and public health equivalence (Yes 1) as appropriate When the official health certificate is issued after the departure of the consignment, it shall include reference to the appropriate Eligibility Number (ED), date of issuance of the eligibility document that supports the official health certificate, the date of departure of the consignment and the date of signing of the official health certificate. New Zealand shall inform the border inspection post of arrival of any certification problem after departure from New Zealand	For commodities other than those accorded certification systems equivalence the EC to evaluate equivalence

Annex V (a) Not evaluated, Still evaluating, Yes (3), Yes (2) and No = existing trade conditions apply in the interim.

(b) For the EC: Animal and animal products must be eligible for intra-Community trade, unless otherwise indicated in the text of Annex V.

(c) For definitions of abbreviations refer to Glossary at the beginning of this Annex.

42B Horizontal issues	Issue	Action
Premises listings	Competent authority to recommend listing Still require lists currently	Still to be addressed Still to be addressed
Certification	Consistency of required information Modification to existing certificates Principles of health marking	Still to be addressed NZ has requested. EC to consider Still to be addressed
Compliance	Resolution/transparency Linkage to audit process	Still to be addressed Still to be addressed
Premises supervision	Veterinary supervision	EC to clarify internal/external requirements

Annex V (a) Not evaluated, Still evaluating, Yes (3), Yes (2) and No = existing trade conditions apply in the interim.

(b) For the EC: Animal and animal products must be eligible for intra-Community trade, unless otherwise indicated in the text of Annex V.

(c) For definitions of abbreviations refer to Glossary at the beginning of this Annex.

ANNEX B

ANNEX VII

CERTIFICATION

Official health certificates will cover consignments of live animals and/or animal products being traded between the Parties.

Health attestations:

- (a) (i) full equivalence agreed — Model health attestation to be used (equivalence for animal and/or public health as appropriate and for certification systems). Refer Yes (1) Annex V;

'The (insert live animal or animal product) herein described, comply with the relevant (European Community/New Zealand (*)) (animal health/public health (*)) standards and requirements which have been recognized as equivalent to the (New Zealand/European Community (*)) standards and requirements as prescribed in (European Community/New Zealand Veterinary Agreement (Council Decision 97/132/EC)). Specifically, in accordance with (insert . . . exporting Party's legislation)

—————
(*) Delete as appropriate.'

- (ii) equivalence agreed for animal and/or public health as appropriate, Refer Yes (1) Annex V, but not for certification systems — existing certification;
- (b) equivalence agreed in principle — minor issues to be resolved. Refer Yes (2), Annex V — existing certification;
- (c) equivalence in form of compliance with importing country's requirements — health attestation to be used in accordance with Annex V. Refer Yes (3), Annex V;
- (d) not equivalent — existing certification.

For exports from New Zealand: the official health certificate will be issued in English as well as in one of the languages of the Member State in which the border inspection post is situated where the consignment is presented.

For exports from the European Community: the official health certificate will be issued in the language of the Member State of origin as well as in English.

The controlling authority shall ensure that official certifying officers are aware of the importing party's health conditions as prescribed in this Agreement and are obliged to certify to these requirements where appropriate.

For consignments of commodities for which the model health attestation as referred to in paragraph (a) i., is prescribed, the official health certificate may be issued after departure of the consignment provided that:

- the certificate shall be available at arrival in the border inspection posts;
- the statement provided for in paragraph (a).i. shall be completed by the following statement: 'The undersigned officer certifies this consignment on the basis of eligibility document(s) (specify reference to the appropriate Eligibility Document(s) (ED)) issued on (insert date), which were ascertained by him and were issued prior to the departure of the consignment'.
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