

## IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

## COMMISSION DECISION

of 26 May 2009

**approving on behalf of the European Community certain amendments to Annex V to 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**

(Text with EEA relevance)

(2013/397/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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<sup>(1)</sup>, and in particular the third paragraph of Article 4 thereof,

Whereas:

- (1) 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 (hereafter 'the Agreement') provides for the possibility of recognising equivalence for sanitary measures after the exporting Party has objectively demonstrated that its measures achieve the importing Party's appropriate level of protection. The Agreement was approved on behalf of the Community by Decision 1999/201/EC.
- (2) The determination of equivalence was carried out and concluded with Canada for equivalence on public health measures concerning fishery products. Equivalence has been concluded on a reciprocal basis.
- (3) The Joint Management Committee established under the Agreement ('the Joint Management Committee'), at its meeting on 5 and 6 October 2006, issued a recommendation concerning the determination of equivalence on hygiene rules for fishery products. This was complemented by a specific recommendation concerning equivalence on microbiological criteria for fishery products at the meeting of the Joint Management Committee on 3 and 4 October 2007.
- (4) The Joint Management Committee, at its meeting on 5 and 6 October 2006, issued a recommendation

concerning the establishment of rules for imports into the Community for fish caught under the authority of a recreational fishing licence from Canada. The Joint Management Committee, at its meeting on 5 and 6 October 2006, issued a recommendation as regards fresh meat to update the legal basis of the EU and Canadian standards.

- (5) The Joint Management Committee, at its meeting on 5 and 6 October 2006, issued a recommendation as regards minced meat and to update the legal basis of the EU standards.
- (6) The Joint Management Committee, at its meeting on 3 and 4 October 2007, issued a recommendation concerning the determination of equivalence for poultry post-mortem requirements on poultry meat.
- (7) The Joint Management Committee, at its meeting on 27 and 28 April 2005, issued a recommendation providing for the possibility of imports from Canada of live bivalve molluscs for wet storage, relaying or depuration in the Community other than market size live bivalve molluscs, in line with Community legislation.
- (8) As a result of those recommendations it is appropriate to modify the relevant parts in Annex V to the Agreement.
- (9) Pursuant to Article 16(3) of the Agreement amendments to the Annexes are to be agreed upon by an exchange of notes between the Parties.
- (10) Accordingly, the recommended modifications to Annex V to the Agreement should be approved on behalf of the Community.
- (11) Commission Decision C(2008) 2633 of 19 June 2008, which was not published in the *Official Journal of the European Union*, made certain amendments to the Annex V to the Agreement.
- (12) It is necessary to make certain adaptations of a diplomatic nature to the text of the letters set out in the Annex to Decision C(2008) 2633. In the interests of clarity, that Decision should be annulled and replaced by the present Decision.

<sup>(1)</sup> OJ L 71, 18.3.1999, p. 1.

- (13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS DECIDED AS FOLLOWS

*Article 1*

Pursuant to the recommendations made by the Joint Management Committee established under Article 16(1) 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, the modifications to Annex V to that Agreement are hereby approved on behalf of the Community.

The text of an Exchange of Letters between the European Community and the Government of Canada setting out those modifications to Annex V to that Agreement, is attached in the Annex to this Decision.

*Article 2*

The Director-General for Health and Consumers is hereby authorised, on behalf of the Community, to sign the Letter from the European Community.

*Article 3*

This Decision annuls and replaces Decision C(2008) 2633.

Done at Brussels, 26 May 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

## ANNEX

**Exchange of Letters on the modifications of Annex V to the Agreement between the Government of Canada and the European Community on sanitary measures to protect public and animal health in respect of trade in live animals and animal products**

## A. LETTER FROM THE EUROPEAN COMMUNITY

22 March 2010

Sir,

With reference to Article 16(2) and (3) 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, done at Ottawa on 17 December 1998, hereafter called 'the Agreement', I have the honour to propose modifications to Annex V to the Agreement in accordance with the recommendations of the Joint Management Committee established under Article 16(1) of the Agreement, as follows:

1. The table at point 6 concerning Fresh meat in Annex V to the Agreement is replaced by the table in Appendix I to this Exchange of Letters.
2. The table at point 11 concerning Fisheries products for human consumption in Annex V to the Agreement is replaced by the table in Appendix II to this Exchange of Letters.
3. The table at point 15 concerning Minced meat in Annex V to the Agreement is replaced by the table in Appendix III to this Exchange of Letters.
4. Paragraph 1 of Chapter II of Footnote A in Annex V to the Agreement is deleted.
5. Paragraph 1 of Chapter I of Footnote B in Annex V to the Agreement is replaced as follows:

'For fish caught under the authority of a recreational fishing licence from Canada with the name of the importer, the following conditions have to be fulfilled:

- the fish was caught in Canadian fisheries waters on the dates while the licence is valid, in accordance with Canadian regulations on sport fishing and that possession limits have been respected;
- the fish has been eviscerated under appropriate hygiene and preservation measures;
- the fish is not a toxic species nor a species that may contain biotoxins;
- the fish must be introduced into the Community within one month following the last date of validity of the recreational fishing licence and is not intended to be marketed. A copy of the recreational fishing licence has to be attached to the accompanying document.'

6. Paragraphs 3, 4 and 5 of Chapter I of Footnote B in Annex V to the Agreement are deleted.
7. Paragraphs 1, 2, 3, 4 and 5 of Chapter II of Footnote B in Annex V to the Agreement are deleted.
8. Paragraph 2 of Chapter I of Footnote C in Annex V to the Agreement is replaced as follows:

'Market size live bivalve molluscs must be destined for direct human consumption and not wet storage, relaying or depuration in EC.'

I have the honour to propose that if this letter and the Appendices thereto, which are equally authentic in English and French, are acceptable to your Government, this letter and your confirmation shall together constitute an agreement to amend the Agreement, which shall enter into force on the date of the last note of an exchange of diplomatic notes between the Government of Canada and the European Community confirming that all necessary internal procedures for the entry into force of this Exchange of Letters have been completed.

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

*For the European Community*  
Robert MADELIN

## B. LETTER FROM THE GOVERNMENT OF CANADA

16 April 2010

Sir,

I have the honour to acknowledge receipt of your letter of 22 March 2010 which reads as follows:

'Sir,

With reference to Article 16(2) and (3) 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, done at Ottawa on 17 December 1998, hereafter called "the Agreement", I have the honour to propose modifications to Annex V to the Agreement in accordance with the recommendations of the Joint Management Committee established under Article 16(1) of the Agreement, as follows:

1. The table at point 6 concerning Fresh meat in Annex V to the Agreement is replaced by the table in Appendix I to this Exchange of Letters.
2. The table at point 11 concerning Fisheries products for human consumption in Annex V to the Agreement is replaced by the table in Appendix II to this Exchange of Letters.
3. The table at point 15 concerning Minced meat in Annex V to the Agreement is replaced by the table in Appendix III to this Exchange of Letters.
4. Paragraph 1 of Chapter II of Footnote A in Annex V to the Agreement is deleted.
5. Paragraph 1 of Chapter I of Footnote B in Annex V to the Agreement is replaced as follows:

"For fish caught under the authority of a recreational fishing licence from Canada with the name of the importer, the following conditions have to be fulfilled:

  - the fish was caught in Canadian fisheries waters on the dates while the licence is valid, in accordance with Canadian regulations on sport fishing and that possession limits have been respected;
  - the fish has been eviscerated under appropriate hygiene and preservation measures;
  - the fish is not a toxic species nor a species that may contain biotoxins;
  - the fish must be introduced into the Community within one month following the last date of validity of the recreational fishing licence and is not intended to be marketed. A copy of the recreational fishing licence has to be attached to the accompanying document."
6. Paragraphs 3, 4 and 5 of Chapter I of Footnote B in Annex V to the Agreement are deleted.
7. Paragraphs 1, 2, 3, 4 and 5 of Chapter II of Footnote B in Annex V to the Agreement are deleted.
8. Paragraph 2 of Chapter I of Footnote C in Annex V to the Agreement is replaced as follows:

"Market size live bivalve molluscs must be destined for direct human consumption and not wet storage, relaying or depuration in EC."

I have the honour to propose that if this letter and the Appendices thereto, which are equally authentic in English and French, are acceptable to your Government, this letter and your confirmation shall together constitute an agreement to amend the Agreement, which shall enter into force on the date of the last note of an exchange of diplomatic notes between the Government of Canada and the European Community confirming that all necessary internal procedures for the entry into force of this Exchange of Letters have been completed.'

I have the honour to confirm that the above is acceptable to my Government and that your letter, and this reply and the attached Appendices, which are equally authentic in English and French, together shall constitute an agreement to amend the Agreement, in accordance with your proposal, which shall come into force on the date of the last note of an exchange of diplomatic notes between the Government of Canada and the European Community confirming that all necessary internal procedures for the entry into force of this Exchange of Letters have been completed.

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

*For the competent authority of the Government of Canada*  
Ross HORNBLY

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## 6. Fresh meat

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
Animal health										
— Ruminants	2002/99/EC Regulation (EC) No 999/2001	H of A Act and Regs. Sec 40, 41	Yes 2	Statement of origin		H of A Act and Regs.	2002/99/EC Regulation (EC) No 999/2001 Decision 79/542/EEC	Yes 3		
— Equidae	2002/99/EC	H of A Act and Regs. Sec 40, 41	Yes 2	Statement of origin		H of A Act and Regs.	2002/99/EC Decision 79/542/EEC	Yes 3		
— Pigs	2002/99/EC	H of A Act and Regs. Sec 40, 41	Yes 2	Statement of origin		H of A Act and Regs.	2002/99/EC Decision 79/542/EEC	Yes 3		
Public health	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004	Meat Inspection Act & Regs. Food and Drugs Act & Regs. Consumer Packaging & Labelling Act & Regs. (if packaged for retail sale) Canada Agricultural Products Act & Livestock and Poultry Carcass Grading Regs. (if beef)	Yes 1		Some provisions to be reviewed when the Meat Inspection Regulation will be amended.	Meat Inspection Act & Regs. Food and Drugs Act & Regs. Consumer Packaging & Labelling Act & Regs. (if packaged for retail sale) Canada Agricultural Products Act & Livestock and Poultry Carcass Grading Regs. (if beef)	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004 Decision 79/542/EEC Decision 2005/290/EC	Yes 1	Subsections (2) and (3) of section 11.7.3 on the European Union of Chapter 11 of the Meat Hygiene Manual as prescribed in the meat hygiene Directive (No 2008/33/EC) <sup>(1)</sup>	Ante and post mortem provisions, the definition of market hogs and other hygiene requirements to be reviewed when the new EU Food Hygiene Regulations will be applied.

<sup>(1)</sup> <http://www.inspection.gc.ca/francais/anima/meavia/mmopmmhv/chap11/eu-uef.shtml> for the French version and <http://www.inspection.gc.ca/english/anima/meavia/mmopmmhv/chap11/eu-uee.shtml> for the English version.

11. Fishery products and live bivalve molluscs

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
Animal health										
1. Live aquaculture animals and products destined for human consumption or aquaculture	Directive 2006/88/EC	Fish Health Protection Regulations made under the Fisheries Act, R.S.C. 1985, c.F-14	1. NE 2. Yes 2 3. NE 4. NE 5. NE	Fish health certificate issued by an official body		Fish Health Protection Regulations made under the Fisheries Act, R.S.C. 1985, c. F-14	Directive 2006/88/EC  Decisions 2003/858/EC 2003/804/EC 2006/656/EC  Regulation (EC) No 1251/2008  Regulations (EC) No 2074/2005, (EC) No 1250/2008	1. NE 2. Yes 2 3. NE 4. NE 5. NE	Official health certificate	
2. Dead eviscerated fish for human consumption										
3. Dead non-eviscerated products for human consumption										
4. Live fish eggs for aquaculture										
5. Live fish for aquaculture (include finfish, molluscs, crustacean and other invertebrates)										

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
Public health										
— Fish and fishery products for human consumption	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004, (EC) No 2073/2005	Fish Inspection Regulations made under the Fish Inspection Act, R.S.C., 1985, c. F-12  Food and Drugs Act and Regulations  Consumer Packaging and Labelling Regulations (if packaged for retail sale)	Yes 1	Smoked fish packed in hermetically sealed containers that are not frozen, must contain a salt level not less than 9 % (water phase method).  The Canadian and EC systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EC for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the criteria of the importing country.		Fish Inspection Regulations made under the Fish Inspection Act, R.S.C., 1985, c. F-12	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004, (EC) No 2073/2005  Decision 2005/290/EC	Yes 1	Footnote B (I)  The Canadian and EC systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EC for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the criteria of the importing country.	Health Canada to be requested to review the smoked fish regulations on priority basis

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
— Live bivalve molluscs for human consumption, including echi-noderms, tunicates and marine gastropods	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004	Fish Inspection Regulations made under the Fish Inspection Act, R.S.C., 1985, c. F-12 Food and Drugs Act and Regulations	Yes 2	Footnote C (ii)	EC to supply a list of approved dispatch centres EC requests Canada to review contaminants limits to assess equivalency	Fish Inspection Regulations made under the Fish Act, R.S.C., 1985, c. F-12  Management of Contaminated Fisheries  Regulations made under the Fisheries Act, R.S.C. 1985, c. F-14	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004, (EC) No 2074/2005	Yes 2	Footnote C (ii)  Official certificate	Evaluate the equivalency of bacteriological quality based on growing waters vs shellfish flesh  Canada to supply a list of approved processing plants

## 15. Minced meat

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
Animal health										
— Ruminants	Directive 2002/99/EC	H of A Act and Regs. Sec 40—52	Yes 3	As defined in the Meat Inspection Regulations		H of A Act and Regs	Directive 2002/99/EC Decision 79/542/EEC	Yes 3		
— Pigs	Directive 2002/99/EC	H of A Act and Regs. Sec 40—52	Yes 3	As defined in the Meat Inspection Regulations		H of A Act and Regs	Directive 2002/99/EC Decision 79/542/EEC	Yes 3		
— Equidae	Directive 2002/99/EC	H of A Act and Regs. Sec 40—52	Yes 3			H of A Act and Regs	Directive 2002/99/EC	Yes 3		
— Poultry/Wild game/Farmed game	Directive 2002/99/EC	H of A Act and Regs. Sec 40—52	Yes 3			H of A Act and Regs	Directive 2002/99/EC	Yes 3		
Public health	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004	Meat Inspection Act & Regs Food and Drugs Act & Regs Consumer Packaging and Labelling Act & Regs. (if packaged for retail sale)	Yes 2	No trade in wild game minced meat		Meat Inspection Act & Regs. Food and Drugs Act & Regs. Consumer Packaging and Labelling Act & Regs. (if packaged for retail sale)	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004 Decision 79/542/EEC	Yes 3	Footnote A (I)	