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Contents

[1] Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

[1] Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2015/1076

of 28 April 2015

laying down, pursuant to Regulation (EU) No 1303/2013 of the European Parliament and of the Council, additional rules on the replacement of a beneficiary and on the related responsibilities, and minimum requirements to be included in Public Private Partnership agreements funded by the European Structural and Investment Funds

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ([1]), and in particular Articles 63(4) and 64(4) thereof,

Whereas:

(1) Article 63(1) of Regulation (EU) No 1303/2013 stipulates that in relation to a Public Private Partnership ('PPP') operation a beneficiary may be a body governed by private law of a Member State ('private partner'). In accordance with Article 63(3) of Regulation (EU) No 1303/2013, the private partner selected to implement the operation may be replaced as beneficiary during implementation where this is required under the terms and conditions of the PPP or of the underlying financing agreement between the private partner and the financial institution co-financing the operation.

(2) In order to specify a complete set of obligations of the partners under a PPP operation, it is necessary to lay down additional rules on the replacement of the beneficiary and on the related responsibilities.

(3) In the case of the replacement of a beneficiary in a PPP operation funded by European Structural and Investment Funds, it is necessary to ensure that after the replacement, the new partner or body provides at least the same service, and with the same minimum quality standards, which was required by the initial PPP contract.

(4) For a PPP operation where the public law body is the beneficiary of the grant, Article 64(1) of Regulation (EU) No 1303/2013 sets out the conditions under which expenditure incurred and paid by a private partner may be considered as incurred and paid by the beneficiary. Article 64(2) of that Regulation requires the payment in respect of such expenditure to be made into an escrow account in the name of the beneficiary.

(5) It is necessary to lay down the minimum requirements to be included in PPP agreements which are necessary for the application of Article 64(1) of Regulation (EU) No 1303/2013, including provisions related to termination of the PPP agreement and for the purpose of ensuring an adequate audit trail,

([1]) OJ L 347, 20.12.2013, p. 320.

HAS ADOPTED THIS REGULATION:

CHAPTER I

Rules on the replacement of a beneficiary under PPP operations funded by European Structural and Investment Funds

(Article 63(4) of Regulation (EU) No 1303/2013)

Article 1

Additional conditions on the replacement of the private partner

The replacement of the private partner or public law body referred to in Article 63(3) of Regulation (EU) No 1303/2013 ('partner or body') shall comply with the following additional conditions:

(a) the partner or body is able to provide at least the service, including at least the minimum quality standards, determined in the Public Private Partnership ('PPP') contract;

(b) the partner or body has agreed to assume the rights and responsibilities of a beneficiary in relation to the support for PPP operations from the date on which the managing authority is notified of the replacement proposal.

Article 2

Proposal to replace the private partner

1. The partner or body shall send the managing authority the proposal to replace the private partner as beneficiary within one month from the date of the decision to replace the private partner.

2. The proposal referred to in paragraph 1 shall contain the following:

(a) the terms and conditions of the PPP or financing agreement between the private partner and the financial institution co-financing the operation requiring replacement;

(b) evidence of the fulfilment by the partner or body of the conditions set out in Article 1 of this Regulation and evidence that it fulfils and assumes all the corresponding obligations of a beneficiary under Regulation (EU) No 1303/2013;

(c) evidence that the partner or body has been provided with a copy of the original support agreement and any amendments made to that agreement.

Article 3

Confirmation of the replacement of the private partner

Within one month of the receipt of the proposal referred to in Article 2, and provided that the partner or body fulfils and assumes all the corresponding obligations of a beneficiary under Regulation (EU) No 1303/2013 and complies with the conditions set out in Article 1 of this Regulation, the managing authority shall:

(a) register the partner or body as the beneficiary as from the date referred to in Article 1(b) of this Regulation;

(b) inform the partner or body of the remaining amount of support available from the ESI Funds.

CHAPTER II

Minimum requirements to be included in PPP agreements funded by European Structural and Investment Funds

(Article 64(4) of Regulation (EU) No 1303/2013)

Article 4

Escrow account

With regard to the escrow account referred to in Article 64(2) of Regulation (EU) No 1303/2013, the PPP agreement shall contain the following requirements:

(a) where appropriate, the criteria for the selection of the financial institution where the escrow account is to be opened, including requirements regarding its creditworthiness;

(b) the conditions under which payments from the escrow account can be made;

(c) whether the public law body that is a beneficiary may use the escrow account as collateral/security for the performance of its or the private partner's obligations under the PPP agreement;

(d) the obligation for the holders of the escrow account to inform the managing authority, upon its written request, about the amount of funds in the escrow account disbursed and the balance of the escrow account;

(e) rules on how the remaining funds in the escrow account shall be disbursed when the escrow account is closed due to a termination of the PPP agreement.

Article 5

Reporting and audit trail

1. The PPP agreement shall contain provisions on the establishment of a reporting and document retention mechanism. This mechanism shall contain the same reporting and document retention obligations as those of the beneficiary who incurs and pays himself for expenditure that is eligible under Article 65 of Regulation (EU) No 1303/2013.

2. The PPP agreement shall include procedures to ensure the adequate audit trail as set out in Article 25 of Commission Delegated Regulation (EU) No 480/2014 [1]. These procedures shall in particular allow for the reconciliation of the payments incurred and paid by the private partner for the implementation of the operation with the expenditure declared by the beneficiary to the Managing authority.

Article 6

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 April 2015.

For the Commission
The President
Jean-Claude JUNCKER

[1] Commission Delegated Regulation (EU) No 480/2014 of 3 March 2014 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund (OJ L 138, 13.5.2014, p. 5).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1077

of 1 July 2015

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Idiazabal (PDO))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ([1]), and in particular Article 52(2) thereof,

Whereas:

(1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Spain's application for the approval of amendments to the specification for the protected designation of origin 'Idiazabal', registered under Commission Regulation (EC) No 1107/96 ([2]) as amended by Regulation (EC) No 2317/1999 ([3]).

(2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ([4]) as required by Article 50(2)(a) of that Regulation.

(3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Idiazabal' (PDO) are hereby approved.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 July 2015.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

([1]) OJ L 343, 14.12.2012, p. 1.
([2]) Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 (OJ L 148, 21.6.1996, p. 1).
([3]) Commission Regulation (EC) No 2317/1999 of 29 October 1999 amending an item in the specification for the name 'Idiazábal' listed in the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 (OJ L 280, 30.10.1999, p. 66).
([4]) OJ C 70, 27.2.2015, p. 10.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1078

of 3 July 2015

amending Regulation (EU) No 37/2010 as regards the substance 'clodronic acid (in the form of disodium salt)'

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council ([1]), and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

(1) Article 17 of Regulation (EC) No 470/2009 requires that the maximum residue limit (hereinafter 'MRL') for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry is to be established in a regulation.

(2) Table 1 of the Annex to Commission Regulation (EU) No 37/2010 ([2]) sets out the pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin.

(3) Clodronic acid (in the form of disodium salt) is not yet included in this table.

(4) An application for the establishment of MRLs for clodronic acid (in the form of disodium salt) in equidae has been submitted to the European Medicines Agency (hereinafter 'EMA').

(5) The EMA, based on the opinion of the Committee for Medicinal Products for Veterinary Use, has recommended that the establishment of maximum residue limits for clodronate disodium in equine species is not necessary for the protection of human health, provided that the substance is not used for animals producing milk for human consumption.

(6) According to Article 5 of Regulation (EC) No 470/2009, the EMA is to consider using MRLs established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or MRLs established for a pharmacologically active substance in one or more species for other species.

(7) The EMA has considered that the extrapolation of the MRL for clodronic acid (in the form of disodium salt) for equidae to other food producing species is not appropriate, because based on the proposed indication and mode of action, it is not likely that this active substance would be used in any food species other than horses.

(8) Table 1 of the Annex to Regulation (EU) No 37/2010 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

([1]) OJ L 152, 16.6.2009, p. 11.
([2]) Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, 20.1.2010, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 2 September 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 July 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, the following substance is inserted in alphabetical order:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic classification
'Clodronic acid (in the form of disodium salt)	NOT APPLICABLE	Equidae	No MRL required	NOT APPLICABLE	Not for use in animals from which milk is produced for human consumption	Musculoskeletal system/drugs for treatment of bone diseases'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1079

of 3 July 2015

amending Regulation (EU) No 37/2010 as regards the substance 'hexaflumuron'

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and the Council [1], and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

(1) Article 17 of Regulation (EC) No 470/2009 requires that the maximum residue limit (hereinafter 'MRL') for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry is established in a regulation.

(2) Table 1 of the Annex to Commission Regulation (EU) No 37/2010 [2] sets out the pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin.

(3) Hexaflumuron is not yet included in this table.

(4) An application for the establishment of MRLs for hexaflumuron in fin fish has been submitted to the European Medicines Agency (hereinafter 'EMA').

(5) The EMA, based on the opinion of the Committee for Medicinal Products for Veterinary Use, has recommended the establishment of a MRL for hexaflumuron for fin fish, applicable to muscle and skin in natural proportions.

(6) According to Article 5 of Regulation (EC) No 470/2009, the EMA is to consider using MRLs established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or MRLs established for a pharmacologically active substance in one or more species for other species.

(7) The EMA has considered that, because of the more limited metabolism in fish compared to the metabolism in mammalian and avian species, the MRLs for hexaflumuron cannot be extrapolated from fin fish to other food producing species.

(8) Table 1 of the Annex to Regulation (EU) No 37/2010 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

[1] OJ L 152, 16.6.2009, p. 11.
[2] Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, 20.1.2010, p. 1).

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 2 September 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 July 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, an entry for the following substance is inserted in alphabetical order:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic Classification
'Hexaflumuron	Hexaflumuron	Fin fish	500 µg/kg	Muscle and skin in natural proportions	NO ENTRY	Antiparasitic agents/Agents (acting) against ectoparasites'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1080

of 3 July 2015

amending Regulation (EU) No 37/2010 as regards the substance 'propyl 4-hydroxybenzoate and its sodium salt'

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and the Council ([1]), and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

(1) Article 17 of Regulation (EC) No 470/2009 requires that the maximum residue limit ('MRL') for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry is established in a Regulation.

(2) Table 1 of the Annex to Commission Regulation (EU) No 37/2010 ([2]) sets out the pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin.

(3) Propyl 4-hydroxybenzoate and its sodium salt is not yet included in this table.

(4) An application for the establishment of MRLs for propyl 4-hydroxybenzoate and its sodium salt in all food producing species has been submitted to the European Medicines Agency ('EMA').

(5) The EMA, based on the opinion of the Committee for Medicinal Products for Veterinary Use, has recommended that the establishment of maximum residue limits for propyl 4-hydroxybenzoate and its sodium salt in all food producing species is not necessary for the protection of human health, provided that this substance is used as a preservative only.

(6) According to Article 5 of Regulation (EC) No 470/2009, the EMA is to consider using MRLs established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or MRLs established for a pharmacologically active substance in one or more species for other species.

(7) Given the opinion of the EMA that no MRLs should be established for propyl 4-hydroxybenzoate and its sodium salt, an extrapolation for this substance is not possible.

(8) Table 1 of the Annex to Regulation (EU) No 37/2010 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

([1]) OJ L 152, 16.6.2009, p. 11.
([2]) Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, 20.1.2010, p. 1).

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 2 September 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 July 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, an entry for the following substance is inserted in alphabetical order:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic Classification
'Propyl 4-hydroxybenzoate and its sodium salt	NOT APPLICABLE	All food producing species	No MRL required	NOT APPLICABLE	For use as a preservative only	NO ENTRY'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1081

of 3 July 2015

imposing a provisional anti-dumping duty on imports of certain aluminium foils originating in Russia

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ([1]) ('the basic Regulation'), and in particular Article 7(4) thereof,

After consulting the Member States,

Whereas:

A. PROCEDURE

1. Initiation

(1) On 8 October 2014, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports into the Union of certain aluminium foils originating in Russia ('Russia' or 'the country concerned'). It published a Notice of Initiation in the *Official Journal of the European Union* ([2]) ('the Notice of Initiation').

(2) The proceeding was initiated following a complaint lodged on 25 August 2014 by AFM Aluminiumfolie Merseburg GmbH, Alcomet AD, Eurofoil Luxembourg SA, Hydro Aluminium Rolled Products GmbH and Impol d.o.o. ('the complainants') on behalf of producers representing more than 25 % of the total Union production of aluminium foils. The complaint contained prima facie evidence of dumping of the said product and of resulting material injury that was considered sufficient to justify the initiation of the investigation.

(3) On 4 October 2014, the Commission announced the initiation of an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 ('the basic Regulation') concerning definitive anti-dumping measures in force on imports of certain aluminium foils originating in the People's Republic of China ('China') and Brazil, by a Notice published in the *Official Journal of the European Union* ([3]).

2. Interested parties

(4) In the Notice of Initiation, the Commission invited all interested parties to contact it in order to participate in the investigation. In addition, the Commission officially advised the complainants, the known exporting producer and the Russian authorities, known importers, users and traders known to be concerned of the initiation of the investigation and invited them to participate.

(5) Interested parties were given an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

(6) Interested parties were also given the opportunity to make their views known in writing and request a hearing within the time limit set in the Notice of Initiation. None of the interested parties requested a hearing before the Commission services and/or the Hearing Officer in trade proceedings.

([1]) OJ L 343, 22.12.2009, p. 51.
([2]) Notice of Initiation of an anti-dumping proceeding concerning imports of certain aluminium foils originating in Russia (OJ C 354, 8.10.2014, p. 14).
([3]) Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain aluminium foils originating in Brazil and the People's Republic of China (OJ C 350, 4.10.2014, p. 11).

3. **Sampling**

(7) In its Notice of Initiation, the Commission announced that it might sample the interested parties in accordance with Article 17 of the basic Regulation.

Sampling of exporting producers in Russia

(8) Due to the fact that all the production of the product concerned in Russia is done by one group of companies, the Rusal group, no sampling was foreseen in the Notice of Initiation with regard to exporting producers.

Sampling of Union producers

(9) In its Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. In accordance with Article 17(1) of the basic Regulation, the Commission selected the sample on the basis of the largest representative volume of sales and production. The sample consisted of six Union producers and their related companies, as the internal structure of the Groups was unclear at the beginning of the investigation as far as it concerns the functions of producing and reselling the product in question. The sampled Union producers accounted for over 70 % of total Union production. The Commission invited interested parties to comment on the provisional sample. No comments were received within the deadline and the provisional sample was thus confirmed. The sample is considered representative of the Union industry.

Sampling of unrelated importers

(10) To decide whether sampling is necessary and, if so, to select a sample, the Commission asked all unrelated importers to provide the information specified in the Notice of Initiation.

(11) Fourteen known importers/users were contacted at the initiation stage and were invited to explain their activity and to fill in the sampling form attached to the Notice of Initiation, if applicable.

(12) Three companies replied to the sampling form. They were, however, rewinders, i.e. industrial users which were importing the product concerned for further processing before re-selling it. No traders came forward. Therefore, sampling is not warranted.

(13) Four other companies came forward and declared that they either did not import the product concerned from Russia or they were rewinders. A users' questionnaire was sent to all seven companies that came forward.

Replies to the questionnaire and cooperation

(14) The Commission sent questionnaires to the six sampled Union producers and its related companies, one exporting producer group, and the seven users identified in the Union.

(15) Questionnaire replies were received from all sampled Union producers, from the exporting producer group (which consists of two exporting producers, four related traders and eight related raw material suppliers all located in Russia with the exception of two traders, registered in Jersey and Switzerland,) and from four users. Following the request of the Commission revised questionnaire tables from Rusal group were received at a later stage.

Verification visits

(16) The Commission sought and verified all the information deemed necessary for the purpose of a provisional determination of dumping, resulting injury and Union interest.

(17) As one of the sampled companies produced during the period considered small quantities solely destined for captive use no verification visit was deemed necessary.

(18) Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers

— AFM Aluminiumfolie Merseburg GmbH, Merseburg, Germany

— Alcomet AD, Schumen, Bulgaria

— Eurofoil Luxembourg SA, Dudelange, Luxembourg and its related company Eurofoil France SAS, Rugles, France

— Hydro Aluminium Slim S.p.a., Cisterna di Latina, Italy

— Impol d.o.o., Maribor, Slovenia

— Symetal S.A., Athens, Greece

Users

— Cofresco Frishhalteprodukte GmbH & Co KG, Minden, Germany

— CeDo Sp. z o.o., Kąty Wrocławskie, Poland

— Sphere Group, Paris, France

Exporting producer in Russia

— the 'Rusal Group' including:

  — Ural Foil OJSC ('Ural Foil'), Sverdlovsk region, Russia

  — OJSC Rusal Sayanal ('Sayanal'), Khakassia region, Russia

  together with the following related traders and suppliers of raw materials:

  — Rusal Foil Ltd ('RF'), Moscow region, Russia

  — United Company Rusal Trading House ('Trading House'), Moscow region, Russia

  — Sayanogorsk Aluminium Smelter ('SAZ'), Khakassia region, Russia

  — Novokuznetsk Aluminium Smelter (NKAZ), Kemerovo region, Russia.

4. **Investigation period and period considered**

(19) The investigation of dumping and injury covered the period from 1 October 2013 to 30 September 2014 ('the investigation period'). The examination of trends relevant for the assessment of injury covered the period from 2011 to the end of the investigation period ('the period considered').

B. **PRODUCT CONCERNED AND LIKE PRODUCT**

5. **Product concerned**

(20) The product concerned is aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm, not backed, not further worked than rolled, in rolls of a width not exceeding 650 mm and of a weight exceeding 10 kg ('jumbo rolls') originating in Russia, currently falling within CN code ex 7607 11 19 (TARIC code 7607 11 19 10) ('the product concerned'). The product concerned is commonly known as aluminium household foil ('AHF').

(21) AHF is manufactured on the basis of pure aluminium, which is firstly cast into thick strips (of a thickness of several mm, i.e. up to 1 000 times thicker than the product concerned) and subsequently rolled in different stages into the desired thickness. Once rolled, the foil is annealed by a thermal process and is finally presented on reels (rolls).

(22) These reels of AHF are further rewound into smaller rolls by downstream processors so-called rewinders. The obtained product (i.e. consumer rolls which is not product concerned) is used in multi-purpose short-life wrapping, mostly in households, catering, food and floristry retail business.

6. **Like product**

(23) The investigation showed that the product concerned, the product produced and sold on the Russian domestic market and the product produced and sold in the Union by the Union industry have the same basic physical, chemical and technical characteristics as well as the same basic uses.

(24) The Commission therefore concluded at this stage that these products are alike within the meaning of Article 1(4) of the basic Regulation.

7. **Claims regarding the product scope**

(25) An importer claimed that the product scope should include AHF weighing 10 kg or less (so called 'consumer rolls'). This importer claimed that there were no differences in the physical, chemical and technical characteristics between consumer rolls and jumbo rolls. The importer further claimed that if anti-dumping duties were imposed only on jumbo rolls, this could give rise to exports of consumer rolls without anti-dumping duties from Russia.

(26) The physical characteristic distinguishing the jumbo rolls on the one hand and consumer rolls on the other hand is the weight. In addition, this also corresponds to the CN code. Moreover, the Union industry as defined in recital 53 only produces jumbo rolls and does not produce consumer rolls. Jumbo rolls are bought and further processed into consumer rolls by rewinders that in turn resell the product to retailers and end users. Jumbo rolls and consumer rolls have therefore different physical characteristic, are not produced by the same producers, do not compete with each other and are not traded on the same market.

(27) Therefore, the claim that consumer rolls should be included in the product scope of this investigation was rejected.

(28) Regarding the effect of any anti-dumping duties on jumbo rolls on the downstream industry, this is addressed below in recitals 151 to 163 concerning the Union interest.

C. **DUMPING**

8. **Normal value**

(29) The Commission first examined whether the total volume of domestic sales of each exporting producer was representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales are representative if the total domestic sales volume of the like product to independent customers on the domestic market per exporting producer represented at least 5 % of its total export sales volume of the product concerned to the Union during the investigation period.

(30) On this basis the total sales of one exporting producer were found to be not representative. For this cooperating exporting producer as the like product was not sold in representative quantities on the domestic market, the Commission constructed the normal value in accordance with Article 2(3) and (6) of the basic Regulation.

(31) The normal value for this cooperating exporting producer was constructed by adding the following to its average cost of production of the like product during the investigation period:

(a) the weighted average selling, general and administrative ('SG&A') expenses incurred by the cooperating exporting producer on domestic sales of those types of the like product, in the ordinary course of trade, during the investigation period; and

(b) the weighted average profit realised by the cooperating exporting producer on domestic sales of those types of the like product, in the ordinary course of trade, during the investigation period.

(32) With regard to the other exporting producer, it was found that its total domestic sales were representative in accordance with Article 2(2) of the basic Regulation (see recital 29 above).

(33) The Commission subsequently identified the product types sold domestically that were identical or comparable with the product types sold for export to the Union. The Commission examined whether the domestic sales of this other exporting producer on its domestic market for each product type that is identical or comparable with a product type sold for export to the Union were representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales of a product type are representative if the total volume of domestic sales of that product type to independent customers during the investigation period represents at least 5 % of the total volume of export sales of the identical or comparable product type to the Union. The Commission established that in case of 5 product types out of 14 the exported product types matched with representative domestic sales.

(34) Wherever there were no domestic sales of a particular product type and for product types where the volume of domestic sales was insufficient, the normal value was constructed in accordance with Article 2(3) and (6) of the basic Regulation, as described in recital 31 above.

(35) The Commission next defined the proportion of profitable sales to independent customers on the domestic market for each product type during the investigation period in order to decide whether to use actual domestic sales for the calculation of the normal value, in accordance with Article 2(4) of the basic Regulation.

(36) The normal value is based on the actual domestic price per product type, irrespective of whether those sales are profitable or not, if:

(a) the sales volume of the product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of this product type; and

(b) the weighted average sales price of that product type is equal to or higher than the unit cost of production.

(37) In this case, the normal value is the weighted average of the prices of all domestic sales of that product type during the investigation period.

(38) The analysis of domestic sales showed that over 90 % of domestic sales were profitable and that the weighted average sales price was higher than the cost of production. Accordingly, the normal value was calculated as a weighted average of the prices of the domestic sales during the investigation period for the five product types with representative domestic sales.

9. **Export price**

(39) The cooperating exporting producers exported to the Union via a related trader RTI Ltd ('RTI') with corporate seat in Jersey. This trader buys the product concerned from the producers via two Moscow based related agents. Afterwards, it re-sells the product concerned to the final customers via another agent based in Switzerland. All three related agents carry out sales activities in the name of the producers or the related trader and are remunerated by monthly commission payments.

(40) In accordance with Article 2(9) of the basic Regulation, the export price was established on the basis of the price at which the imported product was first resold to independent customers in the Union. In this case, adjustments to the price were made for all costs incurred between importation and resale (namely transportation and insurance costs, credit costs, customs duties and customs administration fees) and including the corresponding SG&A expenses of the trader as well as a reasonable profit margin.

(41) Indeed, with regard to SG&A expenses, the Commission, on the basis of the data submitted by Rusal group for its sales of the product concerned into the Union market, took the corresponding actual SG&A expenses amount. This was an amount that the related trader had already identified and allocated to the import activities for the product concerned to the Union, according to its own calculations and allocation principles. The Commission also ensured that there was no double counting of expenses and any costs not related to the importation of the product concerned were not included in that amount. Therefore, the amount for SG&A expenses, used by the Commission in the construction of the reliable export price, strictly related to the costs incurred between importation and resale of the product concerned into the Union as required by Article 2(9) of the basic Regulation.

(42) With regard to profit, the profit realised by the related trader was regarded as unreliable because of the association with the exporting producers, as the price itself between them was not reliable. In the absence of information from independent importers in this investigation, a reasonable profit margin of 2 % used in the previous investigation covering the same product was used ([1]).

(43) With regard to these deductions for SG&A expense and profit, the Rusal group claimed that the related trader (RTI) should be treated as an internal export department of its exporting producers, as they all act as single economic entity (SEE) despite being separate legal entities. As a consequence, Rusal group claimed that no deduction should have been made for RTI's SG&A and profit.

(44) However, it is considered that, where there is an association between the exporting producer and the importer or a third party, the export price is regarded as unreliable and a reliable one has to be constructed. For the construction of a reliable export price Article 2(9) of the basic Regulation clearly prescribes adjustments for all costs incurred between importation and resale and for profits accruing. These costs include the SG&A expenses. The rationale and the purpose of the adjustments is namely to render the export price reliable. Therefore, this claim had to be rejected.

10. **Comparison**

(45) The Commission compared the normal value and the export price of the two cooperating exporting producers on an ex-works basis.

(46) Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation.

(47) As regards export prices, adjustments were made for transport, insurance, handling, packing, export taxes and commissions. Concerning domestic prices, adjustments were made for domestic transportation costs, packing costs, credit costs, handling and commissions.

11. **Dumping margin**

(48) For the two cooperating exporting producers, the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product concerned, on an ex-works basis, in accordance with Article 2(11) and (12) of the basic Regulation.

([1]) OJ L 94, 8.4.2009, p. 17, recitals 72 and 80.

(49) As these two cooperating producers are related, a single dumping margin was established for the two companies on the basis of the weighted average of their individual dumping margins.

(50) On this basis, the provisional weighted average dumping margin expressed as a percentage of the CIF (cost, insurance, freight) Union frontier price, duty unpaid, is as follows:

Company	Provisional dumping margin
Rusal group: Ural Foil OJSC and OJSC Rusal Sayanal	34,0 %

(51) The level of cooperation in this case is high since the sole existing producer of AHF in Russia responsible for 100 % of imports into the Union during the investigation period cooperated in the investigation. On this basis, the Commission decided to base the residual dumping margin at the level of the individual dumping margin established for the cooperating company.

(52) The provisional dumping margins, expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Provisional dumping margin
Rusal group	34,0 %
All other companies	34,0 %

D. **INJURY**

1. **Definition of the Union industry and Union production**

(53) The like product was manufactured by 12 known Union producers during the investigation period. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.

(54) The total Union production during the investigation period was estimated at 47 349 tonnes. The Commission established the figure on the basis of Eurostat statistics, the verified questionnaire replies of the sampled Union producers and the estimated data related to the non-sampled producers and provided by the complainants. As indicated in recital 9, the Union producers selected in the sample represented over 70 % of the total Union production of the like product.

(55) The exporting producer claimed that not all the complainants were active in the production of AHF. However, the investigation showed that all complainants and their related companies produced indeed, even in small quantities, the product in question and this claim was therefore rejected.

2. **Union consumption**

(56) Data on production, production capacity, sales volume, employment and export volume relating to the whole Union industry for the period considered was provided by the complainants. The data were estimated and provided on a maximum and minimum range basis, broken down in two categories: sampled Union producers and non-sampled Union producers. For the sampled Union producers, the Commission used the actual verified data provided by these companies in their questionnaire replies. For the non-sampled Union producers, the figures provided by the complainants were used. These estimates were made available for comments to the interested parties. No comments were, however, received.

(57) The Commission established the Union consumption on the basis of total estimated sales volume of the Union industry on the Union market and the total import volume based on Eurostat and corrected, where necessary, by the verified data provided by the exporting producer and the questionnaire replies submitted by the sampled Union producers.

(58) As there is only one exporting producer in the country concerned, all figures related to it had to be given in a range for reasons of confidentiality.

(59) On this basis, Union consumption developed as follows:

Table 1

Union consumption for AHF (tonnes)

	2011	2012	2013	Investigation period
Union consumption	[71 300-82 625]	[74 152-92 540]	[84 847-108 239]	[83 421-105 760]
Index (2011 = 100)	*100*	*[104-112]*	*[119-131]*	*[117-128]*

Source: Eurostat, questionnaire replies and information provided by the complainants.

(60) Union consumption increased between 2011 and 2013 but decreased between 2013 and the investigation period. Overall, consumption increased between 17 % and 28 % during the period considered. The increase in consumption between 2011 and the investigation period mainly reflects the increase of imports from Russia and other third countries, while the sales of the Union industry on the Union market only slightly increased (see recital 82).

3. **Imports from the country concerned**

Volume and market share of the imports from the country concerned

(61) The Commission established the volume of imports from the country concerned on the basis of Eurostat and of the data submitted by the cooperating producer in the countries concerned.

(62) Imports into the Union from the country concerned developed as follows:

Table 2

Import volume (tonnes)

	2011	2012	2013	Investigation period
Volume of imports from Russia	[19 532-26 078]	[23 243-34 422]	[27 345-39 116]	[26 368-37 812]
Index (2011 = 100)	*100*	*[119-132]*	*[140-150]*	*[135-145]*
Market share	29 %	34 %	34 %	34 %

Source: Eurostat, questionnaire replies and Information provided by the complainants.

(63) Import volume from Russia increased between 40 % and 50 % from 2011 until 2013 with a slight decrease in the investigation period.

(64) The corresponding market share increased from 29 % in 2011 to 34 % in 2012 and then it remained constant by the end of the investigation period.

Prices of the imports from the country concerned and price undercutting

(65) The Commission established the weighted average prices of imports on the basis of Eurostat and of the data submitted by the cooperating producer in the countries concerned. The price undercutting of the Union industry's prices by the imports from the country concerned was established on the basis of the questionnaire replies submitted by the cooperating Russian exporting producer and the sampled Union producers.

(66) The average import price of AHF from Russia into the Union developed as follows:

Table 3

Import prices (EUR/tonne)

	2011	2012	2013	Investigation period
Import prices	[2 145-2 650]	[2 038-2 624]	[1 952-2 571]	[1 973-2 597]
Index (2011 = 100)	*100*	*[95-99]*	*[91-97]*	*[92-98]*

Source: Eurostat and the questionnaire reply.

(67) The average import price of AHF from Russia to Union decreased during the period considered; overall it decreased between 2 % and 8 %.

(68) The Commission determined the price undercutting during the investigation period by comparing: (a) the weighted average sales prices per product type of the Union industry charged to unrelated customers on the Union market, adjusted to an ex-works level; and (b) the corresponding weighted average prices per product type of the imports from the cooperating Russian producers to the first independent customer on the Union market, established on a CIF basis, with appropriate adjustments for customs duties and post-importation costs.

(69) The price comparison was made on a type-by-type basis for transactions at the same level of trade, duly adjusted where necessary. The result of the comparison was expressed as a percentage of the Union industry's turnover during the investigation period. It showed a weighted average undercutting margin ranging between 3 % and 7 % by the imports from Russia on the Union market.

(70) While significant as such, this price undercutting has to be seen in the light of the fact that the prices of the Union industry which were undercut during the investigation period by the dumped prices from Russia were below cost of production. As explained in recitals 177 and 179, the resulting price underselling exerted by Russian prices is of around 12 % on average.

4. Economic situation of the Union industry

4.1. *General remarks*

(71) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.

(72) As mentioned in recital 9, sampling was used for the determination of possible injury suffered by the Union industry.

(73) For the injury determination the Commission distinguished between macroeconomic and microeconomic injury indicators. As explained in recital 56, the Commission evaluated macroeconomic indicators relating to the whole Union industry on the basis of information provided by the complainants which was duly verified for the sampled companies. The Commission evaluated microeconomic indicators relating only to the sampled companies on the basis of data contained in the questionnaire replies of the sampled Union producers. Both sets of data were found representative of the economic situation of the Union industry.

(74) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity and magnitude of the dumping margin.

(75) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.2. *Macroeconomic indicators*

4.2.1. Production, production capacity and capacity utilisation

(76) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 4

Production, production capacity and capacity utilisation

	2011	2012	2013	Investigation period
Production volume (tonnes)	44 316	46 165	48 796	47 349
Index (2011 = 100)	*100*	*104*	*110*	*107*
Production capacity (tonnes)	54 777	54 485	59 186	61 496
Index (2011 = 100)	*100*	*99*	*108*	*112*
Capacity utilisation	81 %	85 %	82 %	77 %
Index (2011 = 100)	*100*	*105*	*102*	*95*

Source: questionnaire replies, information provided by the complainants.

(77) Production fluctuated during the period considered. While it increased between 2011 and 2013, it decreased between 2013 and the investigation period. Overall, the production volume increased by 7 % during the period considered.

(78) The production capacity increased by 12 % during the period considered.

(79) As a result of the higher increase in production capacity than in production volume, the capacity utilisation decreased by 5 % over the period considered.

(80) The exporting producer claimed that all producers of AHF are able to produce also another type of foil, namely aluminium converter foil ('ACF'), and that they were using the same machinery for the production of both types of foil. On this basis the exporting producer claimed that the data of the Union industry relating to capacity and capacity utilisation of AHF would be distorted.

(81) Although it is correct that several Union producers were producing both ACF and AHF, the investigation showed that the largest sampled Union producer was solely producing AHF. For the other sampled Union producers, production capacity and capacity utilisation were based on actual figures and therefore the fact that they were also producing ACF did not affect the reported total production capacity and capacity utilisation of AHF. Finally, the investigation showed that the sampled Union producers had a stable ratio of production between the two types of foils. Therefore, this claim was at this stage rejected.

4.2.2. Sales volume and market share

(82) The Union industry's sales volume and market share developed over the period considered as follows:

Table 5

Sales volume and market share on the Union market

	2011	2012	2013	Investigation period
Sales volume (tonnes)	[41 007-45 870]	[41 007-49 081]	[42 647-52 292]	[41 827-50 457]
Index (2011 = 100)	*100*	*[100-107]*	*[104-114]*	*[102-110]*
Market share	55 %	53 %	49 %	47 %

Source: questionnaire replies, Eurostat, information provided by the complainants.

(83) Sales volume of AHF slightly increased over the period considered. Sales volume increased mostly from 2011 to 2013, i.e. between 4 % and 14 %. During the investigation period the sales volume decreased; overall, sales volume increased between 2 % and 10 % during the period considered. The increase in sales volumes, taking into account the parallel increase in consumption and the increase in imports, inter alia, from Russia, led, however, to a decrease in market share of the Union industry from 55 % in 2011 to 47 % in the investigation period, i.e. a decrease of 8 percentage points during the period considered. The decrease in market share of the Union industry coincided with an increase in market share of Russian imports as explained in recital 64.

4.2.3. Growth

(84) While Union consumption increased by between 17 % and 28 % during the period considered, the sales volume of the Union industry increased between 2 % and 10 %, which translated in a loss of market share of 8 percentage points.

4.2.4. Employment and productivity

(85) Employment and productivity developed over the period considered as follows:

Table 6

Employment and productivity

	2011	2012	2013	Investigation period
Number of employees	769	787	758	781
Index (2011 = 100)	*100*	*102*	*99*	*102*
Productivity (tonnes/employee)	58	59	64	61
Index (2011 = 100)	*100*	*102*	*112*	*105*

Source: questionnaire replies, information provided by the complainants.

(86) Employment of the Union industry fluctuated during the period considered and overall slightly increased by 2 %.

(87) Between 2011 and 2013 productivity increased due to the higher increase in production than the increase in employment as shown in table 4 in recital 77. From 2013 to the investigation period, productivity decreased by 7 % but remained higher than at the beginning of the period considered in 2011.

4.2.5. Magnitude of the dumping margin and recovery from past dumping

(88) The dumping margin is well above the *de minimis* level. The impact of the magnitude of the actual margin of dumping on the Union industry is substantial, given the volume and prices of imports from the country concerned.

(89) The Union industry was still in a recovery process from past dumping caused by imports of the same product originating in China, Brazil and Armenia. These measures are currently subject to a parallel on-going review investigation in accordance with Article 11(2) of the basic Regulation, as mentioned in recital 3.

4.3. *Microeconomic indicators*

4.3.1. Prices and factors affecting prices

(90) The average sales prices of the Union industry to unrelated customers in the Union developed over the period considered as follows:

Table 7

Average sales prices

	2011	2012	2013	Investigation period
Average unit selling price in the Union (EUR/tonne)	2 932	2 714	2 705	2 597
Index (2011 = 100)	*100*	*93*	*92*	*89*
Unit cost of production (EUR/tonne)	2 995	2 794	2 699	2 651
Index (2011 = 100)	*100*	*93*	*90*	*89*

Source: questionnaire replies.

(91) The Union industry's average unit selling price to unrelated customers in the Union decreased continuously and overall by 11 % over the period considered.

(92) Despite this decrease, unit cost of production remained above the average selling price of the Union industry and the Union industry could not cover its production cost by the selling price with the exception of 2013. Indeed, the Union industry was not able to raise its selling price due to the price pressure of the dumped imports from Russia.

(93) Several interested parties claimed that the development of Union industry's selling price followed the development of the aluminium price at the London Metal Exchange and that therefore the prices of Russian imports did not have any impact on the selling price of the Union industry. According to these parties it cannot therefore be considered that Russian import prices undercut the selling prices of the Union industry. The investigation showed that the selling price of the Union industry followed the same trend as the aluminium prices at

the London Metal Exchange. However, this did not have a bearing on the fact that Russian import prices were undercutting the Union industry's selling prices and were exerting a price pressure on the Union market, which did not allow the Union industry to increase their selling price to a level that would have covered the cost of production. Therefore, this argument should be rejected.

4.3.2. Labour costs

(94) The average labour costs of the Union industry developed over the period considered as follows:

Table 8

Average labour costs per employee

	2011	2012	2013	Investigation period
Average labour costs per employee (EUR)	21 692	22 207	20 603	20 594
Index (2011 = 100)	*100*	*102*	*95*	*95*

Source: questionnaire replies.

(95) Between 2011 and the investigation period, the average labour costs per employee of the sampled Union producers decreased by 5 %. Labour cost first increased by 2 % between 2011 and 2012, then decreased between 2012 and 2013 and then remained stable during the investigation period.

4.3.3. Inventories

(96) Stock levels of the Union industry developed over the period considered as follows:

Table 9

Inventories

	2011	2012	2013	Investigation period
Closing stocks	1 931	1 999	2 133	2 085
Index (2011 = 100)	*100*	*104*	*110*	*108*
Closing stocks as percentage of production	5 %	5 %	5 %	5 %
Index (2011 = 100)	*100*	*100*	*100*	*100*

Source: questionnaire replies.

(97) Inventories cannot be considered as a relevant injury indicator in this sector, as production and sales are mainly based on orders and, accordingly, producers tend to hold limited stocks. Therefore, the trends on inventories are given for information only.

(98) Overall closing stocks increased by 8 % over the period considered. While stocks increased from 2011 to 2013 by 10 %, from 2013 to the end of the investigation period they slightly decreased. Closing stocks as a percentage of production remained stable during the entire period considered.

4.3.4. Profitability, cash flow, investments, return on investments and ability to raise capital

(99) Profitability, cash flow, investments and return on investments of the Union producers developed over the period considered as follows:

Table 10

Profitability, cash flow, investments and return on investments

	2011	2012	2013	Investigation period
Profitability of sales in the Union to unrelated customers (% of sales turnover)	– 2,2 %	– 2,9 %	0,2 %	– 2,1 %
Index (2011 = 100)	*100*	*65*	*209*	*104*
Cash flow (EUR)	1 505 960	2 909 820	3 365 140	1 962 349
Index (2011 = 100)	*100*	*193*	*223*	*130*
Investments (EUR)	3 271 904	5 404 990	4 288 862	4 816 442
Index (2011 = 100)	*100*	*165*	*131*	*147*
Return on investments	– 4 %	– 5 %	0 %	– 3 %
Index (2011 = 100)	*100*	*60*	*209*	*108*

Source: questionnaire replies.

(100) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. During the period considered, the Union industry was loss-making with the exception of 2013, where it realised a profit margin slightly above break-even. Profitability decreased between 2011 and 2012, increased in 2013 but then decreased again in the investigation period where it reached a similar level as in 2011. Overall, profitability increased by 4 % during the period considered, which corresponds to an increase of 0,1 percentage points and which did not allow the Union industry to realise profits during the investigation period. This development was mainly due to the price pressure of the Russian imports which entered into the Union at dumped prices undercutting those of the Union industry and did not allow the Union industry to increase its selling prices as to cover its cost of production.

(101) The net cash flow is the Union industry's ability to self-finance their activities. The cash flow fluctuated during the period considered with an increasing trend. Overall net cash flow increased by 30 % over the period considered. However, it should be noted that in absolute values the cash flow remained at low levels when compared to the total turnover of the product in question.

(102) The investments increased by 47 % over the period considered. The investments increased by 65 % from 2011 to 2012, decreased during 2013 and increased again during the investigation period. They mainly represented investments necessary for new machinery and remained at rather low levels during the investigation period when compared to total turnover.

(103) The return on investments is the profit in percentage of the net book value of investments. As the other financial indicators, the return on investment from the production and sale of the like product was negative as from 2011, with the exception of 2013 where it was 0 %, reflecting the trend in profitability. Overall, return on investments slightly increased by 8 % over the period considered.

(104) As far as the ability to raise capital is concerned, the deterioration of the ability to generate cash for the like product of the sampled Union producers was weakening their financial situation by reducing the internally generated funds. The investigation found that, overall, the ability to raise capital deteriorated over the period considered.

5. **Conclusion on injury**

(105) Several main injury indicators showed a negative trend. Regarding profitability, the industry was loss-making almost during the whole period considered, with the exception of 2013 where it reached a level only slightly above break-even; during the investigation period, the Union industry realised a negative profit of – 2,1 %. Sales prices decreased by 11 % during the period considered. The unit cost that also decreased by 11 % remained higher than the average sales price during the whole period considered, with the exception of 2013. The Union industry market share decreased by 8 percentage points, i.e. from 55 % in 2011 to 47 % in the investigation period.

(106) Some injury indicators developed positively during the period considered. Production volume increased by 7 % and production capacity by 12 % during the period considered. These increases did however not match the increase in consumption, which was much higher, namely between 17 % and 28 % over the period considered. Sales volume increased between 2 % and 10 % during the period considered. However, in a market with increasing consumption, this did not translate in an increase of market share, but to the contrary to a loss of market share by 8 percentage points. Investments increased by 47 % during the period considered. They concerned new machinery and remained at rather low levels during the investigation period. Likewise cash flow increased by 30 % during the period considered but remained at low levels. These positive trends do not, therefore, preclude the existence of injury.

(107) The Russian authorities claimed that according to the analysis of publicly available financial documents of the complainants there would be no material injury. This is contradicted by the results of the investigation which is based on actual verified data of the Union industry relating to AHF. Indeed, some of the Union producers did not produce exclusively AHF and therefore the publicly available financial documents cannot reveal the actual situation of the Union industry for AHF. Therefore, conclusions on the economic situation of the Union industry within the meaning of Article 3(5) of the basic Regulation should not be based on publicly available financial documents but on the more detailed and verified information available in the investigation. This claim was therefore rejected.

(108) On the basis of the above, the Commission concluded at this stage that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation.

E. **CAUSATION**

(109) In accordance with Article 3(6) of the basic Regulation, the Commission examined whether the dumped imports from the country concerned caused material injury to the Union industry. In accordance with Article 3(7) of the basic Regulation, the Commission also examined whether other known factors could at the same time have injured the Union industry. The Commission ensured that any possible injury caused by factors other than the dumped imports from Russia was not attributed to the dumped imports. These factors are:

(a) effect of imports from other third countries;

(b) development of Union consumption;(c) export performance of the Union industry;

(d) the activity of the Union industry in the aluminium converter foils ('ACF') market;

(e) Cost of the raw material.

1. **Effects of the dumped imports**

(110) To establish the existence of a causal link between the dumped imports of AHF from Russia and the material injury suffered by the Union industry, the Commission analysed the volume and price levels of the imports under investigation and the extent to which these have contributed to the material injury suffered by the Union industry.

(111) The investigation has shown that during the period considered the volume of low-priced dumped imports from Russia increased between 35 % and 45 %, and translated in an increase in market share of around 5 percentage points in the same period. This increase coincided with a loss of market share of 8 percentage points by the Union industry.

(112) At the same time, Russian import prices exerted price pressure on the Union market and its prices decreased between 2 % and 8 % during the period considered and were undercutting the loss making Union industry sales prices on average between 3 % and 7 %, leading to an underselling margin of around 12 %. While significant as such, the price undercutting has to be seen in the light of the fact that the prices of the Union industry during the investigation period were mostly below cost of production. The Union industry had to decrease its prices over the period considered in order to avoid further loss of market share.

(113) Nevertheless, the Russian imports took over to a large extent the market shares of Brazilian and Chinese imports after the imposition of measures against these countries and the Union industry could not fully recover from past dumping practices from these countries. This led to losses of the Union industry from 2011 until the investigation period, with the exception of 2013, where the profitability was slightly positive, however still below the target profit of 5 % (see recitals 176 and 177).

(114) The exporting producer claimed that the increase of imports from Russia is due to the imposition of measures against China, Brazil and Armenia as these measures improved the access to the Union market by other third countries, including Russia.

(115) The investigation showed that the Russian exports indeed substituted to a large extent Chinese and Brazilian market shares in the Union. However, Russian imports were made at dumped prices, undercutting the Union industry's sales prices and coincided with a deterioration of the situation of the Union industry. On this basis a clear causal link between the Russian imports and the material injury of the Union industry can be established and it is irrelevant whether Russian imports increased only due to the anti-dumping measures imposed on imports of other third countries. This argument was therefore at this stage rejected. In any event, even if the imposition of anti-dumping duties on imports from China, Brazil and Armenia had any impact on the situation of the Union industry, it would only be an indirect cause and cannot be regarded as 'other factors' within the meaning of Article 3(7) of the basic Regulation. The investigation showed that it is the dumped imports from Russia themselves which are causing injury. That interpretation is consistent with the judgment of the European Court of Justice C-638/11 P of 14 November 2013 Council of the European Union v Gul Ahmed Textile Mills Ltd.

(116) On the basis of the above, the Commission concluded at this stage that the Union industry's injurious situation coincided with the substantial increase in imports at dumped prices originating in Russia and that imports from Russia had a determining role in the non-recovery and the material injury suffered by the Union industry during the investigation period.

2. **Effects of other factors**

2.1. *Effects of imports from other third countries*

(117) The volume of imports from other third countries developed over the period considered as follows:

Table 11

Imports from other third countries

Country		2011	2012	2013	Investigation period
China	Volume (tonnes)	[2 843-3 205]	[967-1 378]	[1 137-1 603]	[1 222-1 699]
	Index (2011 = 100)	*100*	*[34-43]*	*[40-50]*	*[43-53]*
	Market share	4 %	1 %	1 %	2 %
	Average price (EUR/tonne)	2 251	2 417	2 306	2 131
	Index (2011 = 100)	*100*	*107*	*102*	*95*
Turkey	Volume (tonnes)	[5 120-6 100]	[8 090-10 553]	[11 213-14 213]	[11 520-14 579]
	Index (2011 = 100)	*100*	*[158-173]*	*[219-233]*	*[225-239]*
	Market share	7 %	11 %	13 %	13 %
	Average price (EUR/tonne)	2 950	2 743	2 710	2 571
	Index (2011 = 100)	*100*	*93*	*92*	*87*
Other third countries	Volume (tonnes)	[3 100-3 750]	[279-750]	[1 891-3 000]	[3 162-4 313]
	Index (2011 = 100)	*100*	*[9-20]*	*[61-80]*	*[102-115]*
	Market share	4 %	1 %	2 %	4 %
	Average price (EUR/tonne)	2 878	2 830	2 687	2 406
	Index (2011 = 100)	*100*	*98*	*93*	*84*
Total imports	Volume (tonnes)	[31 200-38 900]	[33 696-45 513]	[42 120-58 325]	[42 744-60 684]
	Index (2011 = 100)	*100*	*[108-117]*	*[135-150]*	*[137-156]*
	Market share	45 %	47 %	51 %	53 %
	Average price (EUR/tonne)	2 512	2 452	2 399	2 360
	Index (2011 = 100)	*100*	*98*	*95*	*94*

Source: Eurostat and questionnaire reply.

(118) Imports from China and Brazil are currently subject to anti-dumping duties. There were no imports from Brazil during the whole period considered. Import volumes from China decreased by between 47 % and 57 %, with a corresponding decrease in market share from 4 % to 2 %, namely a decrease of 2 percentage points, during the period considered. Both import volumes and market share remained at low levels during the whole period considered. Chinese prices decreased over the period considered by 5 %. It should be noted that about 75 % of the total imports from China during the investigation period entered the Union market under the inward processing scheme, thus without anti-dumping duties. These imports, corresponding to a market share of more than 1 %, were in direct competition with the Union industry sales and undercut the Union prices by around 13 %.

(119) During the period considered import volumes from Turkey increased between 125 % and 139 % and their market share increased from around 7 % to 13 %. Turkish import prices decreased by 13 % over the period considered but remained above the price level of imports from other third countries, including Russia and China, and were at similar levels as the Union's industry prices during the investigation period.

(120) Overall, imports from other third countries increased between 2 % and 15 %. However, as the Union consumption increased, their total market share decreased from 4 % in 2011 to around 2 % in 2013 and then increased to 4 % by the end of the investigation period; their prices were at lower levels than the Union industry's prices, with the exception of 2012.

(121) On the basis of the above, it can be considered that imports from China, even at low levels, contributed in part to the injury suffered by the Union industry without however breaking the causal link between imports from Russia and the material injury suffered by the Union industry. Moreover, it is considered that imports from Turkey might have contributed in part to the injury suffered by the Union industry without however breaking the causal link between imports from Russia and the material injury suffered by the Union industry, taking into account their lower volumes and their higher prices compared to Russian exports.

(122) One interested party claimed that the material injury suffered by the Union industry should be attributed to the imports of Turkey and South Korea. Regarding Turkey, it was concluded that imports might have contributed in part to the injury suffered by the Union industry without however breaking the causal link between the dumped imports from Russia and the material injury suffered by the Union industry. Regarding South Korea this party argued that imports were under the regime of the EU-South Korea Free Trade Agreement which entered into force in 2011 ([1]). As far as South Korea is concerned, import volumes were almost inexistent during the whole period considered. On this basis, these claims were at this stage rejected.

2.2. *Development of Union consumption*

(123) Union consumption increased significantly between 17 % and 28 % during the period considered. This increase can mainly be explained by the increase of imports as the Union industry's sales volumes only slightly increased during the period considered, with a loss of market share of around 8 percentage points. At the same time Russian imports were able to take over around 5 percentage points of market share. On this basis, it was concluded that the development in consumption did not contribute to the material injury suffered by the Union industry.

(124) The exporting producer claimed that there is no substantial increase of imports from Russia or any injurious effects by these imports, as the Russian imports only followed the trend in consumption while the Union industry increased their sales of ACF to the detriment of AHF.

(125) As explained in recital 132, the allegation that the Union industry increased its sales of ACF to the detriment of sales of AHF was not confirmed during the investigation and was therefore rejected. The investigation established an increase of dumped imports from Russia exerting a price pressure on the Union market. In this regard, it was considered irrelevant that the Russian imports followed the trend in consumption. Therefore, this claim was rejected.

2.3. *Export performance of the Union industry*

(126) The exporting producer claimed that the material injury suffered by the Union industry was caused by the Union's industry poor export performance.

([1]) The EU-South Korea Free Trade Agreement (OJ L 127, 14.5.2011).

(127) The volume of exports of the Union industry developed over the period considered as follows:

Table 14

Export performance of the Union industry

	2011	2012	2013	Investigation period
Export volume	813	1 351	1 159	1 182
Index (2011 = 100)	*100*	*166*	*143*	*145*
Average unit price (EUR/tonne)	3 061	2 810	2 897	2 806
Index (2011 = 100)	*100*	*92*	*95*	*92*

Source: questionnaire replies, information provided by the complainants.

(128) The investigation showed that exports of Union industry to other third countries remained at low levels in comparison to the sales of the Union industry on the Union market, albeit increasing during the period considered. Moreover, the investigation showed that for the sampled Union producers the prices of exports were higher than the average unit selling price in the Union and were covering their production cost. In addition, the profitability of the Union industry presented in recital 99 refers solely to the sales of the like product on the Union market and any impact of the Union industry's export sales to other third country markets were therefore not taken into consideration in this analysis. Therefore, this argument was rejected.

2.4. *The activity of the Union industry in the aluminium converters foil ('ACF') market*

(129) A number of Union producers produced both AHF and ACF. ACF is a different product used in different applications than AHF. However, AHF and ACF, as mentioned in recital 80, were produced using the same manufacturing facilities and equipment. Some interested parties claimed that the Union industry increased production and sale of the more lucrative ACF to the detriment of AHF and therefore any loss of sales volume and market share of AHF would be due to this switch rather than the increase of imports of AHF from Russia.

(130) In addition, the exporting producer claimed that the material injury suffered by the Union industry was caused by the negative developments in ACF market, where the Union industry claimed to be injured by imports of this product from China and in relation to which the Commission initiated an anti-dumping proceeding in December 2014 ([1]).

(131) The investigation has shown that although partly overlapping, the Union producers of ACF and AHF were not identical. Thus, the largest sampled Union producer of AHF of the current investigation was producing solely AHF, while the other sampled Union producers had a relatively stable ratio of production and sales between AHF and ACF during the period considered. The investigation thus did not confirm the allegations that the Union industry switched its production from AHF to ACF. Moreover, the investigation also showed that the Union producers producing both AHF and ACF could not switch easily from one product to the other as the production of both products in certain quantities is needed in order to maximise efficiency.

(132) One interested party argued that Chinese imports of ACF had an impact on the overall situation of the Union industry and therefore caused the material injury of the Union industry of AHF. However, the injury picture

([1]) Notice of initiation of an anti-dumping proceeding concerning imports of certain aluminium foil originating in the People's Republic of China (OJ C 444, 12.12.2014, p. 13).

analysed in recitals 71 to 107 and the conclusion in recital 108 that the Union industry suffered material injury related exclusively to the production and sales of AHF. The impact of any alleged injury related to the production and sale of ACF of those Union producers manufacturing both ACF and AHF, if any, is therefore not reflected in the above injury picture. Therefore, this argument was rejected at this stage.

2.5. *Costs of raw material*

(133) Aluminium is the main raw material for the manufacturing of AHF and represented around 75 % of the manufacturing cost of the Union industry during the investigation period.

(134) The exporting producer claimed that the Union industry had a disadvantage as it was not vertically integrated and needed to purchase aluminium. Moreover, the exporting producer claimed that the price levels of aluminium in the Union are higher due to customs duties in force on unwrought aluminium, between 3 % and 6 %, which would increase the intra-EU premium for metal, which is part of the metal price and thus part of the aluminium price.

(135) The worldwide reference for the price of primary aluminium is the quotation at the London's Metal Exchange (LME). Premiums are a surcharge paid on top of LME cash prices, which together is the all-in rate paid to smelters or traders to obtain aluminium. LME prices decreased during the period considered by more than 20 %. The premium more than doubled during the period considered. However, taking into account the LME and premium together as the total cost of aluminium, the cost decreased during the period considered by around 11 %.

(136) The investigation showed that both the Union industry and the Russian exporting producer bore comparable costs when sourcing the raw material to manufacture AHF, as the market prices of this raw material in both the Russia and the Union market are directly linked to the LME. The claims contained in recital 134 should thus be rejected. While sales prices of the Union industry as well as import prices from Russia of AHF were decreasing following the price development of aluminium quoted at LME, the investigation established that Russian import prices of AHF were constantly lower than the Union industry's prices during the period considered and undercut them between 3 % and 7 % during the investigation period. As already mentioned in recital 92, the investigation showed that the Union industry sales prices of AHF could not cover the unit cost of production due to the price pressure exerted by the dumped imports even though unit cost of production decreased. Therefore, this argument should at this stage be rejected.

3. **Conclusion on causation**

(137) The analysis above shows a substantial increase in volume and market share of the dumped imports originating in Russia in the period considered and a parallel decrease of import prices over the same period.

(138) This increase in market share coincided with a significant drop in market share of the Union industry. The price pressure of the imports on the Union market did not allow the Union industry to raise its selling prices to profitable levels despite the decrease in their unit cost of production, which resulted in losses of the Union industry. As a consequence, the Union industry was not able to fully recover from the effects of past dumping practices by imports from of Brazil, China and Armenia and suffered material injury during the investigation period.

(139) The Commission distinguished and separated the effects of all known factors on the situation of the Union industry from the injurious effects of the dumped imports such as the effect of imports from other third countries, the development of Union consumption, the export performance of the Union industry, the activity of the Union industry in the ACF market and the cost of the raw material.

(140) The examination of these other factors revealed that particularly imports from Turkey and China may have contributed to the injury suffered by the Union industry. However, taking into account the higher prices and the lower volume of Turkish imports in relation to the imports from Russia as well as the low levels of Chinese imports, it was concluded that these factors could not break the causal link established between the dumped imports from Russia and the injury suffered by the Union industry.

(141) On the basis of the above, the Commission concluded at this stage that the material injury to the Union industry was caused by the dumped imports from the country concerned and the other factors considered individually or collectively did not break the causal link. The injury consists mainly of financial losses and loss of market share in the Union market.

F. **UNION INTEREST**

1. **Preliminary remark**

(142) In accordance with Article 21 of the basic Regulation, the Commission examined whether it could clearly conclude that it was not in the Union interest to adopt measures in this case, despite the determination of injurious dumping. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, traders, importers and users.

2. **Interest of the Union industry**

(143) The investigation established that the Union industry did not fully recover from past dumping and suffered material injury caused by the dumped imports from the country concerned during the investigation period. The main injury indicators showed negative trends, in particular market share and profitability.

(144) Following the imposition of measures, import prices are expected to increase and the Union industry should be relieved from the price pressure currently exerted by the dumped imports. The Union industry should thus be able to raise its prices in order to cover its cost of production and gradually reach profitable levels. Moreover, the Union industry will be able to increase its sales volume and its market share in the Union market.

(145) In the absence of measures the situation of the Union industry is very likely to further deteriorate, in particular given the losses suffered during the investigation period and the expected continued price pressure of the dumped imports from Russia. Further losses of market share will occur as Union industry's customers are expected to gradually switch to the low priced imports from Russia. In addition, the price pressure from the dumped imports will prevent the Union industry to raise its prices as the Union industry will be forced to match the low price levels of the Russian imports. Under such scenario the Union industry will continue to suffer significant losses.

(146) The exporting producer claimed that without the competition from Russia, the Union industry is likely to become less efficient and will lose its competitiveness on the global market. Moreover, the exporting producer claimed that anti-dumping measures would result in a distortion of the global market.

(147) Firstly, anti-dumping measures should only restore the level playing field in the Union, but not prevent Russian imports in the Union market at fair prices. Secondly, the exporting producer did not explain to what extent anti-dumping duties would distort global competition and did also not explain to what extent they could have an impact on the efficiency of the Union industry. These claims were therefore not sufficiently substantiated. To the contrary, the investigation showed that anti-dumping measures would allow the Union industry to increase its sales prices and profitability as well as its sales volume on the Union market. Therefore these arguments were at this stage rejected.

(148) The exporting producer further claimed that the demand of AHF is highly elastic and in case of imposition of measures many consumers may switch to alternative products such as polyethylene household foil; therefore measures will not result in an increase but rather in a loss of sales volume for the Union industry. However the investigation showed that the substitution of AHF by alternative packaging is very difficult due to the specific characteristics of AHF such as heat resistance and light protection. Therefore, this argument should at this stage be rejected.

(149) It was therefore concluded at this stage that the imposition of anti-dumping duties would be in the interest of the Union industry.

3. Interest of importers/traders

(150) No company involved in the trading, i.e. importation and resale of AHF in its state, came forward following the publication of the Notice of Initiation. Indeed, the investigation showed that the Union industry and the exporting producer were selling AHF mostly directly to users. On these grounds, there are no indications that the imposition of measures would have an adverse effect on the situation of importers/traders.

4. Interest of users

(151) The users in the Union are rewinders whose activities consist in trading wrapping material (aluminium foil, but also paper and plastic) after rewinding AHF into small rolls ('consumer rolls') and repacking it for industrial and retail sales business. Seven companies came forward and received a questionnaire. Four companies cooperated in the proceedings by submitting questionnaire replies. Three of the cooperating companies were verified on-the-spot.

(152) The investigation showed that AHF is the main raw material of the rewinders, representing around 80 % of their total cost of manufacturing.

(153) During the investigation period, the cooperating users had three main sources of supply of AHF that is the Union industry, Turkey and Russia. Three of the cooperating users purchased AHF mainly from the Union industry and imported it to a lesser extent; one of these three users did not import AHF from Russia, but only from Turkey. The fourth cooperating user purchased AHF mainly from Russia and sourced lesser quantities from the Union industry. All the cooperating companies imported AHF also from Turkey.

(154) As rewinders are suppliers of a wide range of packaging products, for the three cooperating companies which purchased the product concerned from Russia, the activity incorporating AHF represented from less than one sixth to maximum one fourth of their total activity. For the company that did not purchase the product concerned from Russia the activity incorporating AHF represented less than one third of their total activity.

(155) During the investigation period all cooperating companies reported to be overall profitable. Nevertheless, one company could not clearly allocate their SG&A costs to the activity incorporating AHF and therefore, no clear conclusion could be drawn for this company regarding its profitability.

(156) Moreover, the investigation showed that there are multiple sources of supply and the rewinders are ready to change sources of supply if needed (see recitals from 165 to 168).

(157) In addition, rewinders may still be able to pass the anti-dumping duty on to their customers, especially if prices of their main raw material continue the decreasing trend observed during the period considered.

(158) On this basis, while it is not excluded that the rewinders' profitability might be negatively affected by the imposition of measures against Russia, the availability of other sources of supply, the possibility to pass on the duty to customers and in some cases the high profitability margins, would indicate that the possible impact of the measures on rewinders would be limited.

(159) The exporting producer claimed that the imposition of anti-dumping duties will be detrimental for large retailers without however specifying this claim any further. In this regard, it should be noted that no large retailers came forward during the investigation.

(160) Some interested parties also claimed that the imposition of measures would reduce the profitability of the rewinders. However, as already analysed in recitals from 153 to 160, the impact on the profitability of the rewinders is expected to be limited in particular when taking into consideration the various existing sources of supply and the possibility to pass on to their customers at least part of their cost increase from the imposition of duties.

(161) In addition, as mentioned in recital 118, anti-dumping measures have been in place for the last 5 years against imports from China, Brazil and Armenia. During the investigation period of the investigation leading to these measures, the profitability of the rewinders was found to range between – 2 % and + 2 % ([1]). Despite the imposition of measures, rewinders remained viable and in some cases even increased their profits, as the current investigation showed that all cooperating rewinders were profitable. Therefore, this argument was rejected.

(162) Moreover, it was claimed that there was strong competition in the downstream market from imports of consumer rolls. Some interested parties claimed that any imposition of the anti-dumping measures on AHF would penalise rewinders in the Union which would have to pay an anti-dumping duty on their raw material and would thus not be able anymore to compete with imports of the downstream products. It was further claimed that the imposition of measures on AHF would give rise to exports of consumer rolls from Russia. The rewind operation would then take place in Russia instead of the Union and the rewinders would be severely hurt, also because they will have to compete with the low priced imports of consumer rolls.. However, the risk that imports of the product concerned may be substituted by imports of the downstream products is not, in itself, a reason not to impose anti-dumping measures. In this regard, it should be noted that anti-dumping measures on imports of consumer rolls from China were imposed in 2013 ([2]) which has given the downstream industry relieve from dumped imports causing material injury. In addition, the investigation showed that imports of AFH from Russia cover only a part of the needs of the rewinders and that there are several other sources of supply with no anti-dumping measures. Therefore, these arguments were rejected.

(163) In view of these findings, it is at this stage concluded that the impact on users would not be such that measures have to be considered to be against the overall Union interest.

5. **Sources of supply**

(164) Several interested parties claimed that the imposition of anti-dumping duties against Russia may result in a shortage of supply in the Union market, as the Union industry has not sufficient capacity to cover the demand in the Union and, as mentioned above, rewinders would not have sufficient other sources of supply.

(165) The investigation showed that the Union industry had excess capacity and is able to increase production and sales of AHF in the Union. Moreover, alternative sources of supply are available such as Turkey, Armenia and also South Africa and India, albeit to a lesser extent. In addition, the anti-dumping duties against China and Brazil are currently under review and findings will be published in January 2016 at the latest. Finally, anti-dumping measures aim to establish a level playing field in the Union and Russian imports will still be able to enter the Union market at fair price levels.

(166) One interested party claimed that it is very likely that the Union industry will not increase its production and sales of AHF, but rather increase its activities in the ACF sector. This claim was based on the assumption that the Union industry increased its production of AHF due to the worldwide economic crisis and would resume production of ACF once the overall economic situation in the Union recovers. This party also noted that there was a parallel investigation concerning imports into the Union of ACF originating in China ongoing ([3]) and claimed that should this investigation result in the imposition of anti-dumping measures, the Union industry will likewise improve its economic situation with regard to ACF and as a consequence increase production of ACF to the detriment of an increase in production of AHF. However, as already analysed in recital 132, the investigation found no evidence to justify such claim. Moreover, the party did not provide any evidence regarding the link between the development of production of AHF and the economic crisis or the claim that the Union industry upon a possible imposition of measures against China will switch its production to ACF. Therefore, these arguments were at this stage rejected.

([1]) Recital 159 of the Commission Regulation (EC) No 287/2009 of 7 April 2009 imposing a provisional anti-dumping duty on imports of certain aluminium foils originating in Armenia, Brazil and the People's Republic of China (OJ L 94, 8.4.2009, p. 17).

([2]) Council Implementing Regulation (EU) No 217/2013 of 11 March 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foils in rolls originating in the People's Republic of China (OJ L 69, 13.3.2013, p. 11).

([3]) Notice of initiation of an anti-dumping proceeding concerning imports of certain aluminium foil originating in the People's Republic of China (OJ C 444, 12.12.2014, p. 13).

(167) One interested party claimed that imports of AHF from Venezuela, Turkey and Armenia were not suitable to substitute imports of AHF from Russia as a number of key parameters such as production, technical specifications and supply availability would be different. The party concerned did not provide any evidence in support of this claim. Furthermore, the investigation did not bring into light any information which could have confirmed this claim. On the contrary, the investigation revealed that Turkey is a major supplier of the Union rewinders and therefore comparable in terms of availability and product specifications with Russian imports. Armenia is also a potential supplier for the Union market with no anti-dumping duties in place. Therefore, these arguments were at this stage rejected.

(168) On the basis of the above, the claim that no alternative sources of supply existed, should be rejected.

6. **Other arguments**

(169) The exporting producer claimed that the Union interest analysis should also take into account that the Union industry is protected by import duties of 7,5 % from Russia and the anti-dumping duties in force in relation of imports of the same product from China and Brazil.

(170) It is noted that indeed, under the current Generalised Scheme of Preferences of the European Union ('GSP') which entered into force on 1 January 2014, Russia is no longer listed as a beneficiary country. Therefore, as of 1 January 2014, and until that situation persists, imports from Russia of AHF are subject to the import duty rate of 7,5 % (instead of the preferential duty rate of 4 % applicable until 31 December 2013).

(171) Moreover, the anti-dumping measures against China and Brazil, which are currently under review, were imposed as a result of a separate proceeding which established injurious dumping with regard to these imports and which justified the imposition of the measures. Anti-dumping duties in place with regard to imports from other third countries cannot be considered per se as a valid reason not to impose anti-dumping duties with regard to imports from another third country. Indeed if following an anti-dumping investigation it is established that there is injurious dumping from this country's imports the imposition of such measures are justified, if there are no compelling reasons in terms of Union interest which would speak against such measures. In the current case, these conditions are at this stage fulfilled and this argument was therefore at this stage rejected.

(172) The exporting producer finally claimed that as AHF and ACF are produced at the same production facilities, thus allegedly providing a high level of substitutability on the supply side, an additional anti-dumping duty on imports of AHF would create distortions in the market of ACF at the cost of the final customers in the Union. However, the exporting producer did not further specify this claim. As already explained in recitals 81 and 131 the largest producer in the sample did not produce at all ACF and the others who were producing ACF, had a stable ratio of production and sales between ACF and AHF. Therefore this argument should be rejected.

7. **Conclusion on Union interest**

(173) On the basis of the above, the Commission concluded that there were no compelling reasons that it was not in the Union interest to impose measures on imports of AHF originating in Russia at this stage of the investigation.

G. **PROVISIONAL ANTI-DUMPING MEASURES**

(174) On the basis of the conclusions reached by the Commission on dumping, injury, causation and Union interest, provisional measures should be imposed to prevent further injury being caused to the Union industry by the dumped imports.

1. **Injury elimination level (Injury margin)**

(175) To determine the level of the measures, the Commission first established the amount of duty necessary to eliminate the injury suffered by the Union industry.

(176) The injury would be eliminated if the Union industry was able to cover its costs of production and to obtain a profit before tax on sales of the like product in the Union market that could be reasonably achieved under normal conditions of competition by an industry of this type in the sector, namely in the absence of dumped imports. In this respect, a profit of 5 % was considered appropriate and confirmed during the investigation in view of the specific characteristics of this industrial sector. In addition, a profit of 5 % was also used in the proceeding which led to the parallel investigation against China and Brazil concerning the same product mentioned in recital 20 above. Furthermore, the Commission refers to recital 158 of Commission Regulation (EU) No 833/2012 which concerned a very similar product and where also a profit margin of 5 % was used.

(177) On this basis, the Commission calculated a non-injurious price of the like product for the Union industry by adjusting the sales prices of the Union industry by deducting the amount of profit or adding the loss actually made during the investigation period and subsequently adding the above-mentioned profit margin of 5 %. The Commission then determined the injury elimination level on the basis of a comparison of the weighted average import price of the cooperating exporting producer in Russia, as established for the price undercutting calculations, with the weighted average non-injurious price of the like product sold by the sampled Union producers on the Union market during the investigation period. Any difference resulting from this comparison was expressed as a percentage of the weighted average import CIF value.

2. **Provisional measures**

(178) Provisional anti-dumping measures should be imposed on imports of AHF originating in Russia, in accordance with the lesser duty rule in Article 7(2) of the basic Regulation. The Commission compared the injury margins and the dumping margins. The amount of the duties should be set at the level of the lower of the dumping and the injury margins.

(179) On the basis of the above, the provisional anti-dumping duty rates, expressed on the CIF Union border price, customs duty unpaid, should be as follows:

Country	Company	Dumping margin	Injury margin	Provisional anti-dumping duty
Russia	Ural Foil OJSC, Sverdlovsk region; OJSC Rusal Sayanal, Khakassia region Rusal Group	34,0 %	12,2 %	12,2 %
Russia	All other companies			12,2 %

(180) The individual company anti-dumping duty rate specified in this Regulation was established on the basis of the findings of this investigation. Therefore, they reflect the situation found during this investigation with respect to this company. This duty rate is exclusively applicable to imports of the product concerned originating in the country concerned and produced by the named legal entity. Imports of the product concerned produced by any other company not specifically mentioned with its name and address in the operative part of this Regulation, including entities related to that specifically mentioned, should be subject to the duty rate applicable to 'all other companies'. They should not be subject to any of the individual anti-dumping duty rates.

(181) A company may request the application of this individual anti-dumping duty rates if it changes the name of its entity or sets up a new production or sales entity. The request must be addressed to the Commission ([1]). The request must contain all the relevant information, including: modification in the company's activities linked to production; domestic and export sales associated with, for example, the name change or the change in the production and sales entities. The Commission will update the list of companies with individual anti-dumping duties, if justified.

(182) To ensure a proper enforcement of the anti-dumping duties, the anti-dumping duty for all other companies will apply not only to the non-cooperating exporting producers in this investigation, but to the producers which did not have exports to the Union during the investigation period.

([1]) European Commission, Directorate-General for Trade, Directorate H, 1049 Brussels, Belgium.

H. **FINAL PROVISIONS**

(183) The cooperating exporting producer claimed that they should have had access to the non-confidential file of the parallel on-going expiry review proceeding regarding the measures in force against imports of AHF originating in Brazil and China, mentioned in recital 3, on the grounds that for the purpose of the causation analysis in the current investigation the imports of AHF from Russia would be cumulated with imports of AHF from Brazil and China in order to investigate the impact of these imports on the situation of the Union industry. The exporting producer claimed that this would be a serious breach of its rights of defence and a breach of an essential procedural requirement which cannot be cured retroactively, as it affected the rights of defence in the period specified for comments, namely within 37 days of the date of publication of the notice in the *Official Journal of the European Union*. As a consequence the current investigation should be terminated. Alternatively, the exporting producer requested to be granted full access to the non-confidential file in the parallel expiry review proceeding.

(184) The claim was based on the wrong assumption that imports from China and Brazil would be cumulated with imports from Russia. However, as described below, imports from China and Brazil were only taken into consideration in the causality analysis as 'other factors'. Although the sampled Union producers provided only one questionnaire reply covering both proceedings, this concerned only the analysis of the economic situation of the Union industry as in both proceedings the Union producers were identical and data collected referred to the same investigation period and the same period considered. By official letter, the Commission already informed the exporting producer of its intention to reject the above mentioned claims and invited the exporting producer to request the intervention of the Hearing Officer in trade proceedings, if it considered necessary.

(185) Regarding the access to the non-confidential file in the parallel expiry review proceeding, the exporting producer is not an interested party in that proceeding and, as a consequence, the access to the relevant non-confidential file cannot be granted. Therefore the claims regarding the breach of the rights of defence and the breach of an essential procedural requirement were rejected.

(186) In the interests of sound administration, the Commission will invite the interested parties to submit written comments and/or to request a hearing with the Commission and/or the Hearing Officer in trade proceedings within a fixed deadline.

(187) The findings concerning the imposition of duties made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm, not backed, not further worked than rolled, in rolls of a width not exceeding 650 mm and of a weight exceeding 10 kg, currently falling within CN code ex 7607 11 19 (TARIC code 7607 11 19 10), and originating in Russia.

2. The rates of the provisional anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Country	Company	Provisional anti-dumping duty	TARIC additional code
Russia	Ural Foil OJSC, Sverdlovsk region; OJSC Rusal Sayanal, Khakassia region Rusal Group	12,2 %	C050
Russia	All other companies	12,2 %	C999

3. The release for free circulation in the Union of the product referred to in paragraph 1 shall be subject to the provision of a security deposit equivalent to the amount of the provisional duty.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

1. Within 25 days of the date of entry into force of this Regulation, interested parties may:

(a) request disclosure of the essential facts and considerations on the basis of which this Regulation was adopted;

(b) submit their written comments to the Commission; and

(c) request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

2. Within 25 days of the date of entry into force of this Regulation, the parties referred to in Article 21(4) of Regulation (EC) No 1225/2009 may comment on the application of the provisional measures.

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Article 1 shall apply for a period of 6 months.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 July 2015.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1082

of 3 July 2015

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ([1]),

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ([2]), and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

(2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 July 2015.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

([1]) OJ L 347, 20.12.2013, p. 671.
([2]) OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	AL	20,6
	MA	148,6
	MK	39,1
	ZZ	69,4
0707 00 05	TR	106,1
	ZZ	106,1
0709 93 10	TR	116,8
	ZZ	116,8
0805 50 10	AR	117,2
	BO	144,3
	UY	138,8
	ZA	133,3
	ZZ	133,4
0808 10 80	AR	139,5
	BR	104,6
	CL	128,4
	NZ	151,8
	US	164,6
	ZA	125,7
	ZZ	135,8
0808 30 90	AR	165,7
	CL	138,9
	NZ	250,7
	ZA	125,4
	ZZ	170,2
0809 10 00	IL	315,1
	TR	245,1
	ZZ	280,1
0809 29 00	TR	266,8
	ZZ	266,8
0809 40 05	IL	241,9
	ZZ	241,9

(1) Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1083

of 3 July 2015

establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 29 to 30 June 2015 under the tariff quota opened by Regulation (EC) No 1918/2006 for olive oil originating in Tunisia and suspending submission of applications for such licences for the month of July 2015

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ([1]), and in particular Article 188(1) and (3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1918/2006 ([2]) opened annual tariff quotas for imports of virgin olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transported direct from that country to the European Union. Article 2(2) of Regulation (EC) No 1918/2006 lays down the maximum monthly quantities covered by the import licences to be issued.

(2) The quantities covered by the applications for import licences lodged from 29 to 30 June 2015 for the month of July 2015 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ([3]). Submission of new applications should be suspended for the month of July 2015.

(3) In order to ensure that the measure is effective, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities covered by the applications for import licences submitted pursuant to Commission Regulation (EC) No 1918/2006 from 29 to 30 June 2015 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.

2. Submission of new applications for import licences shall be suspended for the month of June 2015 from 1 July 2015.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

([1]) OJ L 347, 20.12.2013, p. 671.
([2]) Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quotas for olive oil originating in Tunisia (OJ L 365, 21.12.2006, p. 84).
([3]) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 July 2015.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

ANNEX

Order No	Allocation coefficient — applications submitted from 29 to 30 June 2015 for the month of July 2015 (in %)
09.4032	5,119034

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2015/1084

of 18 February 2015

approving on behalf of the European Union certain amendments to Annexes II, V, VII and VIII to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products

(notified under document C(2015) 797)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ([1]), and in particular the third paragraph of Article 3 thereof,

Whereas:

(1) The Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products ('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 Parties').

(2) The Agreement was duly approved by Decision 97/132/EC which also provides that amendments to the Annexes thereto which are the result of the recommendations by the Joint Management Committee should be adopted according to the procedure referred to in Council Directive 72/462/EEC ([2]). Directive 72/462/EEC was repealed by Council Directive 2004/68/EC ([3]). Recital 10 of Directive 2004/68/EC states that the public health and official control rules which apply to meat and meat products by virtue of Directive 72/462/EEC have been replaced by those of Regulation (EC) No 854/2004 of the European Parliament and of the Council ([4]). That recital also states that the other rules of Directive 72/462/EEC have been replaced by Council Directive 2002/99/EC ([5]) and by Directive 2004/68/EC.

(3) New Zealand restructured its competent authorities in 2010 and the new competent authority is now the Ministry for Primary Industries. The Union proposed a slight amendment to the definition of the roles of the Member States and the Commission. The Parties recommended updating Annex II to the Agreement to reflect these changes.

(4) The Parties recommended making changes to the definitions of the different equivalence status, notably on the 'Yes-1' status in the Glossary of Annex V to the Agreement, where a link to the model attestation in Section 1(a) of Annex VII thereto on certification was made. The Parties also wished to provide for a legal basis for the Union

([1]) OJ L 57, 26.2.1997, p. 4.
([2]) Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat products from third countries (OJ L 302, 31.12.1972, p. 28).
([3]) 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. 321).
([4]) 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).
([5]) 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).

to use the integrated electronic system of the Union provided for in Commission Decision 2003/24/EC ([1]) ('TRACES') for laying down the import certificates for 'Yes-1' products from New Zealand. This use will allow for more rapid certification updates, as well as for further use of electronic certification. The Parties further recommended including definitions for TRACES and the electronic system of New Zealand (E-cert) and updating the names of certain animal diseases listed in the Glossary of Annex V to the Agreement.

(5) New Zealand carried out a new risk assessment for the import of bovine semen and embryos. As a result, epizootic haemorrhagic disease is no longer considered a disease of significance for bovine semen and New Zealand has removed its import conditions. Furthermore, the conditions on Q-fever and bovine viral diarrhoea (type II) were revised by New Zealand. The Parties therefore recommended amending Chapter 1 on 'Semen' and Chapter 2 on 'Embryos' of Section 1 and Chapter 28 on 'Miscellaneous certification provisions' of Section 5 of Annex V to the Agreement. The Parties furthermore recommended deleting, in Chapter 1 on 'Semen' of Section 1, the previous 'actions' for New Zealand exports to the Union and introducing a new 'action' requesting the Union to consider reviewing whether testing of semen for infectious bovine rhinotracheitis (IBR) using the polymerase chain reaction (PCR) testing methodology approved by the World Organisation for Animal Health (OIE), which provides an equivalent assurance to IBR disease freedom. It is therefore appropriate to amend the special conditions in Chapters 1 and 2 of Section 1 and the relevant certification provisions in Chapter 28 of Section 5 of Annex V to the Agreement.

(6) In relation to live bees, the Union has adopted new legislation for the listing of Member States or regions free of varroosis in bees and to which trade restrictions apply. These apply also to imports from New Zealand, as it is not free of that disease. The Parties recommended adding, in Chapter 3 on 'Live animals' of Section 1 of Annex V to the Agreement, for live bees and bumble bees including 'bee/bumble bee germplasm' set out under special conditions, an export restriction to Member States or regions thereof listed in the Annex to Commission Implementing Decision 2013/503/EU ([2]). The Union has also amended its import conditions for American foul brood in Commission Decision 2010/270/EU ([3]). The Parties therefore also recommended amending Chapter 28 on 'Miscellaneous certification provisions' of Section 5 of Annex V to the Agreement.

(7) For the reasons of consistency with Chapter 4.B on 'Fresh Poultry Meat' of Section 2 of Annex V to the Agreement, the Parties agreed to amend the Title of Section 2 in Annex V thereto, by including the word 'fresh' before poultry meat.

(8) New Zealand conducted a risk assessment on porcine respiratory reproductive syndrome (PRRS) and amended its import conditions for pig meat. The Parties therefore recommended adding PRRS under the special conditions of Chapter 4.A on 'Fresh Meat' of Section 2 of Annex V to the Agreement, on animal health, pigs for exports from the Union to New Zealand and laying down the relevant attestations in Chapter 28 of Section 5 of Annex V thereto.

(9) New Zealand revised its rules on carton handling in meat in 2010. The Union evaluated those new rules and determined that they are equivalent to Union rules. The Parties agreed therefore to maintain equivalence, while no change to Annex V to the Agreement is necessary.

(10) New Zealand revised its meat inspection system for bovines and ovine and caprine in 2012. The main changes relate to transferring quality related meat inspection tasks to the food business operator, while keeping the overall supervision under the competent authority. The Union evaluated those new rules and determined that they are equivalent to Union rules. The Parties agreed therefore to maintain equivalence, while no change to Annex V to the Agreement is necessary.

(11) New Zealand conducted a science based risk assessment on raw milk products and established import requirements and legal mechanisms to recognise equivalence for unpasteurised milk products (excluding raw milk). The Union studied that assessment and both Parties concluded and recommended recognising reciprocal equivalence on these products in 2010. For consistency and simplification, the Parties recommended replacing, in

([1]) Commission Decision 2003/24/EC of 30 December 2002 concerning the development of an integrated computerised veterinary system (OJ L 8, 14.1.2003, p. 44).

([2]) Commission Implementing Decision 2013/503/EU of 11 October 2013 recognising parts of the Union as free from varroosis in bees and establishing additional guarantees required in intra-Union trade and imports for the protection of their varroosis-free status (OJ L 273, 15.10.2013, p. 38).

([3]) Commission Decision 2010/270/EU of 6 May 2010 amending Parts 1 and 2 of Annex E to Council Directive 92/65/EEC as regards the model health certificates for animals from holdings and for bees and bumble bees (OJ L 118, 12.5.2010, p. 56).

Chapter 8 on 'Milk and milk products for human consumption' of Section 3 of Annex V to the Agreement, the subtypes 'Soft raw milk cheeses' and 'Hard raw milk cheeses (Parmesan)' with a new subtype 'Unpasteurised milk products (excluding raw milk)' set to a 'Yes-1' status without any special conditions.

(12) The Union revised its rules on testing methods for detecting marine biotoxins in live bivalve molluscs in Commission Regulation (EU) No 15/2011 ([1]). New Zealand submitted to the Union equivalence dossiers on its biotoxin testing methodology and approval criteria in the years 2003, 2006 and 2010. After evaluation, the Parties determined that each other's systems are equivalent, while no change to Annex V to the Agreement is necessary.

(13) The Union undertook a major review of its animal by-products ('ABP') legislation. Regulation (EC) No 1774/2002 of the European Parliament and of the Council ([2]) was repealed and replaced by Regulation (EC) No 1069/2009 of the European Parliament and of the Council ([3]) and Commission Regulation (EU) No 142/2011 ([4]). Based on an assessment on the maintenance of equivalence, the Parties concluded that the equivalence status for ABP for New Zealand exports to the Union, as well as for Union exports to New Zealand under the Agreement, is not affected by the new Union legislation and no change to Annex V thereto is necessary.

(14) As regards the amendment of Regulation (EC) No 1774/2002 by Commission Regulation (EC) No 668/2004 ([5]) adding flavouring innards and fat derivatives as a separate commodity, the Parties recommended adding flavouring innards as a listed commodity in Chapter 21 on 'Petfood (includes processed) containing only category 3 material' of Section 4 of Annex V to the Agreement. The Parties recommended setting for animal and public health a 'Yes-3' status for New Zealand exports to the Union and an 'NE' status for Union exports to New Zealand.

(15) The Parties recommended amending the Title of Chapter 27 of Section 5 of Annex V to the Agreement from 'Definitions' to 'Horizontal issues', while deleting all subchapters of that Chapter.

(16) The Subchapter 'Certification Systems' of Chapter 27 of Section 5 of Annex V to the Agreement clarifies the type of commodities to which certification systems equivalence applies. The Parties recommended moving this clarification on the type of commodities from the column 'Special conditions' column to the column 'Equivalence' of that Subchapter, without introducing any changes.

(17) The Parties recommended inserting in Chapter 27 of Section 5 of Annex V to the Agreement, a subchapter on provisions for the re-export of imported products where the product originates from a third country and from establishment(s) authorised for export the product to both the Union and New Zealand. This provision is currently provided for in Annex VII to Commission Decision 2003/56/EC ([6]).

(18) Based on an assessment, the Parties concluded that, for products where equivalence 'Yes-1' is established, both Parties' microbiological monitoring and testing systems for fishery and dairy products were equivalent, though acknowledged that the microbiological criteria may differ. The responsibility for meeting the specific importing Parties' food safety criteria is with the exporting operators. The Parties recommended including, in Chapter 27 of

([1]) Commission Regulation (EU) No 15/2011 of 10 January 2011 amending Regulation (EC) No 2074/2005 as regards recognised testing methods for detecting marine biotoxins in live bivalve molluscs (OJ L 6, 11.1.2011, p. 3).

([2]) 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).

([3]) Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

([4]) Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

([5]) Commission Regulation (EC) No 668/2004 of 10 March 2004 amending certain Annexes to Regulation (EC) No 1774/2002 of the European Parliament and of the Council, as regards the importation from third countries of animal by-products (OJ L 112, 19.4.2004, p. 1).

([6]) Commission Decision 2003/56/EC of 24 January 2003 on health certificates for the importation of live animals and animal products from New Zealand (OJ L 22, 25.1.2003, p. 38).

Section 5 of Annex V to the Agreement, a subchapter on provisions on a microbiological monitoring and testing system. These provisions also apply to the meat sector, based on the equivalence status previously agreed by the Parties.

(19) Based on an evaluation, the Parties concluded that each Party' systems for listing establishments are equivalent. The Parties therefore recommended laying down, in Chapter 27 of Section 5 of Annex V to the Agreement, a subchapter on provisions for a simplified listing procedure for New Zealand establishments producing animal products for export to the Union. This applies to products where equivalence is established on public health.

(20) The Union amended its import conditions on bovine spongiform encephalopathy (BSE) in Regulation (EC) No 999/2001 of the European Parliament and of the Council [1]. To reflect those amendments, the Parties recommended updating Chapter 28 on 'Miscellaneous certification provisions' of Section 5 of Annex V to the Agreement.

(21) Rather than listing Member States and regions thereof free from IBR and with approved control programmes in place in Chapter 28 of Section 5 of Annex V to the Agreement, the Parties recommended that Chapter 28 refers to Commission Decision 2004/558/EC [2], which recognises and lists those Member States and regions thereof.

(22) Rather than listing Member States and regions thereof with free from Aujeszky's disease and with approved control programmes in place in Chapter 28 of Section 5 of Annex V to the Agreement, the Parties recommended that Chapter 28 refers to Commission Decision 2008/185/EC [3] which recognises and lists those Member States and regions thereof.

(23) The Parties recommended adding a certificate attestation in Chapter 28 of Section 5 of Annex V to the Agreement, for classical swine fever (CSF) for products from feral pigs exported from the Union to New Zealand.

(24) In the interests of consistency with Chapter 28 of Section 5 of Annex V to the Agreement, the Parties recommended using the term 'attestation' throughout the table of Chapter 29 on 'Mutually agreed disease control measures' in that Annex.

(25) The Parties recommended splitting Chapter 29 of Section 5 of Annex V to the Agreement, into two Subchapters, '29.A. Mutually agreed disease status for specific diseases', incorporating the existing Chapter 29, and a new Subchapter '29.B. Mutually agreed disease control measures in the event of the occurrence of a specific disease'.

(26) As regards Article 6 of the Agreement, namely 'Adaption to Regional Conditions', the Parties recommended including, in Subchapter 29.B of Section 5 of Annex V thereto, the common trade conditions for certain animal products in the event of the occurrence of a specific disease in each other's territories.

(27) To simplify certification in Annex VII to the Agreement and to facilitate the move to electronic certification, the Parties recommended amending Section 1 of that Annex to provide for the possibility to reduce the number of model certificates through minimising the number of required attestations. Furthermore, the Parties recommended that the need to include the legislative references of the exporting Party, as provided for in Annex V to the Agreement, should be at the discretion of the importing Party.

(28) The Parties clarified that the model health attestation, as laid down in Section 1 of Annex VII to the Agreement, may be used when a live animal or product has equivalence 'Yes (1)' on public health or animal health only, without the need for certification equivalence. Consequently, the Parties recommended amendments to Section 1 of that Annex, including to the provision for the model attestation to be used on certificates issued after the date of departure, such that its use be limited to live animals and products for which certification systems equivalence has been determined in Chapter 27 of Section 5 of Annex V thereto.

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[1] 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).

[2] Commission Decision 2004/558/EC of 15 July 2004 implementing Council Directive 64/432/EEC as regards additional guarantees for intra-Community trade in bovine animals relating to infectious bovine rhinotracheitis and the approval of the eradication programmes presented by certain Member States (OJ L 249, 23.7.2004, p. 20).

[3] Commission Decision 2008/185/EC of 21 February 2008 on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease and criteria to provide information on this disease (OJ L 59, 4.3.2008, p. 19).

(29) The Parties recommended laying down, in Section 1 of Annex VII, the legal basis for certain optional additional provisions laid down in Annex V to the Agreement, to be included in the certificate. This amendment relates to additional attestations described in Chapter 28 of Section 5 of that Annex and, for Union exports to New Zealand, the additional attestation 'the animal product is eligible for intra-Union trade without restriction'.

(30) To simplify certification in Section 2 of Annex VII to the Agreement, and to facilitate the shift to electronic certification, the Parties recommended removing the need for certificates to include the explanatory notes providing guidance for completion, as well as the need to include attestations that are irrelevant to the consignment. Furthermore, the Parties recommended that minor amendments to be made to the format of the model certificate are permitted.

(31) Both Parties have developed electronic certification systems, as well as a link enabling data transfer between the New Zealand E-cert and the Union TRACES systems, thereby enabling certification to be provided electronically for New Zealand products exported to the Union. As that electronic certification provides equivalent guarantees to paper based certification, the Parties recommended amending Annex VII to the Agreement to provide the legal mechanism necessary to allow for the exclusive use of electronic certification.

(32) The Parties re-evaluated the frontier checks of live animals and animal products laid down in Section A of Annex VIII to the Agreement. The Parties recommended laying down the level of identity checks to 100 % whereby this rate may be applied by the Parties in a discretionary way. The Parties further recommended laying down a legal basis for delegating the activities for the frontier checks to a responsible person or agency. Based on the high level of performance and reliability in bilateral trade, the Parties recommended reducing the frequency rate of physical checks for animal products for human consumption from 2 % to 1 %. The Parties further clarified that live animals for human consumption are in the same category as animal products for human consumption in relation to the testing frequency for physical checks and therefore recommended adding 'Live animals' before 'animal products for human consumption' in Chapter 2 on 'Physical checks', now amended into 'Physical checks (including random or targeted)' of Section A of that Annex.

(33) After a re-evaluation of the inspection fees for border checks, the Parties recommended updating these fees in Section B of Annex VIII to the Agreement. For New Zealand exports to the Union, the Parties recommended that the inspection fees be applied in accordance with Annex V to Regulation (EC) No 882/2004 of the European Parliament and of the Council [1] with a reduction of 22,5 %. This reduction rate is calculated on the assumption that the rate of the physical checks for New Zealand imports is only 10 % of the normal physical checks rate applied to other third countries and assuming that the costs for physical checks account for 25 % of the total fees costs. For Union exports to New Zealand, there is a differentiation between consignments where documentary and identity checks are carried out and those where additionally physical checks are carried out. There is further laid down an inflation adjustment for New Zealand's inspection fees.

(34) Due to changes to the laws of both Parties, the legislative references within the Annexes to the Agreement are out-of-date. Both Parties therefore recommended updating the legislation references of the Union and New Zealand in those Annexes.

(35) When referring to those proposed amendments to Annexes II, V, VII and VIII to the Agreement, at its meetings and conference calls on 30-31 March 2009, 24 June 2010, 24 March 2011, 29-30 May 2012 and 12 December 2013, the Joint Management Committee recommended that they be made.

(36) As a result of those recommendations, it is appropriate to amend the relevant provisions in Annexes II, V, VII and VIII to the Agreement.

(37) Pursuant to Article 16 of the Agreement, amendments to the Annexes are agreed jointly, which may be done by correspondence in an Exchange of Letters between the Parties.

(38) Accordingly, the recommended amendments to Annexes II, V, VII and VIII to the Agreement should be approved on behalf of the Union.

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[1] 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).

(39) Pursuant to Article 18(3) of the Agreement, agreed amendments of the Annexes to the Agreement should enter into force on the first day of the month following the date on which the Parties notified each other in writing that their respective internal procedures for the approval of amendments have been completed.

(40) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed.

HAS ADOPTED THIS DECISION:

Article 1

Pursuant to the recommendations made by the Joint Management Committee established under Article 16 of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products, the amendments to Annexes II, V, VII and VIII to that Agreement are hereby approved on behalf of the European Union.

The text of an Exchange of Letters constituting an Arrangement with New Zealand, including the amendments to Annexes II, V, VII and VIII to the Agreement, is attached to this Decision.

Article 2

The Director-General for Health and Food Safety is hereby authorised, on behalf of the European Union, to sign the Letter in order to bind the European Union.

Article 3

The amending Arrangement in the form of an Exchange of Letters shall be published in the *Official Journal of the European Union*, as well as the date of its entry into force.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 18 February 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

constituting an Arrangement with New Zealand on the amendments to Annexes II, V, VII and VIII to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products of 17 December 1996

A. *Letter from the European Union*

23 March 2015

Dear Ms Roche,

With reference to Article 16(2) of the *Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products* of 17 December 1996, I have the honour to propose the following amendments to Annexes II, V, VII and VIII to the Agreement as follows.

As recommended by the Joint Management Committee established under Article 16(1) of the Agreement, to replace the text of Annexes II, V, VII and VIII with the respective texts of Annexes II, V, VII and VIII as attached hereto.

I would be obliged if you would confirm New Zealand's concurrence with these amendments to the Annexes to the Agreement.

With reference to Article 18(3) of the Agreement, I am also pleased to inform you that the internal procedure of the European Union for the approval of the amendments has been completed.

Please accept the assurance of my highest consideration.

For the European Union

Ladislav MIKO

B. *Letter from New Zealand*

31 March 2015

Dear Mr Miko,

I have the honour to refer to your letter containing details of proposed modifications to Annexes II, V, VII and Annex VIII of the *Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products* of 17 December 1996.

In this regard I have the honour to confirm the acceptability to New Zealand of the proposed modifications, as recommended by the Joint Management Committee established under Article 16(1) of the Agreement, a copy of which is attached hereto.

With reference to Article 18(3) of the Agreement, I am also pleased to inform you that the internal procedure of New Zealand for the approval of the amendments has been completed.

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

Yours sincerely

For the competent authority of New Zealand
Ms Deborah ROCHE
Deputy Director-General Policy & Trade

'ANNEX II

RESPONSIBLE AUTHORITIES

PART A

New Zealand

The Ministry for Primary Industries is responsible for controls in sanitary issues and veterinary affairs.

— In terms of exports to the European Union the Ministry for Primary Industries is responsible for setting sanitary (food safety) and animal health (zoosanitary) standards and requirements and specifying the health certification attesting to the agreed sanitary and zoosanitary standards and requirements,

— In terms of imports into New Zealand, the Ministry for Primary Industries is responsible for setting sanitary (food safety) and animal health (zoosanitary) standards and requirements.

PART B

European Union

Control is shared between the national services in the individual Member States and the European Commission. In this respect, the following applies:

— In terms of exports to New Zealand, the Member States are responsible for the control of production circumstances and requirements, including statutory inspections/audits and issuing health certification attesting to the agreed standards and requirements,

— In terms of imports into the European Union, the European Commission is responsible for overall coordination, inspections/audits of control systems and the necessary legislative action to ensure uniform application of standards and requirements within the internal market.

ANNEX V

RECOGNITION OF SANITARY MEASURES

Glossary

Yes (1)	Equivalence agreed. Model health attestations in Annex VII, Section 1(a) to be used. The EU may lay down its import certificates for live animals and animal products from New Zealand with a "Yes-1" status in TRACES using a model as agreed by both Parties.
Yes (2)	Equivalence agreed in principle. Some specific issue(s) to be resolved. Importing party's model health certificate or veterinary documents to be used.
Yes (3)	Equivalence in form of compliance with importing Party's requirements. Importing party's model health certificate or veterinary documents to be used.
NE	Not evaluated. Importing party's model veterinary health certificate or veterinary documents to be used.
E	Still evaluating — under consideration. Importing party's model health certificate or veterinary documents to be used.
[]	Issues targeted for imminent resolution.
No	Not equivalent and/or further evaluation is required. Trade may occur if the exporting Party meets the importing Party's requirements.

N.A.	Not applicable
ASF	African swine fever
BSE	Bovine spongiform encephalopathy
BT	Bluetongue
C	Celsius
CBPP	Contagious bovine pleuropneumonia
CSF	Classical swine fever
EU/NZ	European Union/New Zealand
E-Cert	New Zealand's electronic data transmission system for export health certification.
EIA	Equine infectious anaemia
FMD	Foot and mouth disease
gst	goods and services tax
HPNAI	Highly pathogenic notifiable avian influenza
HTST	High Temperature/Short Time
IBR	Infectious bovine rhinotracheitis
LPNAI	Low pathogenic notifiable avian influenza
LSD	Lumpy skin disease
min	minute(s)
ND	Newcastle disease
None	No special conditions
OIE	Office International des Epizooties
PAP	Processed animal protein
PPR	Peste des petits ruminants
PRRS	Porcine Reproductive and Respiratory Syndrome
RND	Rinderpest
SVD	Swine vesicular disease
TRACES	The EU's electronic data transmission system for (export) health certification.
TSE	Transmissible spongiform encephalopathy
UHT	Ultra high temperature
VS	Vesicular stomatitis

Section 1

Germplasm and live animals

Commodity	EU Exports to New Zealand [1]					New Zealand Exports to EU				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EU standards	NZ standards				NZ standards	EU standards			
1. **Semen**										
— Cattle	88/407/EEC	Biosecurity Act 1993 S 22	Yes (1)	See Chapter 28: — Q-fever — Bluetongue		Animal Products Act 1999	88/407/EEC 2011/630/EU	E	IBR. see Chapter 28	The EU to consider reviewing whether testing of semen for IBR using the OIE approved PCR testing methodology provides an equivalent assurance to IBR disease freedom.
— Sheep/goats	92/65/EEC 2010/470/EU	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	92/65/EEC 2010/472/EU	NE		
— Pigs	90/429/EEC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	90/429/EEC 2012/137/EU	NE		
— Deer	92/65/EEC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	92/65/EEC	No		
— Horses	92/65/EEC 2010/470/EU	Biosecurity Act 1993 S 22	Yes (3)			Animal Products Act 1999	92/65/EEC 2004/211/EC 2010/471/EU	Yes (3)		

— Dogs	92/65/EEC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	92/65/EEC	NE		

2. **Embryos (except embryos subject to penetration of the *zona pellucida*)**

— Cattle *in-vivo* derived embryos	89/556/EEC	Biosecurity Act 1993	Yes (1)	See Chapter 28: — Q-fever — Bovine viral diarrhoea (type II)		Animal Products Act 1999	89/556/EEC 2006/168/EC	Yes (1)		
in vitro derived embryos	89/556/EEC	Biosecurity Act 1993	Yes (1)	See Chapter 28: — Q-fever — Bovine viral diarrhoea (type II)		Animal Products Act 1999		Yes (3)		
— Sheep/goats	92/65/EEC 2010/470/EU	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	92/65/EEC 2010/472/EU	NE		
— Pigs	92/65/EEC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	92/65/EEC	NE		
— Deer	92/65/EEC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	92/65/EEC	No		

— Horses	92/65/EEC 2010/470/EU	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	92/65/EEC 2004/211/EC 2010/471/EU	Yes (3)		
— Poultry hatching eggs	2009/158/EC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	2009/158/EC Regulation (EC) No 798/2008	Yes (3)	Salmonella see Chapter 28.	
— Ratites hatching eggs								NE		

3. **Live animals**

— Cattle	64/432/EEC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	Regulations (EC) No 999/2001 (EU) No 206/2010	Yes (3)	IBR see Chapter 28	
— Sheep/goats	91/68/EEC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	2004/212/EC Regulations (EC) No 999/2001 (EU) No 206/2010	Yes (3)		The EU to consider scrapie freedom of NZ
— Swine	64/432/EEC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulation (EU) No 206/2010	Yes (3)	Aujeszky's disease see Chapter 28	

— Deer	2004/68/EC 92/65/EEC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	2004/68/EC Regulation (EU) No 206/2010	Yes (3)		
— *Equidae*	2009/156/EC	Biosecurity Act 1993 S 22	Yes (3)			Animal Products Act 1999	92/260/EEC 93/195/EEC 93/196/EEC 93/197/EEC 2004/211/EC 2009/156/EC 2010/57/EU	Yes (3)	EIA see Chapter 28	
— Dogs, cats and ferrets	Commercial: 92/65/EEC 2013/519/EU Non-commercial: 2003/803/EC Regulations (EC) No 998/2003 (EU) No 576/2013 (EU) No 577/2013	Biosecurity Act 1993 S 22	Yes (3)	Rabies see Chapter 28		Animal Products Act 1999	Commercial Imports: 92/65/EEC 2011/874/EU 2013/519/EU Non-commercial: 2011/874/EU 2013/519/EU 2013/520/EU Regulations (EC) No 998/2003 (EU) No 576/2013 (EU) No 577/2013	Yes (3)	Rabies see Chapter 28	
— Live poultry	2009/158/EC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	2009/159/EC Regulation (EC) No 798/2008	Yes (3)	Salmonella see Chapter 28	

— Ratites			NE					NE		
— Live bees bumble bees including bee/bumble bee germplasm	92/65/EEC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	92/65/EEC 2013/503/EU Regulation (EU) No 206/2010	Yes (1)	Bees/bumble bees see Chapter 28 No trade of commodities to Member States or regions, listed in the Annex to Commission Implementing Decision 2013/503/EU.	

(1) Commodities must be fully eligible for unrestricted intra-Union trade, unless otherwise indicated.

Section 2

Meat (including fresh meat, fresh poultry meat, farmed and wild game meat), minced meat, meat preparations and meat products for human consumption

Commodity	EU Exports to New Zealand					New Zealand Exports to EU				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EU standards	NZ standards				NZ standards	EU standards			
4. **Meat**										
4.A. **Fresh Meat as defined in Regulation (EC) No 853/2004.** Includes minced meat unprocessed (fresh) blood/bones/fat for human consumption.										
Animal health — Ruminants — Equidae	2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	2002/99/EC Regulations (EC) No 999/2001 (EU) No 206/2010	Yes (1)		

— Pigs	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	2002/99/EC Regulation (EU) No 206/2010	Yes (1)		
Public health	Regulations (EC) [1] No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)	BSE see Chapter 28		Animal Products Act 1999	2011/163/EU Regulations (EC) [1] No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EU) No 206/2010	Yes (1)	Salmonella and BSE see Chapter 28 — Minced meat must be frozen.	

4.B. **Fresh Poultry Meat**

Animal health — poultry	2002/99/EC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	2002/99/EC Regulation (EC) No 798/2008	Yes (3)		
— turkeys			Yes (3)					NE		
Public health	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 798/2008	NE		

4.C. **Farmed Game Meat**

Animal health — Deer — Pigs	92/118/EEC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	2002/99/EC Regulation (EU) No 206/2010	Yes (1)		
— Rabbit	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	2002/99/EC Regulation (EC) No 119/2009	Yes (1)		
— Other land mammals	2002/99/EC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	2002/99/EC Regulation (EC) No 119/2009	Yes (1)		
— Feathered (including ratite)	2002/99/EC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	2002/99/EC Regulation (EC) No 798/2008	Yes (3)		
Public health — Land mammals	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 119/2009	Yes (1)		

— Feathered	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2011/163/EU Regulation (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 798/2008	Yes (3)		
— Ratite			Yes (1)					Yes (1)		

4.D. **Wild game meat**

Animal health — Deer — Rabbit	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	2002/99/EC Regulations (EC) No 119/2009 (EU) No 206/2010	Yes (1)		
— Pigs	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	CSF and PRRS see Chapter 28		Animal Products Act 1999	2002/99/EC Regulations (EC) No 119/2009 (EU) No 206/2010	Yes (1)		
— Other wild land mammals	2002/99/EC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	2002/99/EC Regulation (EC) No 119/2009	NE		

— Feathered	2002/99/EC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	2002/99/EC Regulation (EC) 798/2008	Yes (3)		
Public health — Wild land mammals	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 119/2009	Yes (1)	Unskinned and uneviscerated wild *leporidae* must be chilled to + 4 °C for a maximum of 15 days prior to the intended time of import.	
— Feathered	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 798/2008	NE		

5. **Meat preparations**

5.A. **Meat preparations from fresh meat**

Animal health — Ruminants — Pigs	2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	2000/572/EC 2002/99/EC Regulation (EC) No 999/2001	Yes (1)		

Public health	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)	BSE see Chapter 28		Animal Products Act 1999	2000/572/EC 2011/163/EU Regulation (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)	Frozen only BSE see Chapter 28	

5.B. **Meat preparations derived from fresh poultry meat**

Animal health — Poultry	2002/99/EC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	2000/572/EC 2002/99/EC Regulation (EC) No 798/2008	Yes (3)		
— Turkey			Yes (3)					NE		
Public health	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956 Animal Products Act 1999	Yes (1)			Animal Products Act 1999	2000/572/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	NE	Frozen only	

5.C. **Meat preparations derived from farmed game meat**

Animal health — Deer — Pigs	92/118/EEC 2002/99/EC Regulation (EU) No 206/2010	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2000/572/EC 2002/99/EC Regulation (EU) No 206/2010	Yes (1)		
— Rabbit	92/118/EEC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	92/118/EEC 2000/572/EC 2002/99/EC	Yes (1)		
— Ratites	2002/99/EC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	2000/572/EC 2002/99/EC Regulation (EC) No 798/2008	Yes (3)		
— Feathered	2002/99/EC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	2000/572/EC 2002/99/EC Regulation (EC) No 798/2008	Yes (3)		
Public health — Deer — Pigs — Rabbit	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2000/572/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)	Frozen only	

— Feathered — Ratites	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004		Yes (1)				2000/572/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 798/2008	NE Yes (1)		

5.D. **Meat preparations derived from wild game meat**

Animal health — Deer — Rabbit	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	2000/572/EC 2002/99/EC	Yes (1)		
— Pigs	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	CSF and PRRS see Chapter 28		Animal Products Act 1999	2000/572/EC 2002/99/EC	Yes (1)		
— Feathered	2002/99/EC	Biosecurity Act 1993 S 22	No			Animal Products Act 1999	2000/572/EC 2002/99/EC Regulation (EC) No 798/2008	Yes (3)		
Public health — Wild land mammals	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2000/572/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)	Frozen Only	

— Feathered	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004		Yes (1)				2000/572/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 798/2008	NE		

6. **Meat products**

6.A. **Meat products derived from fresh meat**

Animal health — Ruminants — Horses — Pigs	2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	2002/99/EC 2007/777/EC Regulation (EC) No 999/2001	Yes (1)		
Public health	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)	BSE see Chapter 28		Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)	BSE see Chapter 28	

6.B. **Meat products derived from fresh poultry meat**

Animal health	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	Heat treated shelf stable $F_0$3 treatment		Animal Products Act 1999	2002/99/EC 2007/777/EC Regulation (EC) No 798/2008	Yes (3)		

Public health	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 798/2008	NE		

6.C. **Meat products derived from farmed game**

Animal health — Pigs — Deer — Rabbit	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC	Yes (1)		
— Ratites	92/118/EEC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	Heat treated shelf stable $F_0$3 treatment		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulation (EC) No 798/2008	Yes (3)		
— Other feathered	92/118/EEC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	Heat treated shelf stable $F_0$3 treatment		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC	Yes (3)		

Public health — Pigs — Deer — Rabbit	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 999/2001	Yes (1)		
— Feathered	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 798/2008	Yes (3)		
— Ratite			Yes (1)					Yes (1)		

6.D. **Meat products derived from wild game**

Animal health Wild game — Pigs	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	CSF and PRRS see Chapter 28		Animal Products Act 1999	2002/99/EC 2007/777/EC	Yes (1)		
— Deer — Rabbit	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	2002/99/EC 2007/777/EC	Yes (1)		

— Feathered	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	Heat treated shelf stable $F_0$3 treatment		Animal Products Act 1999	2002/99/EC 2007/777/EC Regulation (EC) 798/2008	Yes (3)		
Public health Wild game	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		
— Feathered	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 798/2008	NE		

(1) All entries referring to Regulations (EC) No 852/2004, (EC) No 853/2004, and (EC) No 854/2004 shall be construed to include relevant implementing measures and microbial criteria as laid down in Regulations (EC) No 2073/2005, (EC) No 2074/2005 and (EC) No 2076/2005.

Section 3

Other products for human consumption

Commodity	EU Exports to New Zealand[1]					New Zealand Exports to EU				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EU standards	NZ standards				NZ standards	EU standards			
7. **Products intended for human consumption**										
7.A. **Animal casings**										
Animal health — Cattle — Sheep — Goats — Pigs	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	92/118/EEC 2003/779/EC 2007/777/EC 477/2010/EU Regulation (EC) No 999/2001	Yes (1)		
Public health	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)	BSE see Chapter 28		Animal Products Act 1999	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)	BSE see Chapter 28	
7.B. **Processed bones and bone products for human consumption**										
Animal health Fresh meat: — Ruminants — Horses — Pigs	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulation (EC) No 999/2001	Yes (1)		

— Poultry	92/118/EEC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	Heat treated shelf stable $F_0 3$ treatment		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC	Yes (3)		
Farmed game — Pigs — Deer	92/118/EC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC	Yes (1)		
— Feathered	92/118//EEC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	Heat treated shelf stable $F_0 3$ treatment		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC	Yes (3)		
Wild game — Deer — Pigs	92/118/EC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	CSF and PRRS see Chapter 28		Animal Products Act 1999	92/118/EC 2002/99/EC 2007/777/EC	Yes (1)		
— Feathered			Yes (1)	Heat treated shelf stable $F_0 3$ treatment				Yes (3)		
Public health Fresh meat: — Ruminants — Horses — Pigs	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)	BSE see Chapter 28		Animal Products Act 1999	2007/777/EC Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)	BSE see Chapter 28	

Poultry Fresh meat	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999 Food Act 1981 Health Act 1956	2007/777/EC Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	NE		
Farmed game — Mammals	92/118/EEC Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999 Food Act 1981 Health Act 1956	2007/777/EC Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		
— Feathered			Yes (1)					NE		
Wild game — Mammals	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999 Food Act 1981 Health Act 1956	2007/777/EC Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		
— Feathered			Yes (1)					NE		

7.C. **Processed animal protein for human consumption**

Animal health PAP derived from fresh meat: — Ruminants — Horses — Pigs	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC 477/2010/EU Regulation (EC) No 999/2001	Yes (1)		
Poultry PAP derived from fresh meat	92/118/EEC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	Heat treated shelf stable $F_0$3 treatment		Animal Products Act 1999	94/438/EC 92/118/EEC 2002/99/EC 2007/777/EC	Yes (3)		
Farmed game — Pigs — Deer	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC 477/2010/EU Regulation (EC) No 999/2001	Yes (1)		
— Feathered			Yes (1)	Heat treated shelf stable $F_0$3 treatment				Yes (3)		

Wild game — Pigs — Deer	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	CSF and PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC 477/2010/EU Regulation (EC) No 999/2001	Yes (1)		
— Feathered			Yes (1)	Heat treated shelf stable $F_0$3 treatment				Yes (3)		
Public health PAP derived from fresh meat — Ruminants — Horses — Pigs	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 999/2001	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)	BSE see Chapter 28		Animal Products Act 1999	2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 999/2001	Yes (1)	BSE see Chapter 28	
Poultry PAP derived from fresh meat	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	NE		

Farmed game	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	92/118/EEC 2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		
— Feathered			Yes (1)					NE		
Wild game	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		
— Feathered			Yes (1)					NE		

7.D. **Blood and blood products for human consumption**

Animal health Blood and blood products derived from fresh meat: — Ruminants — Horses — Pigs	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulations (EC) No 999/2001 (EU) No 206/2010	Yes (1)		

Poultry Blood and blood products fresh poultry meat	92/118/EEC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	Heat treated shelf stable $F_0$3 treatment		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulation (EC) No 798/2008	Yes (3)		
Farmed game — Pigs — Deer	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulation (EC) No 999/2001	Yes (1)		
— Feathered			Yes (1)	Heat treated shelf stable $F_0$3 treatment				Yes (3)		
Wild game — Pigs — Deer	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	CSF and PRRS see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulation (EC) No 999/2001	Yes (1)		
— Feathered			Yes (1)	Heat treated shelf stable $F_0$3 treatment				Yes (3)		

Public health — Ruminants — Horses — PigsFresh meat	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)	BSE see Chapter 28		Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)	BSE see Chapter 28	
Poultry Fresh meat	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	NE		
Farmed game — Mammals	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		
— Feathered game			Yes (1)					NE		

Wild game — Mammals	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		
— Feathered game			Yes (1)					NE		

7 E. **Lard and rendered fats for human consumption**

Animal health Domestic mammals Products derived from fresh meat: — Ruminants — Horses — Pigs	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulation (EC) No 999/2001	Yes (1)		
Poultry Products derived from fresh meat:	92/118/EEC 2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)	Heat treated shelf stable $F_0$3 treatment		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulation (EC) No 798/2008	Yes (3)		

Farmed game — Pigs — Deer	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulation (EC) No 999/2001	Yes (1)		
— Feathered game			Yes (1)	Heat treated shelf stable $F_0$3 treatment				Yes (3)		
Wild game — Pigs — Deer	92/118/EEC 2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (1)	CSF see Chapter 28		Animal Products Act 1999	92/118/EEC 2002/99/EC 2007/777/EC Regulation (EC) No 999/2001	Yes (1)		
— Feathered game			Yes (1)	Heat treated shelf stable $F_0$3 treatment				Yes (3)		
Public health — Ruminants — Horses — PigsFresh meat	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)	BSE see Chapter 28		Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)	BSE see Chapter 28	

Poultry Fresh meat	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	NE		
Farmed game	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		
— Feathered game			Yes (1)					NE		
Wild game	92/118/EEC Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	92/118/EEC 2007/777/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		
— Feathered game			Yes (1)					NE		

7.F. **Gelatines for human consumption**

Animal health	2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	2002/99/EC Regulation (EC) No 999/2001	NE		
Public health	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	NE	BSE see Chapter 28		Animal Products Act 1999 Food Act 1981 Health Act 1956	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 2074/2005	NE	BSE see Chapter 28	

7.G. **Collagen for human consumption**

Animal health	Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulation (EC) No 999/2001	NE		
Public health	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Animal Products Act 1999 Food Act 1981 Health Act 1956	NE	BSE see Chapter 28		Animal Products Act 1999	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	NE	BSE see Chapter 28	

7.H. **Stomachs and Bladders (Salted, Dried, or heated and other products)**

Animal health — Cattle — Sheep — Goats — Pigs	2002/99/EC Regulation (EC) No 999/2001	Biosecurity Act 1993 S 22	Yes (3)			Animal Products Act 1999	2002/99/EC 2007/777/EC Regulation (EC) No 999/2001	Yes (1)		
Public health	Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2011/163/EU Regulations (EC) No 999/2001 (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Yes (1)		

8. **Milk and milk products for human consumption.** Includes colostrum and colostrum-based products for human consumption.

Animal health Domestic mammals including — Cattle — Buffalo — Sheep — Goats	2002/99/EC	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	2002/99/EC Regulation (EU) No 605/2010	Yes (1)		
Public health — Pasteurised	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EU) No 605/2010	Yes (1)		

— Not pasteurised, thermised cheeses	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 NZ (milk and milk products processing) food standards 2002	Yes (1)	Thermised cheeses see Chapter 28		Food Act 1981 Animal Products Act (1999)	2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EU) No 605/2010	Yes (1)		
— Unpasteurised milk products (excluding raw milk)	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	Yes (1)			Food Act 1981 Animal Products Act (1999)	2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EU) No 605/2010	Yes (1)		

9. **Fishery products for human consumption (excluding live)**

Animal Health Wild marine — Finfish — Eggs/roes — Molluscs — Echinoderms — Tunicates, gastropods and crustaceans	2002/99/EC Regulation (EC) No 1251/2008	Biosecurity Act 1993 S 22	Yes (1)	Salmonids see Chapter 28 Eggs/roes see Chapter 28		Animal Products Act 1999	Regulation (EC) No 1251/2008	Yes (1)		

Wild fresh water — Salmonids — Eggs/roes — Crayfish	2002/99/EC Regulation (EC) No 1251/2008	Biosecurity Act 1993 S 22	Yes (1)	Salmonids see Chapter 28 Eggs/roes see Chapter 28 Crayfish (frozen or processed)		Animal Products Act 1999	Regulation (EC) No 1251/2008	Yes (1)	Crayfish (frozen or processed)	
— Finfish (non salmonid) — Molluscs — Crustaceans	2002/99/EC Regulation (EC) No 1251/2008	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulation (EC) No 1251/2008	Yes (1)		
Aquaculture products (marine & fresh water — farmed) — Salmonids — Eggs/roes	2002/99/EC Regulation (EC) No 1251/2008	Biosecurity Act 1993 S 22	Yes (1)	Salmonids see Chapter 28 Eggs/roes see Chapter 28		Animal Products Act 1999	Regulation (EC) No 1251/2008	Yes (1)	Salmonids (gutted)	
— Molluscs, echinoderms, — Tunicates, gastropods and crustaceans	2002/99/EC Regulation (EC) No 1251/2008	Biosecurity Act 1993 S 22	Yes (1)	Frozen or processed		Animal Products Act 1999	Regulation (EC) No 1251/2008	Yes (1)	Frozen or processed	

— Finfish (non salmonid)	2002/99/EC Regulation (EC) No 1251/2008	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulation (EC) No 1251/2008	Yes (1)		
Public Health — Finfish — Eggs/roes — Bivalve molluscs, echinoderms, tunicates, gastropods and crustaceans	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2011/163/EU (Aquaculture) Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 2074/2005	Yes (1)		

10. **Live fish, molluscs, crustaceans, including eggs and gametes**

Animal health For human consumption — live molluscs echinoderms, tunicates, gastropods — live crustaceans — live finfish — other aquatic animals	93/53/EEC 95/70/EC 2002/99/EC Regulation (EC) No 1251/2008	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulation (EC) No 1251/2008	Yes (1)		

For breeding, farming, rearing, relaying — live molluscs and fish	93/53/EEC 95/70/EC Regulation (EC) No 1251/2008	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulation (EC) No 1251/2008	Yes (3)		
Public health — live finfish — live molluscs, echinoderms, tunicates, gastropods — live crustaceans — other fish	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	Yes (1)			Animal Products Act 1999	2011/163/EU (aquaculture for human consumption) Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 2074/2005	Yes (1)		

11. **Miscellaneous products for human consumption**

11.A. **Honey**

Animal health	92/118/EEC 2002/99/EC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	92/118/EEC 2002/99/EC	Yes (3)		

Public health	2001/110/EC Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	NE			Animal Products Act 1999	2001/110/EC 2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 2074/2005	Yes (3)		

11.B. **Frogs' legs**

Animal health	2002/99/EC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	2002/99/EC	NE		
Public health	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	NE			Animal Products Act 1999	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 2074/2005	NE		

11.C. **Snails for human consumption**

Animal health	2002/99/EC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	2002/99/EC	NE		

Public health	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	NE			Animal Products Act 1999	Regulations (EC) No 853/2004 (EC) No 854/2004 (EC) No 2074/2005	NE		
11.D. **Egg products**										
Animal health	2002/99/EC 2009/158/EC	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	2002/99/EC 2009/158/EC	NE		
Public health	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004	Food Act 1981 Health Act 1956	NE			Animal Products Act 1999	2011/163/EU Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 798/2008	NE		

Section 4

Products not intended for human consumption

Commodity	EU Exports to New Zealand[1]					New Zealand Exports to EU				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EU standards	NZ standards				NZ standards	EU standards			
12. **Animal casings for the production of pet food or for technical purposes**										
Animal health — Cattle — Sheep — Goats — Pigs	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (2)	TSE related restrictions apply.		Animal Products Act 1999	2003/779/EC Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Yes (1)	BSE see Chapter 28	
Public health	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Health Act 1956 Agricultural Compounds and Veterinary Medicines Act 1997	Yes (1)	BSE see Chapter 28			Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Yes (1)	BSE see Chapter 28	
13. **Milk, milk products and colostrum not intended for human consumption**										
Animal health — Cattle — Sheep — GoatsPasteurised, UHT or sterilised	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		

Unpasteurised colostrum and milk for uses outside the feed chain	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (3)			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (3)		
Public health			N.A.					N.A.		

14. **Bones and bone products (excluding bone meal), horns and horn products (excluding horn meal) and hooves and hoof products (excluding hoof meal) for uses other than as feed material, organic fertiliser or soil improver**

Animal health	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Yes (1)	BSE see Chapter 28	
Public health			N.A.					N.A.		

15. **Processed (rendered) animal protein for feedingstuffs**

Animal health PAP intended for the production of petfood	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011		Yes (1)	BSE see Chapter 28		Animal Products Act 1999	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Yes (1)	BSE see Chapter 28	

PAP derived from non-mammalian material	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22				Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011			
— fish material			Yes (1)					Yes (1)		
— avian material			Yes (2)	70 °C/50 min 80 °C/9 min or 100 °C/1 min or equivalent				Yes (1)		
Public health			N.A.					N.A.		

16. **Processed blood and blood products (excluding serum from *equidae*) for uses outside the feed chain**

Animal health — Bovine, ovine, caprine, porcine	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)	BSE see Chapter 28	
— *Equidae*	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	NE		

— Avian	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	NE		
Public health			N.A.					N.A.		

17. **Lard and rendered fats not for human consumption, including fish oils**

Animal health — rendered fats and oils	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)	BSE see Chapter 28 Additional BSE-related labelling requirements apply.		Animal Products Act 1999	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Yes (1)	BSE see Chapter 28	
— Lards (porcine)	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)	Product to be derived from porcine fresh meat, farmed and wild game with Yes (1) for animal health indicated previously.		Animal Products Act 1999	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		
				CSF see Chapter 28						

— Fish oil	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		
Fat derivatives from Cat 2 or Cat 3 material as in Regulation (EC) No 1069/2009	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Biosecurity Act 1993 S 22	Regulations (EC) No 1069/2009 (EU) No 142/2011	E		
Public health			N.A.					N.A.		

18. A. **Gelatines for feed or for purposes outside the feed chain**

Animal health	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	NE		
Public health			N.A.					N.A.		

18. B. **Hydrolysed Protein, collagen, di and tri-calcium phosphate**

Animal health	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	NE		

Public health			N.A.					N.A.		

19. **Hides and skins**

Animal health — Ungulates excluding *equidae*	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		
— Equidae — Other mammals	Regulations (EC) No 1069/2009. (EU) No 142/2011		NE				Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		
— Ratite (Ostrich, emu, rhea)	Regulation (EC) No 1069/2009	Biosecurity Act 1993 S 22	NE				Regulation (EC) No 1069/2009	Yes (1)		
Public health			N.A.					N.A.		

20. **Wool and fibre/hair**

Animal health — Sheep, goats, camelids	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)	Scoured wool only	Clean and washed at 75 ° C or equivalent	Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		

— Other ruminants and pigs	Regulations (EC) No 1069/2009 (EU) No 142/2011		NE				Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		
— Other	Regulations (EC) No 1069/2009 (EU) No 142/2011		NE				Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		
Public health			N.A.					N.A.		

21. **Petfood (includes processed) containing only category 3 material**

Animal health Processed petfood (mammalian) Hermetically sealed containers Semi-moist and dried petfood dog chews from ungulates (excluding *equidae*)	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)	BSE see Chapter 28		Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)	BSE see Chapter 28	
Flavouring innards			NE					Yes (3)		

Processed petfood (non-mammalian) — Hermetically sealed containers — Semi-moist and dried petfood	Regulations (EC) No 1069/2009 (EU) No 142/2011		Yes (1)				Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		
— fish material			Yes (1)					Yes (1)		
— avian material			Yes (2)	70 °C/50 min 80 °C/9 min 100 °C/1 min or equivalent				Yes (1)		
Flavouring innards			NE					Yes (3)		
Raw petfood For direct consumption	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	NE	BSE see Chapter 28	
Public health			N.A.					N.A.		

22. **Serum from *equidae***

Animal health	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	NE		
Public health			N.A.					N.A.		

23. **Other animal by-products for the manufacture of feed including petfood, and for uses outside the feed chain**

Animal health Fresh meat — Bovine — Ovine — Caprine — Porcine — Equine	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)	Product to be derived from fresh meat, farmed and wild game with Yes (1) for animal health indicated previously		Animal Products Act 1999	Regulations (EC) No 999/2001 (EC) No 1069/2009 (EU) No 142/2011	Yes (1)	BSE see Chapter 28	
Farmed game — Pigs — DeerWild game — Pigs — Deer				BSE see Chapter 28 Additional BSE-related labelling requirements apply						

				CSF see Chapter 28						
Fresh meat — Poultry	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	NE		
Farmed and wild game — Feathered										
Other species	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	E		
Public health			N.A.					N.A.		

24. **Apiculture products — not for human consumption**

Animal health	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	NE		
Public health			N.A.					N.A.		

25. **Game trophies**										
Animal health — Mammalian	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	Yes (1)			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	Yes (1)		
— Avian			NE					NE		
Public health			N.A.					N.A.		
26. **Manure — processed**										
Animal health	Regulations (EC) No 1069/2009 (EU) No 142/2011	Biosecurity Act 1993 S 22	NE			Animal Products Act 1999	Regulations (EC) No 1069/2009 (EU) No 142/2011	NE		
Public health			N.A.					N.A.		

Section 5

General horizontal issues

	EU Exports to New Zealand[1]					New Zealand Exports to EU				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EU standards	NZ standards				NZ standards	EU standards			
Issue	Certification provisions									
27. **Horizontal issues**										
Water	98/83/EC	Animal Products Act 1999 Health Act 1956	Yes (1)			Animal Products Act 1999	98/83/EC	Yes (1)		
Residues Residue monitoring — Red meat species	96/22/EC 96/23/EC	Animal Products Act 1999 Food Act 1981	Yes (1)			Animal Products Act 1999	96/22/EC 96/23/EC	Yes (1)		
— Other species other products			Yes (3)					Yes (3)		

Certification Systems	96/93/EC	Animal Products Act 1999	Yes (1) Equivalence status applies to all animals and animal product commodities accorded both animal and public health equivalence "Yes (1)" as appropriate.			Animal Products Act 1999	92/118/EEC 96/93/EC 2002/99/EC Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 2074/2005 (EC) No 1251/2008 (EC) No 1069/2009 (EU) No 142/2011	Yes (1) Equivalence status applies to animals and animal product commodities listed with "Yes (1)" equivalence status under entry Numbers 3, 4A, 4C, 4D, 5A, 5C, 5D, 6A, 6C, 6D, 7A, 7B, 7C, 7D, 7E, 7H, 9, 10, 12, 15, 16, 17, 19, 21 and 23	When the official health certificate is issued after the departure of the consignment, it shall include reference to the appropriate Eligibility Document (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.	
Re-exports of imported animal products	96/93/EC	Animal Products Act 1999 Food Act 1981 Biosecurity Act 1993	Yes (1)	Animal products may be derived or partly derived from complying animal product(s) which originated in a third country/countries and establishment(s) eligible for trade with the EU and New Zealand.		Animal Products Act 1999 Food Act 1981 Biosecurity Act 1993	96/93/EC	Yes (1)	Animal products may be derived or partly derived from complying animal product(s) which originated in a third country/countries and establishment(s) eligible for trade with the EU and New Zealand.	

Microbiological monitoring/test system [1] [2] including: test methods, standards for sampling and preparation, and regulatory actions	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 2073/2005	Animal Products Act 1999	Yes (1)			Animal Products Act 1999	Regulations (EC) No 852/2004 (EC) No 853/2004 (EC) No 854/2004 (EC) No 2073/2005	Yes (1)		
Establishment Listing Systems [3]	Regulations (EC) No 178/2002 (EC) No 882/2004 (EC) No 852/2004 (EC) No 854/2004	Animal Products Act 1999	Yes (1)			Animal Products Act 1999	Regulations (EC) No 178/2002 (EC) No 882/2004 (EC) No 852/2004 (EC) No 854/2004	Yes (1)	Equivalence status applies to all animal product commodities accorded public health equivalence "Yes (1)" as laid down in this Annex.	Procedures for establishment listings for non "Yes (1)" commodities to be reviewed.

28. **Miscellaneous certification provisions: Attestations are to appear on the public or animal health certificate.**

Issue	Certification provisions
Q-fever	New Zealand is recognised as free of Q-fever. **For trade from the EU to NZ** in bovine semen and embryos, the Member State competent authority shall certify that: To the best of my knowledge and as far as I can ascertain, the donors have never been confirmed positive for Q-fever; AND For bovine semen EITHER

	The donors were subjected to a complement fixation test (CFT) (negative being no fixation of complement at dilution of 1:10 or higher) or ELISA test for Q-fever, on a sample collected between 21 to 120 days after each semen collection period (a period of 60 days or less) for export to New Zealand, with negative results. OR An aliquot of semen from each collection for export to New Zealand was tested using a laboratory validated Q-fever PCR test which is in accordance with the methods described in the Q-fever Chapter of the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals. AND For bovine embryos EITHER The donors were subjected to a complement fixation test (CFT) (negative being no fixation of complement at dilution of 1:10 or higher) or ELISA test for Q-fever, on a sample collected between 21 to 120 days after each embryo collection period for export to New Zealand, with negative results. OR A sample of embryos/oocytes and collection and/or washing fluids from each collection for export to New Zealand was/were tested using a laboratory validated Q-fever PCR test which is in accordance with the methods described in the Q-fever Chapter of the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals.
BVD type II	New Zealand is recognised as free of Bovine viral diarrhoea virus (BVDV): Type II. **For trade from the EU to NZ** in bovine embryos, the Member State competent authority shall certify that: EITHER The donor animal was subjected to an antigen detection ELISA or virus isolation test for BVDV, with a negative result within thirty (30) days prior to entry into the herd of origin and has been in the herd of origin for more than six (6) months prior to embryo collection for this consignment and has remained isolated from other animals that have not been tested negative. OR From the first embryo collection taken from the donor animal for this consignment, either a pooled sample of non-viable oocytes/embryos and washing fluid (as per the OIE Code Chapter for *in vivo* derived embryos) or an embryo, has been subject to either virus isolation test or PCR test for BVDV with negative results.
Bluetongue	New Zealand is recognised as free of Bluetongue and Epizootic Haemorrhagic Disease. **For trade from the EU to NZ** in bovine semen, the Member State competent authority shall certify that: The bovine semen complies with the provisions of the Bluetongue Chapter of the OIE Code *mutatis mutandis*.
IBR	**For trade in live bovine animals from NZ** to Member States or regions thereof listed in Annex I to Decision 2004/558/EC New Zealand shall certify in accordance with Article 2 of Commission Decision 2004/558/EC, and to Member States or regions thereof listed in Annex II to Decision 2004/558/EC New Zealand shall certify in accordance with Article 3 of Decision 2004/558/EC. This attestation shall appear on the health certificate according to Commission Regulation (EU) No 206/2010.

BSE	**EU exports of products containing bovine, ovine or caprine materials to NZ** (in addition to full compliance with all other relevant EU standards) This product does not contain and is not derived from bovine, ovine and caprine materials other than those derived from animals born, continuously reared and slaughtered in the European Union and which has been produced in full compliance with Regulations of the European Parliament and the Council (EC) No 999/2001 and (EC) No 1069/2009 as applicable. Note: Products which contain bovine, ovine or caprine materials other than from those derived from animals born, continuously reared and slaughtered in the European Union are required to have that component certified in accordance with the relevant, additional third country provisions in the applicable NZ certification decision.
BSE	**NZ exports of products containing bovine, ovine or caprine materials to the EU** For human consumption — fresh meat, minced meat and meat preparations, meat products, treated intestines, rendered animal fats, greaves, and gelatine: (a) The country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a negligible BSE risk; (b) The animals from which the products of bovine, ovine and caprine animal origin were derived were born, continuously reared and slaughtered in a country with a negligible BSE risk. For by-products — rendered fats, pet food, blood products, processed animal protein, bones and bone products, category 3 material, and gelatine: The animal by-product does not contain and is not derived from bovine, ovine and caprine materials other than those derived from animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk by a decision in accordance with Article 5(2) of Regulation (EC) No 999/2001.
PRRS	**For trade from the EU to NZ in pig meat**, the Member State competent authority shall certify that: EITHER (i) derived from animals that were continuously resident since birth in Finland or Sweden, which is free of Porcine Reproductive and Respiratory Syndrome; OR (ii) cooked to one of the following core temperature/times: 56 degrees Celsius for 60 minutes; 57 degrees Celsius for 55 minutes; 58 degrees Celsius for 50 minutes; 59 degrees Celsius for 45 minutes; 60 degrees Celsius for 40 minutes; 61 degrees Celsius for 35 minutes; 62 degrees Celsius for 30 minutes; 63 degrees Celsius for 25 minutes; 64 degrees Celsius for 22 minutes; 65 degrees Celsius for 20 minutes; 66 degrees Celsius for 17 minutes;

	67 degrees Celsius for 15 minutes; 68 degrees Celsius for 13 minutes; 69 degrees Celsius for 12 minutes; or 70 degrees Celsius for 11 minutes; OR (iii) cured where the product has been subjected to a procedure which ensures the meat meets one of the following requirements: reached a pH of 5 or lower; or was fermented (lactic curing) to a pH of 6,0 or lower and age-cured/ripened for at least 21 days; or qualified for official certification as Prosciutto di Parma or an equivalent 12 month curing process; OR (iv) prepared as consumer-ready cuts packaged for direct retail sale, not including minced (ground) meat, not including the head and neck, not exceeding 3 kg per package, with the following tissues removed: axillary, medial and lateral iliac, sacral, iliofemoral (deep inguinal), mammary (superficial inguinal), superficial and deep popliteal, dorsal superficial cervical, ventral superficial cervical, middle superficial cervical, gluteal and ischiatic lymph nodes; and any other macroscopically visible lymphatic tissue (i.e. lymph nodes and lymphatic vessels) encountered during processing; OR (v) none of the above (Note: These products need to be processed in New Zealand prior to being given a biosecurity clearance.)
Aujeszky's disease	**For trade in live pigs from NZ** to Member States or regions thereof listed in Annex I and Annex II to Decision 2008/185/EC New Zealand shall certify in accordance with Decision 2008/185/EC. This attestation shall appear on the health certificate according to Commission Regulation (EU) No 206/2010.
CSF **— feral pigs only**	**For trade from the EU to NZ** the Member State competent authority shall certify that the products were derived from areas free from CSF in the feral porcine population for the preceding 60 days. This attestation shall appear on the health certificate: "The product herein described was derived from wild pigs which were sourced from areas free from classical swine fever in the feral porcine population for the preceding 60 days."
Live bees/bumble bees	**For trade from NZ to the EU**, the health certificate(s) for live bees/bumble bees shall bear the following attestation: The bees/bumble bees ([1]), herein described: (a) come from a breeding apiary, which is supervised and controlled by the competent authority; (b) in the case of honey bees, hives come from an area which is not subject to any restrictions associated with an occurrence of American foul brood (the period of prohibition has been continued for at least 30 days following the last recorded case and the date of which all hives within a radius of three kilometres have been checked by the competent authority and all infected hives burned or treated and inspected to the satisfaction of the said competent authority);

	(c) are from hives or come from hives or colonies (in the case of bumble bees), which were inspected immediately prior to dispatch (normally within 24 hours) and show no clinical signs or suspicion of disease including infestations affecting bees.The packaging material, queen cages, accompanying products and food are new and have not been in contact with diseased bees or brood-combs, and all precautions have been taken to prevent contamination with agents causing diseases or infestations of bees. (1) *Delete as appropriate*
Colours for sanitary stamps	Regulation (EC) No 1333/2008 prescribes the colours that could be used for sanitary stamps.
Salmonella	**For trade from NZ to Sweden and Finland** The health certificate(s) for live animals and animal products listed below, shall bear the appropriate attestation set out in the corresponding legislation, if they are imported for consignment to either Sweden or Finland: For table eggs for human consumption New Zealand shall certify in accordance with Commission Regulation (EC) No 1688/2005 For live poultry for slaughter New Zealand shall certify in accordance with Annex A to Council Decision 95/410/EC For breeding poultry New Zealand shall certify in accordance with Annex II to Commission Decision 2003/644/EC For day old chicks New Zealand shall certify in accordance with Annex III to Commission Decision 2003/644/EC For laying hens New Zealand shall certify in accordance with Annex II to Commission Decision 2004/235/EC For fresh meat covered by Regulation (EC) No 1688/2005, the following attestation is to be added "The fresh meat has been subject to microbiological testing for salmonella as provided for in Regulation (EC) No 1688/2005 by sampling in the establishment of origin of this meat."
Salmonids	**For trade from the EU to NZ** The consignment contains only beheaded, gilled, gutted and sexually immature Salmonids of the genera *Onchorhynchus, Salmo* or *Salvelinus*.
Eggs/roes	**For trade from the EU to NZ** Must be treated to render eggs/roe non-viable, commercially packaged and shelf stable.
Thermised cheeses	**For trade from the EU to NZ** The thermised cheese has a moisture content of less than 39 % and pH less than 5,6. The milk used to produce this cheese was rapidly heated to at least 64,5 °Celsius for 16 seconds. The cheese was stored at not less than 7° Celsius for 90 days.

29. **Mutually agreed disease control measures**

29.A. **Mutually agreed disease status for specific diseases**

Rabies	New Zealand, UK, Malta, Ireland and Sweden are recognised as free of rabies
Equine infectious anemia	New Zealand is recognised as free of EIA
Brucellosis	New Zealand is recognised as free of *Brucella abortus* and *B. mellitensis*
Q-fever	New Zealand is recognised as free of Q-fever
BVD type II	New Zealand is recognised as free BVD type II
Bluetongue and EHD	New Zealand is recognised as free of Bluetongue and EHD EU makes a submission to NZ for EHD freedom
Small hive beetle	New Zealand and the EU are recognised as free of small hive beetle
Tropilaelaps mite	New Zealand and the EU are recognised as free of tropilaelaps mite

No 29.B. **Mutually agreed disease control measures in the event of the occurrence of a specific disease**

Official health certificates shall, in accordance with Section 1(b) of Annex VII to the Agreement, bear the relevant additional attestation(s) listed under Chapter 29 of this Annex.

General Attestation for all commodities:

The commodity herein described was kept separate from all other commodities that did not meet the requirements during all stages of production, storage and transport and all necessary precautions were taken to prevent contamination of the commodity with any potential source of [insert relevant disease noted in the disease column below] virus.

Disease specific attestation:

The commodities listed in Chapter 29 i) to xxx) shall in addition to the General Attestation (noted above) for all commodities bear the relevant disease attestation(s) below:

Commodity	Disease	Disease Attestation Number*) Optional attestations need only be applied to the certificate when applicable.
(i) **Milk and Milk Products:** **8.0 13.0**	FMD	The milk/milk products herein described: EITHER 1*) have undergone sterilisation of at least $F_0 3$. OR 2*) have undergone an ultra-high temperature (UHT) treatment at 132 °C for at least 1 second. OR 3*) had a pH of less than 7,0 prior to undergoing a high temperature — short time pasteurisation (HTST) treatment at 72 °C for 15 seconds. OR 4*) had a pH of more than 7,0 prior to undergoing a double high temperature — short time pasteurisation (HTST) treatment at 72 °C for 15 seconds. OR 5*) have been subjected to high temperature — short time pasteurisation (HTST) combined with the lowering of pH below 6 for one hour. OR 6*) have been subjected to high temperature — short time pasteurisation (HTST) combined with additional heating to 72 °C combined with desiccation or an equivalent validated and approved drying/desiccation process that achieves at minimum an equivalent thermal effect of 72 °C for 15 seconds.
(ii) **Meat (including minced meat) and meat preparations from bi-ungulates excluding head, feet, viscera and meat from swine (*suidae*):** **4.A 4.C 5.A 5.C**	FMD	The [*insert relevant commodity*] herein described (excluding feet, head and viscera) was: 1. derived from animals that have been subjected to *ante-mortem* and *post-mortem* inspections and have been found free of any sign suggestive of FMD; 2. derived from deboned carcasses from which the offal and major lymphatic glands have been removed; 3. subject to maturation at a temperature above + 2 °C for at least 24 hrs and reached a pH value of below 6 when tested in the middle of the *longissimus dorsi* muscle after maturation and before deboning; 4. was not derived from animals slaughtered or processed in an establishment located within a designated protection or surveillance zone, 5. Meat sourced from animals within the protection and surveillance zones is subject to official control and has been identified and controlled so as to ensure its exclusion from this consignment.

(iii) **Meat (including minced meat) and other animal products (including offal) derived from bi-ungulates including swine (*suidae*):** **4.A 4.C 5.A 5.C 7.A 7.B 7.C 7.D 7.E 7.F 7.G 11.E**	FMD	The [*insert relevant commodity*] herein described was: I) derived from animals that have been subjected to *ante-mortem* and *post-mortem* inspection and have been found free of any sign suggestive of FMD; AND EITHER 2*) derived from animals slaughtered 21 days prior to the estimated date of earliest infection in the territory; and not derived from animals slaughtered or processed in an establishment located within a designated protection or surveillance zone. OR 3*) derived from animals that have been resident on a holding for at least 21 days and were identified so as to allow the tracing of the holding of origin; but not derived from animals resident in holdings within a protection or surveillance zone; and the commodity has been clearly identified and detained under official supervision for at least 7 days and was not released until any suspicion of infection with the foot-and-mouth disease virus on the holding of origin has been officially ruled out at the end of the detention period; AND 4. Meat sourced from animals within the protection and surveillance zones is subject to official control and has been identified and controlled so as to ensure its exclusion from this consignment.
(iv) **Meat and meat preparations from Poultry (including turkeys):** **4.B 4.C 5.B 5.C**	HPNAI — Notifiable in accordance with OIE Terrestrial Animal Health Code criteria	The [*insert relevant commodity*] herein described was derived from animals that: EITHER 1*) have been sourced from a holding situated outside a protection or a surveillance zone; and all meat sourced from animals within the protection and surveillance zones is subject to official control and has been identified and controlled so as to ensure its exclusion from this consignment.; OR 2*) have been sourced from a holding within a surveillance zone but outside a protection zone and have been tested to give a 95 % probability of detecting a 5 % prevalence of HPNAI infection not more than 7 days prior to slaughter using virus detection tests, and/or serological tests, with negative results; and have been slaughtered in a designated establishment which has not processed poultry infected with HPNAI since last cleaned and disinfected, and have been subjected to *ante-mort*em and *post-mortem* examinations and have shown no signs suggestive of HPNAI; and all meat sourced from animals within the protection zone is subject to official control and has been identified and controlled so as to ensure its exclusion from this consignment. OR 3*) were processed on a date at least 21 days before the estimated date of earliest infection.

(v) **Meat and meat preparations from Poultry (including turkeys):** **4.B 4.C 5.B 5.C**	LPNAI Notifiable in accordance with OIE Terrestrial Animal Health Code criteria	The [*insert relevant commodity*] herein described was derived from animals that; 1. have been sourced from a holding in which there has been no evidence of LPNAI during the past 21 days; 2. have been slaughtered in an approved establishment which has not processed poultry infected with LPNAI since last cleaned and disinfected; 3. have been subjected to *ante-mortem* and *post-mortem* examinations and have shown no signs suggestive of LPNAI;
(vi) **Meat and meat preparations from Poultry (including turkeys):** **4.B 4.C 5.B 5.C**	ND	The [*insert relevant commodity*] herein described was derived from: 1. Animals from holdings free from ND and not situated in an ND protection or surveillance zone; AND EITHER 2*) have not been vaccinated against ND; OR 3*) were vaccinated against ND using a vaccine complying with the standards described in Commission Decision 93/152/EEC (the nature of the vaccine used and the date of vaccination shall also be stated in the certificate). AND 4. The animals showed no clinical sign of ND on the day of shipment to the slaughter house and were further subjected to *ante-mortem* and *post-mortem* examination and having showed no clinical signs suggestive of ND; were slaughtered in an approved establishment that is subject to regular inspection by the Veterinary Competent Authority and which has not processed poultry infected with ND since having last cleaned and disinfected.
(vii) **Meat Products and other processed products derived from biungulates including swine (*suidae*) and poultry (including turkeys):** **6.A 6.B 6.C 6.D 7.B 7.C 7.D 7.E 7.F 7.G7.H**	FMD, CSF, SVD, ASF, RND, ND, LPNAI, HPNAI, PPR	The [*insert relevant commodity*] herein described has been heat treated in a hermetically sealed container with an F_0 value of 3,00 or more

(viii) **Meat Products and other processed products derived from biungulates including swine (*suidae*) and poultry (including turkeys):** **6.A 6.B 6.C 6.D 7.B 7.C 7.D 7.E 7.F 7.G7.H**	FMD, CSF, SVD, RND, ND, LPNAI, HPNAI, PPR	EITHER 1*) The [*insert relevant commodity*] herein described has been heat treated to a minimum temperature of 70 °C throughout the product. OR 2*) The [*insert relevant commodity*] herein described has been heat treated to 70 °C for minimum 30 minutes or an equivalent validated and approved thermal process.
(ix) **Meat Products and other processed products derived from biungulates including swine (*suidae*):** **6.A 6.C 6.D 7.B 7.C 7.D 7.E 7.F 7.G7.H**	FMD, CSF, SVD, ASF, RND, PPR	The [*insert relevant commodity*] herein described has undergone heat treatment in a hermetically sealed container to at least 60 °C for a minimum of 4 hours, during which time the core temperature has reached at least 70 °C for 30 minutes.
(x) **Meat Products and other processed products derived from swine (*suidae*):** **6.A 6.C 6.D 7.B 7.C 7.D 7.E 7.F 7.G7.H**	ASF	The [*insert relevant commodity*] herein described has been heat treated to a minimum temperature of 80 °C throughout the product.

(xi) **Meat Products and other processed products (boneless) derived from bi-ungulates including swine (*suidae*):** **6.A 6.C 6.D 7.B 7.C 7.D 7.E 7.F 7. G7.H**	FMD, CSF, SVD, ASF, RND	The [*insert relevant commodity*] herein described is boneless and has undergone a natural fermentation and maturation process for not less than nine months resulting in the following characteristics: Aw value of not more than 0,93 or a pH value of not more than 6,0.
(xii) **Meat Products and other processed products (including bone in) derived from bi-ungulates including swine (*suidae*):** **6.A 6.C 6.D 7.B 7.C 7.D 7.E 7.F 7.G7.H**	FMD, CSF, SVD	The [*insert relevant commodity*] herein described which may contain bone has undergone a natural fermentation and maturation process for not less than nine months resulting in the following characteristics: Aw value of not more than 0,93 or a pH value of not more than 6,0.
(xiii) **Meat Products and other processed products derived from bi-ungulates including swine (*suidae*):** **6.A 6.C 6.D 7.B 7.C 7.D 7.E 7.F 7.G7.H**	FMD, PPR	The [*insert relevant commodity*] herein described has been heat treated to ensure a core temperature of at least 65 °C is reached for the time necessary to achieve a pasteurisation value (PV) equal to, or more than, 40.

(xiv) **Meat Products and other processed products derived from swine (*suidae*):** **6.A 6.C 6.D 7.B 7.C 7.D 7.E 7.F 7.G7.H**	CSF	The [*insert relevant commodity*] herein described is a dry cured pork meat[1] and is; EITHER 1*) Bone-in Italian style pork ham that has been cured with salt and dried for a minimum of 313 days[1]; OR 2*) Bone-in Spanish style pork, Iberian shoulder, that has been cured with salt and dried for a minimum of 252 days[1]; OR 3*) Bone-in Spanish style pork, Iberian loin, that has been cured with salt and dried for a minimum of 126 days[1]; OR 4*) Bone-in Spanish style pork, Serrano ham, that has been cured with salt and dried for a minimum of 140 days[1]. Foot note [1]: At the time of publication import conditions for pork meat into New Zealand may apply curing times exceeding the minimum stated for CSF.
(xv) **Meat Products and other processed products derived from swine (*suidae*):** **6.A 6.C 6.D 7.B 7.C 7.D 7.E 7.F 7.G7.H**	ASF	The [*insert relevant commodity*] herein described has been subject to treatment involving natural fermentation and maturation during at least 190 days for hams and 140 days for loins.
(xvi) **Animal Casings derived from ruminants:** **7.A 12.0**	FMD	The animal casings herein described have been cleaned, scraped and either salted with sodium chloride for 30 days or bleached or dried after scraping and were protected from recontamination after treatment.

(xvii) **Processed (rendered) Animal Protein, lards, fats and pet-food derived from ungulates and poultry (including turkeys):** **15.0 17.0 21.0**	FMD, SVD, RND, PPR, ASF, ND, LSD	The [*insert relevant commodity*] herein described has been thermally treated in accordance with minimum regulatory standards and to a minimum 90 degrees Celsius for ten minutes throughout the product.
(xviii) **Wool and fibre from ruminants:** **20.0**	FMD, RND	EITHER 1*) The [*insert relevant commodity*] herein described has been stored at 18 °C for 4 weeks, or 4 °C for 4 months, or 37 °C for 8 days OR 2*) The [*insert relevant commodity*] herein described has been subject to industrial scouring by immersion in water soluble detergent at 60-70 °C. OR 3*) The unprocessed [*insert relevant commodity*] has been cleaned, dried and securely enclosed in packaging in accordance with the requirements of Regulation (EC) No 1069/2009
(xix) **Treated Hides and Skins:** **19**	FMD, RND	The hides or skins herein described have been salted for 7 days in sea salt containing at least 2 % sodium carbonate.
(xx) **Treated Hides and Skins:** **19**	FMD	EITHER 1*) The hides or skins herein described have been dry or wet salted for 14 days prior to dispatch and have been shipped by sea. OR 2*) The hides and skins herein described have been dried for 42 days at temperatures of at least 20 °C.

(xxii) **Fully Treated Hides and Skins (wet blue, pickled, limed or hides that have completed the tanning process):** **19**	FMD, RND	Fully treated hides and skins can be traded without restriction provided that these products have been submitted to the usual chemical and mechanical processes in use in the tanning industry. The following attestation may be applied in order to facilitate trade: The fully treated hides and skins described have been submitted to the usual chemical and mechanical processes in use in the tanning industry.
(xxiii) **Bovine Semen:** **1**	FMD	The semen herein described: EITHER 1*) was derived from donor animals which were kept in a semen collection centre where no animals have been added in last the 30 days before collection and FMD has not occurred within 10 kilometres for 30 days before and after collection, and which showed no clinical sign of FMD on the day of collection, have not been vaccinated against FMD and were subjected, not less than 21 days after collection of the semen, to a tests for antibodies against FMD virus, with negative results and no other animals present in the semen collection centre has been vaccinated against FMD. Additionally, the semen was collected from a semen collection centre not located within a protection or surveillance zone and any semen collected within a protection and surveillance zone has been clearly identified and detained under official supervision; and the semen collected, was further processed and stored in conformity with the provisions of Chapter 4.5 or Chapter 4.6 of the OIE Terrestrial Animal Health Code as relevant and was further stored in the country of origin for a period of at least one month following collection, and during this period no animal on the establishment where the donor animals were kept showed any sign of FMD. OR 2*) has been collected and stored frozen at least 21 days before the estimated date of earliest infection with the foot-and-mouth disease virus on a holding in the protection and surveillance zone; and any semen collected after the date of earliest infection has been stored separately and was only released after all the measures relating to the outbreak of FMD have been removed; and all animals accommodated in the semen collection centre have undergone a clinical examination and samples taken have been subjected to a serological test to substantiate the absence of infection in the centre concerned; and the donor animals have been subjected with negative result to a serological test for the detection of antibodies against the FMD virus on a sample taken not earlier than 28 days after the collection of the semen.
(xxiv) **Bovine Semen:** **1**	BT	The semen herein described was derived from donor animals: EITHER That were kept in a vector-protected establishment for at least 60 days before the commencement of, and during, collection of the semen;

		OR That were subjected to a serological test according to the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals to detect antibody to the BTV group, with negative results, at least every 60 days throughout the collection period and between 21 days and 60 days after the final collection for the consignment to be exported: OR That were subjected to an agent identification test according to the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals on blood samples collected at commencement and conclusion of, and at least every 7 days (virus isolation test) or at least every 28 days (for PCR test) during, semen collection for the consignment to be exported, with negative results: OR The semen collection centre is not within an infected (restricted) zone. Semen from infected (restricted) zones has been clearly identified and detained under official supervision. AND The semen was collected, processed and stored in conformity with the OIE standards.
(xxv) **Bovine Semen:** **1**	LSD	The semen herein described was derived from donor animals: That showed no clinical sign of LSD on the day of collection of the semen and for the following 28 days; and the animals were kept in the exporting country for the 28 days prior to collection, in a semen collection centre where no case of LSD was officially reported during that period, and the centre was not situated in either a LSD infected zone or buffer zone and any semen from buffer zone has been clearly identified and controlled.
(xxvi) ***In vivo* derived bovine embryos (except embryos that have been subjected to penetration of the *zona pellucida*):** **2**	FMD	The *in vivo* derived embryos herein described were derived from donors that: Were free of clinical signs of FMD, at the time of collection; and from which the embryos were conceived by artificial insemination using semen collected, processed and stored in semen collection centres approved by the competent authority in conformity with OIE standards. In addition the embryos have been collected, processed and stored in accordance with standards laid down by the competent authority; AND The donor animals from which the embryos were collected originate from a herd(s) that was/were not located within a protection or surveillance zone. Embryos collected within the protection and surveillance zones have been clearly identified and detained under official supervision.

(xxvii) ***In vivo* derived bovine embryos (except embryos that have been subjected to penetration of the *zona pellucida*):** **2**	BT	The *in vivo* derived embryos herein described were derived from donors that: Were free of clinical signs of BT at the time of collection and from which the embryos were conceived by artificial insemination using semen collected, processed and stored in semen collection centres approved by the competent authority in conformity with the OIE standards. AND The embryos were collected, processed and stored in accordance with standards laid down by the competent authority.
(xxviii) ***In vivo* derived bovine embryos (except embryos that have been subjected to penetration of the *zona pellucida*):** **2**	VS	The *in vivo* derived embryos herein described were derived from donors that: Were kept for 21 days prior to, and during, collection in an establishment where no case of VS was reported during that period and were subject to a diagnostic test for VS, with negative results, within 21 days prior to embryo collection. In addition the embryos were collected, processed and stored in conformity with OIE notified standards; and the establishment was not located within a protection or surveillance zone. Embryos collected within protection and surveillance zones has been clearly identified and detained under official supervision.
(xxix) ***In vivo* derived bovine embryos (except embryos that have been subjected to penetration of the *zona pellucida*):** **2**	CBPP	The *in vivo* derived embryos herein described were derived from donors that: EITHER 1*) have not been vaccinated against CBPP and were subjected to the complement fixation test for CBPP with negative results, on two occasions, with an interval of not less than 21 days and not more than 30 days between each test, the second test being performed within 14 days prior to collection; and were isolated from other domestic *bovidae* from the day of the first complement fixation test until collection; OR 2*) were vaccinated using a vaccine complying with the standards described in the OIE Manual of Diagnostic Tests and Vaccines for Terrestrial Animals not more than 4 months prior to collection; AND showed no clinical sign of CBPP on the day of collection of the embryos; and were kept since birth, or for the past 6 months, in a herd(s) where no case of CBPP was reported during that period, and that the herd(s) was/were not situated in a CBPP infected zone; and the embryos were collected, processed and stored in accordance with standards laid down by the competent authority.

(xxx) **Poultry hatching eggs:** **2**	LPNAI, HPNAI — Notifiable in accordance with OIE Terrestrial Animal Health Code criteria Avian influenza (OIE notifiable) Newcastle disease	**For trade from the EU to NZ:** The poultry hatching eggs herein described were derived from source flocks and hatcheries within a Ministry for Primary Industries approved compartment free of notifiable avian influenza [and/or] Newcastle disease [*delete as appropriate*]
(xxxi) **Live bees/bumble bees:** **3**	Small hive beetle (*Aethina tumida*)	**For trade from NZ to the EU:** (a) hives come from an area at least 100 km radius which is not subject to any restrictions associated with the suspicion or confirmed occurrence of the small hive beetle (*Aethina tumida*) and where these infestations are absent; (b) the bees/bumble bees [1] as well as their packaging have undergone a visual examination to detect the occurrence of the small hive beetle (Aethina tumida) or their eggs and larvae. [1] *Delete as appropriate*
(xxxii) **Live bees/bumble bees:** **3**	Tropilaelaps mite (*Tropilaelaps* spp.)	**For trade from New Zealand to the EU:** (a) hives come from an area at least 100 km radius which is not subject to any restrictions associated with the suspicion or confirmed occurrence of the Tropilaelaps mite (*Tropilaelaps* spp.), and where these infestations are absent; (b) the bees/bumble bees [1] as well as their packaging have undergone a visual examination to detect the occurrence of the Tropilaelaps mite (*Tropilaelaps* spp.). [1] *Delete as appropriate*

[1] For exported products it is the responsibility of the exporter (food business operator) to ensure that exported products meet the microbiological food safety criteria of the importing party.
[2] Applies to the meat, fishery and dairy sectors.
[3] New Zealand establishments and facilities information will be entered into the EU TRACES system (or any successor system) by the New Zealand Competent Authority. New Zealand guarantees that the establishments fulfil the conditions as laid down in the Agreement. The Commission will update and publish the information on the Commission website without undue delay and normally within 2 working days. The Commission may, where a guarantee is unsatisfactory, not publish an establishment on the Commission website. If the Commission decides not to publish an establishment on the Commission website it will provide the reason(s) to the New Zealand authority without undue delay.

ANNEX VII

CERTIFICATION

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

Section 1: Health attestations:

(a) For commodities with equivalence "Yes-1" agreed

(i) The following model health attestation to be used (equivalence for animal and/or public health as appropriate). Refer Yes (1) Annex V;

"The live animal(s) or animal product(s) herein described, complies/y with the relevant (European Union/New Zealand (*)) standards and requirements which have been recognized as equivalent to the (New Zealand/ European Union (*)) standards and requirements as prescribed in the European Union/New Zealand Agreement on sanitary measures (Council Decision 97/132/EC).

Specifically, in accordance with (insert … exporting Party's legislation) (**)

(*) Delete as appropriate.
(**) Optional, at the discretion of the importing Party."

AND

(ii) The additional attestation(s) described in Chapter 28 of Section 5 of Annex V, as relevant and referred to as "Special Conditions" within Annex V, to be used.

(iii) For EU exports to New Zealand, the additional attestation(s) to be used: "the animal product is eligible for intra-Union trade without restriction".

(iv) For exports from New Zealand: For consignments of commodities for which the model health attestation as referred to in Section 1 paragraph (a)(i) is prescribed and equivalence is established in Annex V, Section 5, Chapter 28, Subchapter "Certification systems", the additional attestation to be used when certificates are issued after the date of departure ([1]) of consignments: "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/her and were issued prior to the departure of the consignment".

(b) For all commodities

Following confirmation by the exporting party, in accordance with Article 12, that a disease listed in Chapter 29.B. of Section 5 of Annex V has occurred, the relevant additional attestation(s), as described in Chapter 29.B. of Section 5 of Annex V, shall be applied to official health certificates. The relevant additional attestation(s) provided for in Chapter 29.B. of Section 5 of Annex V to be used until a regionalisation decision is taken by the exporting party, in accordance with Article 6, or as otherwise mutually agreed.

Section 2: Completion of Certificates:

(a) When issuing a paper certificate, the signature and official seal applied must be in a colour different to that of the printing.

(b) For exports from New Zealand: when a paper official health certificate is issued, the official health certificate shall be issued in English, as well as in one of the languages of the Member State in which the border inspection post where the consignment is presented, is situated.

(c) For exports from the European Union: the official health certificate shall be issued in the language of the Member State of origin, as well as in English.

([1]) Date of departure is the date on which the vessel left the final port of New Zealand.

(d) Each consignment intended for export shall be supported by an original health certificate(s), or original veterinary document(s) or other original document(s) where specified under the Agreement which convey agreed sanitary information.

(e) Minor modifications to the format of the model certificate are permitted.

(f) The official health certificates do not need to include the explanatory notes providing guidance for completion, nor the attestations that are irrelevant to the consignment.

Section 3: Electronic Data Transmission:

(a) The exchange of original veterinary certificate(s) or other original document(s)/information may occur by paper based systems and/or secure methods of electronic data transmission offering equivalent certification guarantees, including the use of digital signature and non-repudiation mechanism. Where the exporting Party elects to provide electronic official health certificates and/or veterinary document(s), the importing Party must have determined that equivalent security guarantees are being provided. The importing Party's agreement for the exclusive use of electronic certification can either be recorded in one of the Annexes to the Agreement or by correspondence in accordance with Article 16(1) to the Agreement. The Parties shall take all necessary steps to ensure the integrity of the certification process, to guard against fraud and prevent false and misleading certification.

Electronic data transmission systems offering equivalent guarantees:

New Zealand — E-cert

EU — TRACES

(b) The official health certificate shall be issued and provided to the border inspection post either:

(i) As an original signed paper certificate, or

(ii) Electronically through use of electronic data transmission using E-cert and TRACES according to the procedure described in Section 3 (a).

Section 4: Controls:

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.

ANNEX VIII

FRONTIER CHECKS AND INSPECTION FEES

A. FRONTIER CHECKS ON CONSIGNMENTS OF LIVE ANIMALS AND ANIMAL PRODUCTS

Type of frontier check [1]**:**	**Rate in %**
1. **Documentary and Identity checks** Both Parties will perform documentary checks Identity check means a discretionary [2] confirmatory check by the Competent Authority to ensure that the sanitary certificate(s)/document(s) or other document(s) provided for by sanitary legislation correspond with the product within the consignment [3]. In the case of sealed containers, such identity check may consist of only verifying that the seals are intact and that container identity information and the seal number correspond to those given in the accompanying sanitary documentation or certificate.	100

[1] The Competent Authority may delegate these activities, including physical inspections, to a responsible person or an agency, in accordance with the legislation of the importing Party.
[2] In accordance with the legislation of the importing Party.
[3] For the purposes of this Annex, "consignment" means a quantity of products of the same type, covered by the same veterinary certificate(s) or veterinary document(s), or other document(s) provided for by veterinary legislation, conveyed by the same means of transport and coming from the same third country or part of such country. "Same means of transport" means carrier (e.g. vessel, aircraft).

2. **Physical checks (including random or targeted)**

Live animals, except bees and bumble bees	100
Queen bees and small colonies of bumble bees	100
Bees and bumble bees packages	50 [1]
Semen/embryos/ova	10
Live animals [2] and animal products for human consumption listed in Annex V to Council Decision 97/132/EC	1
Animal products not for human consumption listed in Annex V to Council Decision 97/132/EC	1
Processed animal protein not for human consumption (bulked)	100 % for the first 6 consignments and then 1-10 %.

B. INSPECTION FEES

The fees specified in B.I and II of this Annex shall be applied to imports.

Fees, unless otherwise agreed, shall be set so that they only recover the actual costs of border inspection service and shall not be higher than the equivalent consignment fee charged for the same commodity imported from other third countries.

B.I. **For the European Union**

Live animals and germplasm inspection fees:

Inspection fees shall be applied in accordance with Annex V to Regulation (EC) No 882/2004.

Products of animal origin:

Inspection fees shall be applied in accordance with Annex V to Regulation (EC) No 882/2004 with a reduction of 22,5 % [3]. However, for the transit of goods through the Union, inspection fees shall be applied in accordance with Annex V to Regulation (EC) No 882/2004 without reduction.

B.II. **For New Zealand**

Live animals and germplasm inspection fees:

Inspection fees shall be applied in accordance with New Zealand — Biosecurity (Costs) Regulations.

Products of animal origin:

Documentary and identity checks inspection fees:

Single consignment — Maximum 149,60(+ gst) NZD per consignment

[1] For consignments of packaged bees containing less than 130 packages 50 % of the consignment is to be subject to inspection. For consignments containing more than 130 packages, a sample of 65 packages randomly selected from the consignment must be inspected to achieve a 95 % confidence interval of detecting 5 % incidence of disease.

[2] As covered by Chapter 10 of Annex V.

[3] Calculated on the assumption that the rate of the physical checks for New Zealand imports is only 10 % of the normal physical checks rate applied to other third countries and assuming that the costs for physical checks account for 25 % of the total fees costs.

Multi container consignments — Maximum 149,60(+ gst) NZD for the first container and a Maximum of 75 (+ gst) NZD/container for additional containers

Break bulk consignments — Maximum 149,60(+ gst) NZD/hour

Documentary, identity + physical checks inspection fees:

Single consignment — inspection fees applied in accordance with New Zealand regulations:

Animal Health Biosecurity (Costs) Regulations

Public Health Fees and Charges Regulation

Inflation adjustment for New Zealand's inspection fees:

New Zealand inspection fees may be adjusted on an annual basis in accordance with the following formula:

Maximum inspection fee =

Annex VIII listed inspection fee × (1 + average inflation rate/100*)(Current year — 2009)

* as calculated on an ongoing basis for New Zealand as published by the Reserve Bank of New Zealand.'

COMMISSION IMPLEMENTING DECISION (EU) 2015/1085

of 2 July 2015

on a measure taken by Sweden, in accordance with Directive 2006/42/EC of the European Parliament and of the Council, to prohibit the placing on the market of firewood machines Hammars vedklipp 5,5 hk and Hammars vedklipp 7,5 hk manufactured by Hammars Verkstad AB

(notified under document C(2015) 4428)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC ([1]), and in particular Article 11(3) thereof,

Whereas:

(1) Sweden informed the Commission of a measure to prohibit the placing on the market of firewood machines Hammars vedklipp 5,5 hk and Hammars vedklipp 7,5 hk manufactured by Hammars Verkstad AB, Lustebo 40, SE-790 20 Grycksbo, Sweden.

(2) The firewood machines were bearing the CE marking, according to Directive 2006/42/EC.

(3) The reason for taking the measure given by Sweden was the non-conformity of the firewood machines with the essential health and safety requirements set out in points 1.1.2 (Principles of safety integration) and 1.3.7 (Moving parts) of Annex I to Directive 2006/42/EC since the machines have no guards or protective devices to protect against risks from moving parts.

(4) The Commission invited Hammars Verkstad AB to present its observations on the measure taken by Sweden.

(5) Hammars Verkstad replied to the Commission that log cutter which replaced both a saw and a dedicated log splitter had a far lower risk for operator injury seen as a system. The Commission asked the manufacturer for supporting documents to substantiate the argument concerning the risk classification as part of the conformity assessment carried out. No reply has been received.

(6) Examination of the evidence provided by Sweden demonstrate that the firewood machines Hammars vedklipp 5,5 hk and Hammars vedklipp 7,5 hk manufactured by Hammars Verkstad AB, Lustebo 40, SE-790 20 Grycksbo, Sweden, fail to satisfy the essential health and safety requirements set out in Directive 2006/42/EC and that this non-conformity gives rise to serious risks of injury to users. It is therefore appropriate to consider the measure taken by Sweden as justified,

HAS ADOPTED THIS DECISION:

Article 1

The measure taken by Sweden to prohibit the placing on the market of firewood machines — Hammars vedklipp 5,5 hk and Hammars vedklipp 7,5 hk manufactured by Hammars Verkstad AB, Lustebo 40, SE-790 20 Grycksbo, Sweden, is justified.

([1]) OJ L 157, 9.6.2006, p. 24.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 July 2015.

For the Commission
Elżbieta BIEŃKOWSKA
Member of the Commission

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