

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS
concerning amendments to the Annexes to the Agreement between the European Community and
New Zealand on sanitary measures applicable to trade in live animals and animal products

A. Letter from the European Community

Brussels, 28.11.2002

Sir,

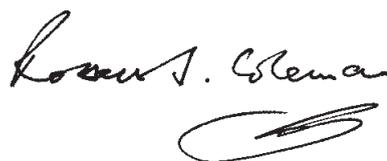
With reference to the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products, I have the honour to propose to you to amend the Annexes to this Agreement as follows:

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

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

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

For the European Community



Robert S. Coleman

B. Letter from New Zealand

London, 28.11.2002

Sir,

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

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

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

For the competent authority of New Zealand

A handwritten signature in black ink, appearing to read "A. Williams" followed by a stylized flourish or initials.

RECOGNITION OF SANITARY MEASURES

Commodity	EC Exports to New Zealand					New Zealand Exports to EC				
	Trade conditions		Equiv.	Special conditions	Action	Trade conditions		Equiv.	Special conditions	Action
	EC standards	NZ standards				NZ standards	EC standards			
42. A. Horizontal Issues										
Definitions									For "serious infectious disease" and "epizootic"	EC to confirm
Water	80/778/EEC	Meat Act 1981 Health Act 1956	Yes (1)			Meat Act 1981	80/778/EEC	Yes (1)		EC to evaluate new NZ proposal for water system
Residues <i>Residue monitoring</i> — Red meat species	96/22/EC 96/23/EC	Meat Act 1981 Food Act 1981	Yes (1)			Meat Act 1981	96/22/EC 96/23/EC	Yes (1)		
— Other species			NE	Not evaluated	Still to be addressed			NE	Not evaluated	Still to be addressed
— Standards			NE	Not evaluated (currently outside the scope of the Agreement)	Still to be addressed			NE	Not evaluated (currently outside the scope of the Agreement)	Still to be addressed

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

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

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

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

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

ANNEX B

ANNEX VII

CERTIFICATION

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

Health attestations:

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

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

(*) Delete as appropriate.”;

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

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

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

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

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

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