



New Zealand No. 2 (2019)

Agreement

on Mutual Recognition in relation to Conformity Assessment between the
Government of the United Kingdom of Great Britain and Northern
Ireland and the Government of New Zealand.

London, 21 January 2019

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 2019*



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**AGREEMENT ON MUTUAL RECOGNITION IN RELATION TO
CONFORMITY ASSESSMENT BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF NEW ZEALAND**

The Government of the United Kingdom of Great Britain and Northern Ireland (“the United Kingdom”) and the Government of New Zealand (hereinafter referred to as “the Parties”);

Recognising that the Agreement on mutual recognition in relation to conformity assessment between the European Community and New Zealand dated 25 June 1998¹, and any subsequent amendments made thereto prior to the date on which it ceases to apply to the United Kingdom (“the EC - New Zealand MRA”), will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union or at the end of any transitional period or implementation period during which the rights and obligations under the EC - New Zealand MRA continue to apply to the United Kingdom;

Desiring that the rights and obligations between them as provided for by the EC - New Zealand MRA should continue after the United Kingdom leaves the European Union;

Have agreed as follows:

ARTICLE 1

Incorporation of the EC - New Zealand MRA

The provisions of the EC - New Zealand MRA in effect immediately before they cease to apply to the United Kingdom are incorporated into and made part of this Agreement, *mutatis mutandis*, subject to the provisions of this instrument.

ARTICLE 2

Definitions and Interpretation

1. Throughout this instrument:

“*mutatis mutandis*” means with the technical changes necessary to apply the EC - New Zealand MRA as if it had been concluded between the United Kingdom and New Zealand, taking into account the object and purpose of this present Agreement. Without prejudice to Article 1, any reference to a European Union body, office, institution or location shall in particular be read as a reference to the United Kingdom

¹ OJ L 229, 17.8.1998, p.62

equivalent and any reference to the European Commission shall be read as a reference to the Government of the United Kingdom; and

the “Incorporated Agreement” means the EC - New Zealand MRA as incorporated into and made part of this Agreement as set out in Article 1 (and related expressions are to be read accordingly).

2. Throughout the Incorporated Agreement and this instrument, “this Agreement” means the entire Agreement, including anything incorporated by Article 1.

ARTICLE 3

Objectives

For the avoidance of doubt, it is confirmed that the Agreement provides for the mutual recognition of the respective conformity assessment procedures required for market access to the territory of the Parties and the Parties affirm the objectives set out in the Preamble of the Incorporated Agreement in their entirety.

ARTICLE 4

References to EU Law

Throughout this Agreement, unless otherwise provided, references to European Union legislation are to be read as references to the substance of that European Union legislation as incorporated, implemented or otherwise transposed into United Kingdom law as at the later of:

- (a) the date the United Kingdom leaves the European Union; or
- (b) the date the United Kingdom ceases to be bound by the relevant European Union legislation.

ARTICLE 5

Territorial Application

For the avoidance of doubt in relation to incorporated Article 13, this Agreement shall apply, in respect of the United Kingdom and, to the extent that and under the conditions which the EC - New Zealand MRA applied immediately before it ceased to apply to the United Kingdom, the territories for whose international relations it is responsible.

ARTICLE 6

Continuation of Time Periods

1. Unless this instrument provides otherwise:
 - (a) if a period in the EC - New Zealand MRA has not yet ended, the remainder of that period shall be incorporated into this Agreement; and
 - (b) if a period in the EC - New Zealand MRA has ended, any ongoing right or obligation in the EC - New Zealand MRA shall apply between the Parties and that period shall not be incorporated into this Agreement.

ARTICLE 7

Joint Committee

1. The Joint Committee which the Parties establish under incorporated Article 12 shall in particular ensure that this Agreement functions effectively from the time at which this Agreement enters into force.
2. Upon entry into force of the Agreement, any decisions or recommendations adopted by the Joint Committee established by the EC - New Zealand MRA before the EC - New Zealand MRA ceased to apply to the United Kingdom shall, to the extent those decisions relate to the Parties to this Agreement, be deemed to have been adopted by the Joint Committee the Parties establish under incorporated Article 12.
3. For the avoidance of doubt, nothing in paragraph 2 prevents the Joint Committee from exercising the functions provided to it under incorporated Article 12, including making decisions which are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

ARTICLE 8

Conformity Assessment Bodies and Attestations of Conformity

1. The Parties confirm that the Conformity Assessment Bodies that;
 - (a) were designated as a result of the application of incorporated Article 5, and
 - (b) are located in the territories of the Parties,

shall continue to be recognised by the Parties after the date when the EC - New Zealand MRA will cease to apply to the United Kingdom.

2. Each Party also confirms that attestations of conformity, including test reports, certificates, authorisations and marks of conformity, that were issued prior to the date of entry into force of this Agreement, and that the Party was required to accept pursuant to Article 2 of the EC - New Zealand MRA, shall continue to be accepted under this Agreement for the life of their validity.

ARTICLE 9

Entry into Force

1. Article 14(1) of the EC - New Zealand MRA shall not be incorporated into this Agreement.

2. Each Party shall notify the other Party of the completion of its domestic procedures required for the entry into force of this Agreement.

3. This Agreement shall enter into force on the later of:

- (a) the date on which the EC - New Zealand MRA ceases to apply to the United Kingdom; or
- (b) the date of receipt of the later of the Parties' notifications that they have completed their domestic procedures required for entry into force.

4. Pending entry into force of this Agreement, the Parties may agree to provisionally apply this Agreement, or provisions of it, subject to the completion of the Parties' domestic procedures.

5. Where agreed pursuant to Article 9(4), this Agreement, or provisions of it, shall be applied provisionally between the Parties on the later of:

- (a) the date on which the EC - New Zealand MRA ceases to apply to the United Kingdom; or
- (b) the date of receipt of notification of provisional application or ratification from the United Kingdom and New Zealand.

6. A Party may terminate the provisional application of this Agreement, or provisions of it, by written notification to the other Party. Such termination shall take effect on the first day of the second month following the notification.

7. Where this Agreement is, or certain provisions of this Agreement are, provisionally applied, the term "entry into force of this Agreement" in any

provisionally applied provisions shall be deemed to refer to the date that such provisional application takes effect.

8. The United Kingdom shall submit notifications under this Article to the Ministry of Foreign Affairs and Trade of the Government of New Zealand or its successor. New Zealand shall submit notifications under this Article to the United Kingdom's Foreign and Commonwealth Office or its successor.

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement:

Done in Duplicate at London this Twenty-first day of January 2019.

**For the Government of the United
Kingdom of Great Britain and
Northern Ireland:**

GARDINER OF KIMBLE

**For the Government of
New Zealand**

JERRY MATEPARAE

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