



Australia No. 2 (2019)

Agreement

on Mutual Recognition in Relation to Conformity Assessment,
Certificates and Markings between the Government of the United
Kingdom of Great Britain and Northern Ireland and the Government of
Australia

London, 18 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, CERTIFICATES AND MARKINGS
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF AUSTRALIA**

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

Recognising that the Agreement on mutual recognition in relation to conformity assessment, certificates and markings between the European Community and Australia dated 24 June 1998¹, including its Annex and Sectoral Annexes, as amended by Decisions No. 01/2005² and No. 02/2005³ of the Joint Committee of 11 November 2005 and the Agreement between the European Union and Australia dated 23 February 2012⁴ (‘the EC–Australia 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 arrangement or implementation period during which the rights and obligations stemming from the EC–Australia MRA will apply to the United Kingdom;

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

Have agreed as follows:

ARTICLE 1

Definitions and Interpretation

1. Throughout this instrument:

“mutatis mutandis” means with the technical changes necessary to apply the EC–Australia MRA as if it had been concluded between the United Kingdom of the one part and Australia of the other part, taking into account the object and purpose of this Agreement;

the “Incorporated Agreement” means the EC–Australia MRA (including, for the avoidance of doubt, the Sectoral Annexes) to the extent incorporated into this Agreement (and related expressions are to be read accordingly);

¹ OJ L 229, 17.8.1998, p.3

² OJ L 333, 20.12.2005, p.51

³ OJ L 333, 20.12.2005, p.53

⁴ OJ L 359, 29.12.2012, p.2

2. Throughout the Incorporated Agreement and this instrument, “this Agreement” means the Incorporated Agreement and this instrument.

ARTICLE 2

Incorporation of the EC–Australia MRA

1. The Parties agree that the provisions of the EC–Australia MRA in force immediately before the time the EC–Australia MRA ceases to apply to the United Kingdom, are incorporated into and made part of this Agreement, mutatis mutandis, subject to the provisions of this instrument.
2. In the event of any inconsistency between this instrument and anything incorporated by Article 2(1), this instrument shall prevail to the extent of the inconsistency.
3. For the avoidance of doubt, the incorporated sectoral annexes form the administrative arrangements for the implementation of this Agreement and have less than treaty status.

ARTICLE 3

Objectives

1. The overriding objectives of this Agreement are to preserve the improved conditions of trade between the Parties which the mutual recognition of test reports and certificates of conformity brought about, and the positive contribution that mutual recognition can have in encouraging greater international harmonisation of standards and regulations.
2. 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.

ARTICLE 4

References to European Union 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, to the United Kingdom and the territories for whose international relations it is responsible, to the extent that and under the conditions which the EC–Australia MRA applied immediately before the EC–Australia MRA ceased to apply to the United Kingdom.

ARTICLE 6

Conformity Assessment Bodies and Attestations of Conformity

1. The Parties confirm that the Conformity Assessment Bodies that:
 - (a) were designated and recognised by the Parties 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–Australia MRA ceases to apply to the United Kingdom.
2. The Parties also confirm that attestations of conformity, including test reports, certificates, authorisations and marks of conformity, that were:
 - (a) issued in accordance with the provisions of the EC–Australia MRA prior to the date of entry into force of this Agreement; and
 - (b) issued by the relevant bodies located in the territories of the Parties to this Agreement; shall continue to be accepted under this Agreement for the life of their validity.

ARTICLE 7

Continuation of Substantive Transitional Periods

1. The Parties agree that unless this Agreement provides otherwise:
 - (a) where a transitional period under the EC–Australia MRA relating to a substantive right or obligation has not yet ended, the remainder of that transitional period shall be incorporated into this Agreement; and

- (b) where a transitional period in the EC–Australia MRA relating to a substantive right or obligation has ended, any ongoing right or obligation relating to that period shall apply between the Parties, and that transitional period shall not be incorporated.

2. Nothing in this Article affects references to procedures or other things relating to administration of this Agreement (such as reviews, committee procedures and notification deadlines) to be done within a specified period or at specified intervals after the entry into force of this Agreement.

ARTICLE 8

Further Provisions in Relation to the Joint Committee of the Parties

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 the EC–Australia MRA ceases to apply to the United Kingdom.
2. Upon entry into force of the Agreement, any decisions adopted by the Joint Committee established by the EC–Australia MRA immediately before the EC–Australia 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 established under incorporated Article 12.
3. Nothing in paragraph 2 prevents the Joint Committee established by this Agreement from making decisions which are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

ARTICLE 9

Amendments

1. Article 15(2) of the EC–Australia MRA shall not be incorporated into this Agreement.
2. The Parties may agree, in writing, to amend this Agreement. Amendments shall enter into force on such date as the Parties may mutually determine.

ARTICLE 10

Entry into Force

1. Article 14(1) of the EC–Australia MRA shall not be incorporated into this Agreement.

2. Each Party shall notify the other 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–Australia MRA ceases to apply to the United Kingdom; or
- (b) the date of receipt of the later of the Parties’ notifications confirming completion of their internal procedures.

4. The United Kingdom shall submit notifications under this Article to the Department of Foreign Affairs and Trade of Australia or its successor. Australia 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 eighteenth day of January 2019.

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

For the Government of Australia
GEORGE HENRY BRANDIS

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