



New Zealand No. 1 (2019)

Agreement

between the Government of the United Kingdom of Great Britain and
Northern Ireland and the Government of New Zealand on Sanitary
Measures Applicable to Trade in Live Animals and Animal Products

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
January 2019*



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**AGREEMENT ON SANITARY MEASURES APPLICABLE TO TRADE IN
LIVE ANIMALS AND ANIMAL PRODUCTS 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 between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products done in Brussels on 17 December 1996¹ and any subsequent amendments made prior to the date on which that agreement ceases to apply to the United Kingdom (“the 1996 Agreement”) 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 under the 1996 Agreement continue to apply to the United Kingdom;

Desiring that the rights and obligations between them as provided for by the 1996 Agreement should continue after the United Kingdom leaves the European Union;

Have agreed as follows:

ARTICLE 1

Incorporation of the 1996 Agreement

1. The provisions of the 1996 Agreement in effect immediately before the 1996 Agreement ceases to apply to the United Kingdom, with the exception of Article 18(1) of the 1996 Agreement, are incorporated into and made part of this Agreement, *mutatis mutandis*, subject to the provisions of this instrument, including the Annex.

ARTICLE 2

Definitions and Interpretation

1. Throughout this instrument:

- a) “*Mutatis mutandis*” means with the technical changes necessary to apply the 1996 Agreement as if it had been concluded between the United Kingdom of the one part and New Zealand of the other part, taking into account the object and purpose of this present Agreement;

¹ OJ L57, 26.2.1997, p5

- b) 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 equivalent and any reference to the European Commission shall be read as a reference to the Government of the United Kingdom; and
 - c) the “Incorporated Agreement” means the 1996 Agreement 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

Objective

For the avoidance of doubt, the Parties affirm the objective set out in Article 1 of the Incorporated Agreement in its 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 17, 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 1996 Agreement applied immediately before it ceased to apply to the United Kingdom.

ARTICLE 6

Continuation of Time Periods

1. Unless this instrument provides otherwise:
 - (a) if a period in the 1996 Agreement has not yet ended, the remainder of that period shall be incorporated into this Agreement; and
 - (b) if a period in the 1996 Agreement has ended, any ongoing right or obligation relating to that period shall apply between the Parties and that period shall not be incorporated into this Agreement.
2. Notwithstanding paragraph 1, a reference in the Incorporated Agreement to a period relating to a procedure or other administrative matter (such as a review, committee procedure or notification) shall not be affected.

ARTICLE 7

Joint Management Committee

1. The Joint Management Committee which the Parties establish under incorporated Article 16 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 Management Committee established by the 1996 Agreement before the 1996 Agreement ceased to apply to the United Kingdom shall, to the extent those decisions or recommendations relate to the Parties to this Agreement, be deemed to have been adopted by the Joint Management Committee the Parties establish under incorporated Article 16.
3. For the avoidance of doubt, nothing in paragraph 2 prevents the Joint Management Committee established by this Agreement from exercising the functions provided to it under incorporated Article 16, including to make decisions or recommendations which are different to, revoke or supersede the decisions or recommendations deemed to have been adopted by it under that paragraph.

ARTICLE 8

Entry into Force and Provisional Application

1. Each Party shall notify the other Party of the completion of its domestic procedures required for the entry into force of this Agreement.
2. This Agreement shall enter into force on the later of:

- (a) the date of receipt of the later of the Parties' notifications that they have completed their domestic procedures required for entry into force; or
 - (b) the date on which the 1996 Agreement ceases to apply to the UK.
3. 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.
4. Where agreed pursuant to Article 8(3), this Agreement, or provisions of it, shall be applied provisionally between the Parties on the later of:
- (a) the date on which the 1996 Agreement 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.
5. 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.
6. 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.
7. 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 in the English language, on 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:**

SIR JERRY MATEPARAE

ANNEX

The Incorporated Agreement is further modified as follows:

MODIFICATION TO ANNEX II

COMPETENT AUTHORITIES

1. Part B of Annex II of the 1996 Agreement shall not be incorporated and is substituted with:

Part B

United Kingdom

Upon entry into force of this Agreement, the United Kingdom shall provide New Zealand with its designated competent authorities.

MODIFICATION TO ANNEX VIII

INSPECTION FEES

2. Notwithstanding Article 1 of this instrument, references to the euro (including “EUR” and “€”) in the Incorporated Agreement shall continue to be read as such in this Agreement.

MODIFICATION TO ANNEX X

CONTACT POINTS

3. The second part of Annex X shall not be incorporated and shall be substituted with:

For the United Kingdom

Upon entry into force of this Agreement, the United Kingdom shall provide New Zealand with its designated contact point.

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