COMMISSION DECISION

of 16 February 2005

approving on behalf of the European Community amendments to the Annexes to the Agreement between the European Community and the Government of Canada on sanitary measures applicable to trade in live animals and animal products

(notified under document number C(2005) 336)

(Text with EEA relevance)

(2005/306/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 1999/201/EC of 14 December 1998 on the conclusion of the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products [1], and in particular Article 4, third paragraph thereof,

Whereas:

(1) The Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health applicable to trade in live animals and animal products (hereafter 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 determination of equivalence was carried out and concluded with Canada on animal health measures concerning bovine semen, and on public health measures concerning pig meat. Equivalence has been concluded on a reciprocal basis.

(2) As regards equivalence for Canadian exports of pig meat to the EU *ante-* and *post-mortem* provisions, the definition of market hogs and other hygiene requirements are to be reviewed when the new EU Food Hygiene Regulations will be applied. Similarly, as regards equivalence for EU exports of pig meat to Canada, some provisions are to be reviewed when the Canadian Meat Inspection Regulation will be amended.

(3) The Joint Management Committee for the Agreement, at its meeting on 16 and 17 February 2004, issued a recommendation concerning the determination of equivalence for bovine semen and pig meat. At the same meeting, the Committee recommended to update the references to EU and Canadian legislation in the annexes to the Agreement. The Committee, at its meeting on 16 and 17 July 2003, based on recent amendments of the Canadian legislation, issued a recommendation to delete paragraph 2 of Chapter I of footnote B in Annex V to the Agreement as regards automatic temperature recorders in frozen fish storage areas and non-hand operated wash-basins in processing areas. At the same meeting, the Committee, based on the Community experience with imports of certain Canadian fish and fishery products from Canada and animal welfare considerations, issued a recommendation for reducing the frequency of the EC identity and physical import checks for such consignments.

(4) As a result of these recommendations it is appropriate to modify the relevant parts in Annex V and Annex VIII to the Agreement.

(5) Pursuant to Article 16(3) of the Agreement, amendments to the Annexes shall be agreed upon by an Exchange of Notes between the Parties.

(6) Those modifications should be approved on behalf of the Community.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

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 the Government of Canada on sanitary measures applicable to trade in live animals and animal products the modifications to Annex V and Annex VIII to the said Agreement are hereby approved on behalf of the Community. The text of an Exchange of Letters constituting an agreement with the Government of Canada, including the modifications to the Annexes to the Agreement, is attached to this Decision.

[1] OJ L 71, 18.3.1999, p. 1.

Article 2

The Director-General for Health and Consumer Protection is hereby empowered to sign the agreement in the form of an Exchange of Letters in order to bind the Community.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 February 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission