

AGREEMENT**in the Form of an Exchange of Letters concerning amendments to the annexes to the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products***A. Letter from the European Community*

Brussels, 30 January 2006

Sir,

With reference to the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products, I have the honour to propose to you to amend the Annexes the Agreement as follows:

Replace the text of Annex V, point 11 of the Agreement, as recommended by the Joint Management Committee established under Article 14(1) of the Agreement with the respective text of Appendix A as attached hereto.

I would be obliged if you would confirm the Agreement of the United States of America to such amendment of Annex V to the Agreement.

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

For the European Community
Jaana HUSU-KALLIO

B. Letter from the United States of America

Brussels, 1 February 2006

Sir,

I have the honour to refer to your letter containing details of proposed amendments to Annex V, point 11 of the Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products.

In this regard I have the honor to confirm the acceptability to the United States of America of the proposed amendments as recommended by the Joint Management Committee established under Article 14(1) of the Agreement, a copy of which is attached hereto. It is my understanding that these amendments shall take effect on the date on which the EC notifies the US that it has completed the necessary procedures for implementing these amendments.

Please accept, Madam, the assurances of my high consideration.

*For the competent authority
of the United States of America*
Norval E. FRANCIS

Appendix A

‘ANNEX V

Commodity — Species — Animal/public health	European Community exports to the United States				United States exports to the European Community					
	Trade conditions		Equivalence (Category)	Special conditions	Actions	Trade conditions		Equivalence (Category)	Special conditions	Actions
	EC standards	US standards				US standards	EC standards			
11. Fisheries products for human consumption										
Animal health										
— Fish/fisheries products	91/67	USDI & Title 50	NE			USDI & Title 50	91/67	NE		EC to evaluate new US standards if applicable.
— Bivalve molluscs/ crustaceans (excl. live)	91/67	USDI & Title 50	NE			USDI & Title 50	91/67	NE		
Public health										
— Fish/fisheries products	91/493 96/22 96/23	21 CFR 123, 1240 FFDCA, FIFRA, PHSA, 21 CFR 70-82, 180, 110.3-110.93, 113, 114, 123, 172-193, 1240	Yes 3	Low-acid canned food requirement.	US to provide a detailed indication of how the EC request for equivalence for low-acid canned food can be considered. EC to provide (1) appropriate information and documentation on procedures for audit and control of implementation by Member States, and (2) information on application of HACCP systems in Member States.	21 CFR 123, 1240 FFDCA, FIFRA, PHSA, 21 CFR 70-82, 180, 110.3-110.93, 113, 114, 123, 172-193, 1240	91/493 96/22 96/23	Yes 2	[SANCO/10169/2005] Rev 3	

	European Community exports to the United States				United States exports to the European Community			
	Trade conditions		Equivalence (Category)	Special conditions	Actions	Trade conditions		Equivalence (Category)
	EC standards	US standards				US standards	EC standards	
<ul style="list-style-type: none"> — Commodity — Species — Animal/public health 								
<ul style="list-style-type: none"> — Fish/fisheries products (<i>cont'd</i>) 					<p>US to conduct on-site verification of EC system (including visit to EC central offices and observation of Commission audits of a number of Member States).</p> <p>US to indicate any outstanding problems following above actions.</p> <p>The outcome of the on-site verification to be discussed with EC. If on-site verification satisfactory, the equivalence determination to be finalised, and any necessary procedures carried out.</p>	<p>NMFS Voluntary HACCP based programme 50 CFR 260</p>		Yes 1

	European Community exports to the United States					United States exports to the European Community						
	Trade conditions			Equivalence (Category)	Special conditions	Actions	Trade conditions		Equivalence (Category)	Special conditions	Actions	
	EC standards	US standards	US standards				EC standards					
— Commodity — Species — Animal/public health												
— Bivalve molluscs/ crustaceans (excl. live)	91/492	National shellfish sanitation programme	Yes 3	Existing trade conditions.	EC to supply the raw data used for the scientific assessment on flesh/water testing. US shall respond to results of scientific assessment within 90 days of receipts of raw data. EC to provide (1) appropriate information and documentation on procedures for audit and control of implementation by Member States, and (2) information on application of HACCP systems in Member States. US to conduct on-site verification of EC system (including visit to EC central offices and observation of Commission audits of a number of Member States). US to indicate any outstanding problems following above actions. The outcome of the on-site verification to be discussed with EC. If on-site verification satisfactory, the equivalence determination to be finalised, and any necessary procedures carried out.	National shellfish sanitation programme	91/492	Yes 3	Existing trade conditions.	Joint comparison of flesh/water testing for classification of production areas. US to inform the EC when the US is ready to have the implementation of its seafood HACCP Regulation reviewed. EC to carry out review, involving as necessary examination of information and documentation to be provided by US on procedures for audit and control of implementation. On-site verification of US system to be carried out within six months of US request. EC to indicate any outstanding problems following above actions within 45 days of on-site verification. The outcome of the on-site verification to be discussed with EC. If on-site verification satisfactory, the equivalence determination to be finalised, and any necessary procedures carried out. “Establishments” do not include “brokers or traders”.		

Commodity Species Animal/public health	European Community exports to the United States					United States exports to the European Community					
	Trade conditions			Equivalence (Category)	Special conditions	Actions	Trade conditions		Equivalence (Category)	Special conditions	Actions
	EC standards	US standards					US standards	EC standards			
Aquaculture animals and products	91/493 96/22 96/23	National shellfish sanitation programme, FFDCa, FIFRA, PHSA, 21 CFR 110.3-110.93, 123, 1240, DVM		NE			National shellfish sanitation programme, FFDCa, FIFRA, PHSA, 21 CFR 110.3-110.93, 123, 1240, DVM	91/493 96/22 96/23	NE'		