

No. 51264

**Switzerland
and
Norway**

Agreement between the Swiss Confederation and the Kingdom of Norway on sanitary measures applicable to trade in live animals, semen, ova, embryos and animal products (with annexes). Oslo, 11 November 2010

Entry into force: *1 May 2012, in accordance with article 19*

Authentic texts: *English, German and Norwegian*

Registration with the Secretariat of the United Nations: *Switzerland, 21 August 2013*

**Suisse
et
Norvège**

Accord entre la Confédération suisse et le Royaume de Norvège relatif aux mesures sanitaires applicables au commerce d'animaux vivants, de spermes, ovules et embryons animaux et de produits animaux (avec annexes). Oslo, 11 novembre 2010

Entrée en vigueur : *1^{er} mai 2012, conformément à l'article 19*

Textes authentiques : *anglais, allemand et norvégien*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Suisse, 21 août 2013*

**Agreement
between the Swiss Confederation and the Kingdom of
Norway on sanitary measures applicable to trade in live
animals, semen, ova, embryos and animal products**

The Swiss Confederation

hereinafter referred to as ‘Switzerland’

of the one part, and

The Kingdom of Norway

hereinafter referred to as ‘Norway’

of the other part,

together hereinafter referred to as ‘the Parties’;

WHEREAS the Parties acknowledge that their systems of sanitary measures are intended to provide comparable health assurances;

NOTING that Annex 11 of the Agreement between the European Community and Switzerland on trade in Agricultural Products (hereinafter referred to as the “Switzerland-EC Agreement”) establishes the animal health, public health and zootechnical measures for trade in live animals, semen, ova, embryos and animal products between Switzerland and the European Union;

NOTING that Annex 11 of the Switzerland-EC Agreement specifies the legislation pertaining to the placing on the market of live animals, semen, ova, embryos and animal products and that this legislation provides either identical results or equivalence to European Union legislation;

NOTING that Annex I of the Agreement on the European Economic Area (hereinafter referred to as the “EEA Agreement”) establishes the animal health, public health and zootechnical measures for trade in live animals, semen, ova, embryos and animal products between Norway and the European Union;

WHEREAS the Parties have determined that the EEA Agreement and the Switzerland-EC Agreement should be used to facilitate the sanitary and zoosanitary aspects of bilateral trade in live animals, semen, ova, embryos and animal products between Switzerland and Norway;

WHEREAS Switzerland forms a customs union with Liechtenstein in accordance with the Treaty of 29 March 1923 between the Swiss Confederation and the Principality of Liechtenstein (hereinafter referred to as the “Customs Treaty”);

WHEREAS an additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein was concluded on 27 September 2007, extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products;

REAFFIRMING their commitment to the rights and obligations established under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (hereinafter referred to as 'the SPS Agreement') according to Annex 1A of the Agreement establishing the World Trade Organisation, done on 15 April 1994 (hereinafter referred to as 'the WTO Agreement');

DESIRING to facilitate trade in live animals, semen, ova, embryos and animal products between Switzerland and Norway while safeguarding public and animal health and thereby meeting consumer expectations in relation to the wholesomeness of food products;

RESOLVED to take the fullest account of the risk of spread of animal infection and disease and the measures put in place to control and eradicate such infections and diseases, and in particular to avoid disruption to trade,

HAVE AGREED AS FOLLOWS:

Art. 1 Objective

The objective of this Agreement is to facilitate trade in live animals, semen, ova, embryos and animal products between Switzerland and Norway by establishing a mechanism for the recognition of equivalence of sanitary measures maintained by the Parties consistent with the protection of public and animal health, and to improve communication and cooperation on sanitary measures.

Art. 2 General Provisions

1. The provisions set out in this Agreement shall apply in respect of trade between Switzerland and Norway in live animals, semen, ova, embryos and animal products.
2. The jointly determined arrangements for the application of this Agreement by the Parties are set out in the Annexes.

Art. 3 Multilateral Obligations

Nothing in this Agreement shall limit the rights or obligations of the Parties pursuant to the Agreement establishing the World Trade Organisation and the Annexes thereto, and in particular the SPS Agreement.

Art. 4 Scope

1. The scope of this Agreement shall be limited to the sanitary measures applied to live animals, semen, ova, embryos and animal products covered by the international agreements listed in Annex 1.
2. The Parties may agree to modify this Agreement in the future to extend its scope to other sanitary measures affecting trade between the Parties.

Art. 5 Definitions

For the purposes of this Agreement the following definitions shall apply:

- (a) Live animals, semen, ova, embryos and animal products: means the live animals, semen, ova, embryos and animal products covered by the international agreements listed in Annex 1;
- (b) Sanitary measures: means sanitary measures as defined in Annex A, paragraph 1, to the SPS Agreement and falling within the scope of this Agreement;
- (c) Appropriate level of sanitary protection: means the level of protection as defined in Annex A, paragraph 5, to the SPS Agreement;
- (d) Region: means "zones", "regions" or "compartment" as defined in the Animal Health Code of the World Organisation for Animal Health (OIE);
- (e) The Switzerland-EC Agreement: means Annex 11 of the Agreement between Switzerland and the European Community on trade in Agricultural Products in the version cited in Annex 1;
- (f) The EEA Agreement: means Annex I to the Agreement on the European Economic Area in the version cited in Annex 1;
- (g) Third countries: any country other than Switzerland and the EEA Member States;
- (h) Competent authorities:
 - (i) For Norway - the authorities listed in Annex 2;
 - (ii) For Switzerland - the authorities listed in Annex 2.

Art. 6 Adaptation to Regional Conditions

1. Without prejudice to the measures established in the Switzerland-EC Agreement and the EEA Agreement, the Joint Management Committee established by Article 16 of this Agreement may, in accordance with OIE standards, define criteria to determine special status with respect to a specific disease.
2. If one of the Parties has been granted additional guarantees or freedom from diseases or infections within the context of the Switzerland-EC Agreement or the EEA Agreement, this shall be recognised by the other Party.

Art. 7 Equivalence

1. The recognition of equivalence requires acceptance of:
 - (a) legislation, standards and procedures, as well as the programmes that are in place to allow control and to ensure that requirements from domestic and importing countries' are met;

- (b) the documented structure of the competent authority or authorities, their powers, their chain of command, their *modus operandi* and the resources available to them;
- (c) the performance of the competent authority in relation to the control programme and assurances.

In this assessment, the Parties shall take account of experience already acquired.

2. Equivalence shall apply to sanitary measures for live animal, semen, ova, embryos or animal product sectors, or parts of sectors, to legislation, inspection and control systems, parts of systems and to specific legislation, inspection and/or hygiene requirements.

Art. 8 Determination of Equivalence

To determine whether a sanitary measure applied by an exporting Party achieves the importing Party's appropriate level of sanitary protection, the Parties shall follow a process that includes the following steps:

- (a) the sanitary measure for which recognition of equivalence is sought shall be identified;
- (b) the explanation by the importing Party shall include the objective of its sanitary measure, including an assessment, as appropriate to the circumstances, of the risk, or risks, that the sanitary measure is intended to address, and identify its appropriate level of sanitary protection;
- (c) the exporting Party shall demonstrate that its sanitary measure meets the importing Party's appropriate level of sanitary protection;
- (d) the importing Party shall determine whether the exporting Party's sanitary measure meets its appropriate level of sanitary protection;
- (e) the importing Party shall accept the sanitary measure of the exporting Party as equivalent if the exporting Party objectively demonstrates that its measure meets the importing Party's appropriate level of protection.

Art. 9 Recognition of Sanitary Measures

1. Without prejudice to Article 15, for the products covered by this Agreement, the Parties recognize as equivalent the sanitary measures described in the Switzerland-EC Agreement and in the EEA Agreement and the trade conditions that result thereof for their trade with the European Union. The Parties undertake to apply the same measures and trade conditions to their bilateral trade and take the necessary legislative and administrative actions to allow