



**COUNCIL OF
THE EUROPEAN UNION**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position on Decision No 1/2013 to be taken on behalf of the European Union within the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products regarding the amendment of Appendices 1, 2, 3, 5, 6 and 10 of Annex 11 to the Agreement

COMMON GUIDELINES

Consultation deadline for Croatia: 18.1.2013

COUNCIL DECISION No. .../2013/EU

of ...

**on the position on Decision No 1/2013
to be taken on behalf of the European Union
within the Joint Veterinary Committee set up by the Agreement
between the European Community and the Swiss Confederation
on trade in agricultural products regarding the amendment
of Appendices 1, 2, 3, 5, 6 and 10 of Annex 11 to the Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products¹ (the "Agriculture Agreement"), entered into force on 1 June 2002.
- (2) Under Article 19(1) of Annex 11 to the Agriculture Agreement the Joint Veterinary Committee ("the Joint Veterinary Committee") is responsible for considering any matter arising in connection with that Annex and its implementation and for carrying out the tasks provided for therein. Article 19(3) of that Annex authorises the Joint Veterinary Committee to amend the Appendices thereof, in particular with a view to their adaptation and updating.
- (3) The first subparagraph of Article 5(2) of Decision 2002/309/EC, Euratom, of the Council and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation² provides that the European Union's position within the Joint Veterinary Committee is to be adopted by the Council on a proposal from the Commission.

¹ OJ L 114, 30.4.2002, p. 132.

² OJ L 114, 30.4.2002, p. 1.

- (4) For the certification that Swiss products as regards the protection of animals at the time of slaughter meet requirements which are at least equivalent to those set out in Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing¹ it would be necessary to re-introduce certificates between 1 January 2013 and the entry into force of Decision No 1/2013 of the Joint Veterinary Committee. Such re-introduction of certificates would create a disproportionate administrative burden. Decision No 1/2013 of the Joint Veterinary Committee should therefore provide for the retroactive application of that Decision with effect from 1 January 2013.
- (5) Decision No 1/2013 of the Joint Veterinary Committee should enter into force on the day of its adoption.
- (6) This Decision should enter into force on the date of its adoption.
- (7) The Union should determine the position to be taken within the Joint Veterinary Committee with regard to the necessary amendments,

HAS ADOPTED THIS DECISION:

¹ OJ L 303, 18.11.2009, p.1.

Article 1

The position to be adopted on behalf of the European Union within the Joint Veterinary Committee set up by Article 19(1) of Annex 11 to the Agriculture Agreement regarding the amending of Appendices 1, 2, 3, 5, 6 and 10 of that Annex shall be based on the draft Decision of the Joint Veterinary Committee attached to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at ...,

For the Council
The President

DRAFT

**DECISION NO 1/2013 OF THE JOINT VETERINARY COMMITTEE
SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY
AND THE SWISS CONFEDERATION
ON TRADE IN AGRICULTURAL PRODUCTS**

of ...

**regarding the amendment of Appendices 1, 2, 3, 5, 6
and 10 of Annex 11 to the Agreement**

THE JOINT VETERINARY COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products and in particular Article 19(3) of Annex 11 thereto,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products¹ (hereinafter referred to as "the Agriculture Agreement") entered into force on 1 June 2002.
- (2) Under Article 19(1) of Annex 11 to the Agriculture Agreement the Joint Veterinary Committee set up by the Agriculture Agreement (hereinafter referred to as "the Joint Veterinary Committee") is responsible for considering any matter arising in connection with the said Annex and its implementation and for carrying out the tasks provided for therein. Article 19(3) of that Annex authorises the Joint Veterinary Committee to amend the Appendices thereto, in particular with a view to their adaptation and updating.
- (3) Decision No 2/2003 of the Joint Veterinary Committee² amended Appendices 1, 2, 3, 4, 5, 6 and 11 to Annex 11 to the Agriculture Agreement for the first time.
- (4) Decision No 1/2010 of the Joint Veterinary Committee³ last amended Appendices 1, 2, 5, 6, 10 and 11 of Annex 11 to the Agriculture Agreement.

¹ OJEC L 114, 30.4.2002, p. 132.

² Decision No 2/2003 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 25 November 2003 amending Appendices 1, 2, 3, 4, 5, 6 and 11 to Annex 11 to the Agreement (2004/78/EC) (OJEU L 23, 28.01.2004, p. 27).

³ Decision No 1/2010 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 1 December 2010 regarding the amendment of Appendices 1, 2, 5, 6, 10 and 11 to Annex 11 to the Agreement (OJEU L 338, 22.12.2010, p. 50).

- (5) A number of European Union and Swiss legislative provisions have been amended since the last amendment to the Appendices 1, 2, 3, 5, 6 and 10 of Annex 11 to the Agricultural Agreement by Decision No 1/2010 of the Joint Veterinary Committee . In particular, the European Union legislation affecting animal by-products not intended for human consumption has been amended.
- (6) European Union legislation on the protection of animals at the time of killing has been amended and Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing¹ entered into force on 8 December 2009 and is to apply from 1 January 2013. For animal products exported to the European Union, third countries are to meet requirements which are at least equivalent to those set out in that Regulation. Switzerland has adopted legislation equivalent to that of the European Union.
- (7) For the certification that Swiss products as regards the protection of animals at the time of slaughter meet requirements which are at least equivalent to those set out in Council Regulation (EC) No 1099/2009 it would be necessary to re-introduce certificates between 1 January 2013 and the entry into force of this Decision. Such re-introduction of certificates would create a disproportionate administrative burden. This Decision should therefore provide for its retroactive application with effect from 1 January 2013.
- (8) This Decision should enter into force on the day of its adoption.
- (9) Appendices 1, 2, 3, 5, 6 and 10 of Annex 11 to the Agriculture Agreement should be amended accordingly,

HAS ADOPTED THIS DECISION:

¹ OJEU L 303, 18.11.2009, p. 1.

Article 1

Appendices 1, 2, 3, 5, 6 and 10 of Annex 11 to the Agriculture Agreement are amended in accordance with Annexes I to VI to this Decision.

Article 2

This Decision, drawn up in duplicate, shall be signed by the joint chairmen or other persons empowered to act on behalf of the Parties to the Agriculture Agreement.

Article 3

This Decision shall enter into force on the day of its adoption.

It shall apply retroactively with effect from 1 January 2013.

Done at ...

For the Swiss Confederation

For the European Union

ANNEX I

- I. Section II. Classical swine fever, Appendix 1 of Annex 11 to the Agriculture Agreement is replaced by the following:

"II. Classical swine fever

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever (OJEC L 316, 1.12.2001, p. 5).	<ol style="list-style-type: none">1. Law of 1 July 1966 on epizootic diseases (LFE; RS 916.40), in particular Articles 1, 1a and 9a (measures against highly contagious epizootic diseases, control objectives) and 57 (technical implementing provisions, international cooperation);2. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 2 (highly contagious epizootic diseases), 40 to 47 (disposal and use of waste), 49 (handling micro-organisms that are pathogenic for animals), 73 and 74 (cleaning and disinfection), 77 to 98 (common provisions concerning highly contagious epizootic diseases) and 116 to 121 (detection of swine fever at slaughter, specific measures to combat swine fever) thereof;3. Ordinance of 14 June 1999 on the organisation of the <i>Département fédéral de l'économie</i> (Federal Department of Economic Affairs), (OrgDFE; RS 172.216.1), in particular Article 8 thereof (reference laboratory);4. Ordinance of 25 May 2011 on the disposal of animal by-products (OESPA; RS 916.441.22).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. The Commission and the Federal Veterinary Office shall notify each other of any intention to carry out emergency vaccinations. Consultations shall be held as soon as possible within the Joint Veterinary Committee.
2. If necessary, pursuant to Article 117(5) of the Ordinance on epizootic diseases, the Federal Veterinary Office shall lay down technical implementing rules on the marking and treatment of meat coming from protection and surveillance zones.
3. Pursuant to Article 121 of the Ordinance on epizootic diseases, Switzerland has a plan to eradicate classical swine fever in wild pigs in accordance with Articles 15 and 16 of Directive 2001/89/EC.
4. Pursuant to Article 97 of the Ordinance on epizootic diseases, Switzerland has drawn up an emergency warning plan, published on the website of the Federal Veterinary Office.
5. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 21 of Directive 2001/89/EC and Article 57 of the Law on epizootic diseases.

6. If necessary, pursuant to Article 89(2) of the Ordinance on epizootic diseases, the Federal Veterinary Office shall lay down technical implementing rules on serological checks on pigs in protection and surveillance zones in accordance with Chapter IV of the Annex to Decision 2002/106/EC⁺.
7. The joint reference laboratory for classical swine fever shall be the Institut für Virologie der Tierärztlichen Hochschule Hannover, 15 Bünteweg 17, D-30559, Hanover, Germany. Switzerland shall pay the costs for which it is liable for operations carried out by the laboratory in that capacity. The functions and tasks of the laboratory shall be as laid down in Annex IV to Directive 2001/89/EC.

⁺ Commission Decision 2002/106/EC of 1 February 2002 approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever (OJEC L 39, 9.2.2002, p. 71).".

II. Section III. African swine fever, Appendix 1 of Annex 11 to the Agriculture Agreement is replaced by the following:

"III. African swine fever

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJEC L 192, 20.7.2002, p. 27).	<ol style="list-style-type: none">1. Law of 1 July 1966 on epizootic diseases (LFE; RS 916.40), in particular Articles 1, 1a and 9a (measures against highly contagious epizootic diseases, control objectives) and 57 (technical implementing provisions, international cooperation);2. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 2 (highly contagious epizootic diseases), 40 to 47 (disposal and use of waste), 49 (handling micro-organisms that are pathogenic for animals), 73 and 74 (cleaning and disinfection), 77 to 98 (common provisions concerning highly contagious epizootic diseases) and 116 to 121 (detection of swine fever at slaughter, specific measures to combat swine fever) thereof;3. Ordinance of 14 June 1999 on the organisation of the <i>Département fédéral de l'économie</i> (Federal Department of Economic Affairs), (OrgDFE; RS 172.216.1), in particular Article 8 thereof (reference laboratory);4. Ordinance of 25 May 2011 on the disposal of animal by-products (OESPA; RS 916.441.22).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. The European Union reference laboratory for African swine fever shall be the *Centro de Investigación en Sanidad Animal*, 28130 Valdeolmos, Madrid, Spain. Switzerland shall pay the costs for which it is liable for operations carried out by the laboratory in that capacity. The functions and tasks of the laboratory shall be as laid down in Annex V to Directive 2002/60/EC.
2. Pursuant to Article 97 of the Ordinance on epizootic diseases, Switzerland has established an emergency warning plan, published on the website of the Federal Veterinary Office.
3. If necessary, pursuant to Article 89(2) of the Ordinance on epizootic diseases, the Federal Veterinary Office shall lay down technical implementing rules in accordance with the provisions of Decision 2003/422/EC⁺ concerning the diagnosis of African swine fever.
4. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 20 of Directive 2002/60/EC and Article 57 of the Law on epizootic diseases.

⁺ Commission Decision 2003/422/EC of 26 May 2003 approving an African swine fever diagnostic manual (OJEU L 143, 11.6.2003, p. 35).".

III. Section VI. Newcastle disease, Appendix 1 of Annex 11 to the Agriculture Agreement is replaced by the following:

"VI. Newcastle disease

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease (OJEC L 260, 5.9.1992, p. 1).	<ol style="list-style-type: none">1. Law of 1 July 1966 on epizootic diseases (LFE; RS 916.40), in particular Articles 1, 1a and 9a (measures against highly contagious epizootic diseases, control objectives) and 57 (technical implementing provisions, international cooperation);2. Ordinance of 27 June 1995 on epizootic diseases (LFE; RS 916.401), and in particular Articles 2 (highly contagious epizootic diseases), 40 to 47 (disposal and use of waste), 49 (handling of micro-organisms which are pathogenic for animals), 73 and 74 (cleaning and disinfection), 77 to 98 (common provisions concerning highly contagious diseases), 122 to 125 (specific measures concerning Newcastle disease);3. Ordinance of 14 June 1999 on the organisation of the <i>Département fédéral de l'économie</i> (Federal Department of Economic Affairs), (OrgDFE; RS 172.216.1), in particular Article 8 thereof (reference laboratory);4. Instruction (technical directive) of the Federal Veterinary Office of 20 June 1989 on combating paramyxovirosis in pigeons (Bulletin of the Federal Veterinary Office, No 90(13), p.113 (vaccination, etc.));5. Ordinance of 25 May 2011 on the disposal of animal by-products (OESPA; RS 916.441.22).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. The European Union reference laboratory for Newcastle disease shall be the Central Veterinary Laboratory, New Haw, Weybridge, Surrey KT15 3NB, United Kingdom. Switzerland shall pay the costs for which it is liable for operations carried out by the laboratory in that capacity. The functions and tasks of the laboratory shall be as laid down in Annex V to Directive 92/66/EEC.
2. Pursuant to Article 97 of the Ordinance on epizootic diseases, Switzerland has established a contingency plan, which is published on the website of the Federal Veterinary Office.
3. The information provided for in Articles 17 and 19 of Directive 92/66/EEC shall be the responsibility of the Joint Veterinary Committee.
4. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 22 of Directive 92/66/EEC and Article 57 of the Law on epizootic diseases."

IV. Section VIII: Transmissible spongiform encephalopathies, Appendix 1 of Annex 11 to the Agriculture Agreement is replaced by the following:

"VIII. Transmissible spongiform encephalopathies

A. LEGISLATION^{*}

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJEC L 147, 31.5.2001, p. 1)	<ol style="list-style-type: none">1. Ordinance of 23 April 2008 on animal welfare (OPAn; RS 455.1), in particular Article 184 thereof (stunning procedures);2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10);3. Law of 9 October 1992 on foodstuffs and consumer products (LDAI; RS 817.0), and in particular Articles 24 (Inspection and sampling), 40 (Inspection of foodstuffs);4. Ordinance of 23 November 2005 on foodstuffs of animal origin (RS 817.022.108), and in particular Articles 4 and 7 thereof (parts of the carcass which may not be used);

European Union	Switzerland
	<ol style="list-style-type: none"> <li data-bbox="635 230 1374 555">5. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 6 (definitions and abbreviations), 36 (patents), 61 (obligation to report), 130 (surveillance of Swiss livestock), 175 to 181 (transmissible spongiform encephalopathies), 297 (internal implementation), 301 (duties of the canton veterinarian), 303 (training and further training of veterinary officials) and 312 (diagnostic laboratories); <li data-bbox="635 577 1374 831">6. Ordinance of 10 June 1999 on the catalogue of feedingstuffs (OLALA; RS 916.307.1), and in particular Article 28 (transport of feedingstuffs for productive animals), Annex 1, Part 9 (products of land animals), Part 10 (fish, other marine animals and their products and by-products), and Annex 4 (list of banned substances); <li data-bbox="635 853 1374 920">7. Ordinance of 25 May 2011 on the disposal of animal by-products (OESPA; RS 916.441.22).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. The European Union reference laboratory for transmissible spongiform encephalopathies (TSEs) shall be the Veterinary Laboratories Agency (VLA), Woodham Lane, New Haw, Addlestone, Surrey KT 15 3NB, United Kingdom. Switzerland shall pay the costs for which it is liable for operations carried out by the laboratory in that capacity. The functions and tasks of the laboratory shall be as laid down in Chapter B of Annex X to Regulation (EC) No 999/2001.
2. Pursuant to Article 57 of the Ordinance on epizootic diseases, Switzerland has established an emergency plan for implementing measures to combat TSEs.
3. Under Article 12 of Regulation (EC) No 999/2001, any animal suspected of being infected by a TSE in the Member States of the European Union shall be placed under an official movement restriction until the results of a clinical and epidemiological examination carried out by the competent authority are known, or sacrificed for laboratory examination under official control.

In accordance with Articles 179b and 180a of the Ordinance on epizootic diseases, Switzerland has banned the slaughter of animals suspected of being infected by a TSE. Suspect animals must be killed without spilling blood and incinerated, and their brains must be analysed in the Swiss reference laboratory for TSEs.

Under Article 10 of the Ordinance on epizootic diseases, Switzerland has introduced a permanent identification system for bovine animals enabling them to be traced back to the dam and herd of origin and making it possible to establish that they are not the progeny of BSE suspect females or BSE confirmed bovine animals.

Pursuant to Article 179c of the Ordinance on epizootic diseases, Switzerland slaughters animals infected with BSE, at the latest by the end of the production phase, all animals of the bovine species born between one year before and one year after the birth of the contaminated animal and which, over this period of time, were part of the herd, and all the direct descendants of the contaminated cows born in the two years which preceded the diagnosis.

4. Pursuant to Article 180b of the Ordinance on epizootic diseases, Switzerland slaughters animals infected with scrapie, their dams and the direct descendants of contaminated dams, as well as all the other sheep and goats in the herd, with the exception of:
 - sheep carrying at least one ARR allele and no VRQ allele; and
 - animals of less than two months old which are intended solely for slaughter. The head and organs of the abdominal cavity of these animals are disposed of in accordance with the provisions of the Ordinance on the elimination of animal by-products (OESPA).

By way of exception, in the case of breeds which are low in number, the herd does not have to be slaughtered. In this case, the herd is placed under official veterinary surveillance for a period of two years during which a clinical examination of the animals in the herd is carried out twice a year. If during this period animals are presented for slaughter, their heads, including tonsils, are subjected to an analysis by the Swiss reference laboratory for TSEs.

These measures are reviewed according to the findings from animal health monitoring. In particular, the monitoring period is extended if a new case of the disease is detected in the herd.

In the event of a confirmed case of BSE in a sheep or goat, Switzerland undertakes to apply the measures laid down in Annex VII to Regulation (EC) No 999/2001.

5. Under Article 7 of Regulation (EC) No 999/2001, the Member States of the European Union prohibit the feeding of processed animal proteins to farmed animals which are kept, fattened or bred for the production of food. There is a total prohibition on feeding proteins derived from animals to ruminants in the Member States of the European Union.

Under Article 27 of the Ordinance on the elimination of animal by-products (OESPA), Switzerland has introduced a total prohibition on the feeding of animal protein to farmed animals.

6. Under Article 6 of Regulation (EC) No 999/2001 and in accordance with Chapter A of Annex III to that Regulation, the Member States of the European Union are to introduce an annual BSE monitoring programme. This plan includes a rapid BSE test for all cattle more than 24 months old subject to emergency slaughter, animals which have died on the farm or found to be ill during the ante mortem inspection and all animals more than 30 months old slaughtered for human consumption.

The rapid BSE tests used by Switzerland are listed in Chapter C of Annex X to Regulation (EC) No 999/2001.

Under Article 179 of the Ordinance on epizootic diseases, Switzerland is to carry out a compulsory rapid BSE test for all bovine animals more than 30 months old subject to emergency slaughter, animals which have died on the farm or been found to be ill during the ante mortem inspection and all animals more than 30 months old slaughtered for human consumption.

7. Under Article 6 of Regulation (EC) No 999/2001 and in accordance with Chapter A of Annex III to that Regulation, the EU Member States are to introduce an annual monitoring programme for scrapie.

In application of the provisions of Article 177 of the Ordinance on epizootic diseases, Switzerland has introduced a TSE monitoring programme for ovine and caprine animals more than 12 months old. Animals which are subject to emergency slaughter, have died on the farm or have been found to be ill during the ante mortem inspection and all animals slaughtered for human consumption were examined over the period from June 2004 to July 2005. As all the samples tested negative for BSE, samples for monitoring purposes are taken from clinical suspect animals, animals subject to emergency slaughter and animals which died on the farm.

The recognition of similarities in legislation governing the monitoring of TSEs in ovine and caprine animals will be reconsidered by the Joint Veterinary Committee.

8. The Joint Veterinary Committee is responsible for providing the information required in Article 6 and Chapter B of Annex III and in Annex IV (3.III) to Regulation (EC) No 999/2001.
9. On-the-spot inspections are carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 21 of Regulation (EC) No 999/2001 and Article 57 of the Law on epizootic diseases.

C. ADDITIONAL INFORMATION

1. From 1 January 2003, and pursuant to the Ordinance of 10 November 2004 on the allocation of contributions to cover the costs of eliminating animal waste in 2003 (RS 916.407), Switzerland has introduced a financial incentive for farms on which bovine animals are born and slaughterhouses where they are slaughtered, provided they comply with the procedures for declaring animal movements as provided for in the legislation in force.
2. Under Article 8 of Regulation (EC) No 999/2001 and in accordance with point 1 of Annex XI to that Regulation, the Member States of the European Union are to remove and destroy specified risk materials (SRMs).

The list of SRMs removed from bovine animals comprises the skull, excluding the mandible but including the brain and eyes, and the spinal cord of bovine animals aged over 12 months; the spinal column, excluding the vertebrae of the tail, the spinous and transversal processes of the cervical, thoracic and lumbar vertebrae and the median sacral crest and the wings of the sacrum, but including the dorsal root ganglia and spinal cord of bovine animals aged over 24 months; the tonsils, the intestines from the duodenum to the rectum and the mesentery of bovine animals of all ages.

The list of SRMs removed from ovine and caprine animals comprises the skull, including the brain and eyes, the tonsils and the spinal cord of ovine and caprine animals aged over 12 months or which have a permanent incisor erupted through the gum, and the spleen and ileum of ovine and caprine animals of all ages.

Under Article 179d of the Ordinance on epizootic diseases and Article 4 of the Ordinance on foodstuffs of animal origin, Switzerland has introduced a policy of removing SRMs from the animal and human food chains. The list of SRMs removed from bovine animals comprises in particular the spinal column of animals aged over 30 months, and the tonsils, intestines from the duodenum to the rectum, and mesentery of animals of all ages.

Under Article 180c of the Ordinance on epizootic diseases and Article 4 of the Ordinance on foodstuffs of animal origin, Switzerland has introduced a policy of removing SRMs from the animal and human food chains. The list of SRMs removed from ovine and caprine animals includes in particular the brain in the cranial cavity, the spinal chord with the dura mater and the tonsils of animals aged over 12 months or which have a permanent incisor erupted through the gum, and the spleen and ileum of animals of all ages.

3. Regulation (EC) No 1069/2009⁺ and Regulation (EU) No 142/2011⁺⁺ lay down health rules concerning animal by-products not intended for human consumption in the Member States of the European Union.

Under Article 22 of the Ordinance on the elimination of animal by-products, Switzerland is to incinerate category 1 animal by-products, including specified risk materials and animals which have died on the farm.

⁺ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption (OJEU L 300, 14.11.2009, p. 1).

⁺⁺ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJEU L 54, 26.2.2011, p. 1)."

ANNEX II

Appendix 2 of Annex 11 to the Agricultural Agreement is replaced by the following:

"Appendix 2

Animal health: Trade and placing on the market

I. BOVINE Animals and swine

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJEC 121, 29.7.1964, p. 1977).	<ol style="list-style-type: none">1. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 27 to 31 (markets, exhibitions), 34 to 37 (trade), 73 and 74 (cleaning and disinfection), 116 to 121 (African swine fever), 135 to 141 (Aujeszky's disease), 150 to 157 (bovine brucellosis), 158 to 165 (tuberculosis), 166 to 169 (enzootic bovine leucosis), 170 to 174 (IBR/IPV), 175 to 195 (spongiform encephalopathies), 186 to 189 (bovine genital infections), 207 to 211 (porcine brucellosis), 297 (approval of markets, assembly centres and disinfection points) thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; 916.443.10).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. Pursuant to the first paragraph of Article 297 of the Ordinance on epizootic diseases, the Federal Veterinary Office shall approve assembly centres as defined in Article 2 of Directive 64/432/EEC. For the purposes of this Annex, in accordance with Articles 11, 12 and 13 of Directive 64/432/EEC, Switzerland shall draw up a list of its approved assembly centres, transporters and traders.
2. The information provided for in Article 11(3) of Directive 64/432/EEC shall be submitted to the Joint Veterinary Committee.
3. For the purposes of this Annex, Switzerland is recognised as fulfilling the conditions laid down in Annex A(II)(7) to Directive 64/432/EEC as regards bovine brucellosis. In order to maintain its status as having an officially brucellosis-free bovine herd, Switzerland undertakes to meet the following conditions:
 - (a) any animal of the bovine species suspected of being infected with brucellosis shall be reported to the competent authorities and the animal concerned shall undergo the official tests for brucellosis, comprising at least two serological tests with complement fixation and a microbiological examination of suitable samples taken in cases of abortion;

- (b) until such time as suspicion of the disease is lifted, i.e. when the tests provided for in point (a) have produced negative results, the officially brucellosis-free status of the herd to which the animal (or animals) of the bovine species suspected of infection belongs shall be suspended.

Detailed information concerning herds testing positive and an epidemiological report shall be submitted to the Joint Veterinary Committee. If any of the conditions laid down in Annex A(II)(7) to Directive 64/432/EEC is not fulfilled by Switzerland, the Federal Veterinary Office shall immediately notify the Commission. The situation shall be considered within the Joint Veterinary Committee with a view to reviewing this paragraph.

- 4. For the purposes of this Annex, Switzerland is recognised as fulfilling the conditions laid down in Annex A(I)(4) to Directive 64/432/EEC as regards bovine tuberculosis. In order to maintain its status as having an officially tuberculosis-free bovine herd, Switzerland undertakes to meet the following conditions:
 - (a) an identification system shall be introduced allowing each bovine animal to be traced back to its herd of origin;
 - (b) all slaughtered animals shall undergo a post mortem inspection carried out by an official veterinarian;
 - (c) any suspected cases of tuberculosis in live, dead or slaughtered animals shall be reported to the competent authorities;

- (d) in each case the competent authorities shall carry out the investigations necessary to establish whether the suspected disease is present, including upstream research on herds of origin and transit herds. Where lesions suspected to have been caused by tuberculosis are discovered during an autopsy or at the time of slaughter, the competent authorities shall have a laboratory examination conducted on the lesions;
- (e) the officially tuberculosis-free status of the herds of origin and transit herds to which the bovine animal suspected of infection belong shall be suspended until clinical, laboratory or tuberculin tests have confirmed that no bovine tuberculosis is present;
- (f) where tuberculin, clinical or laboratory tests confirm that tuberculosis is present, the officially tuberculosis-free status of the herds of origin and transit herds shall be withdrawn;
- (g) officially tuberculosis-free status shall not be established until all the animals suspected of being infected have been removed from the herd, the premises and equipment have been disinfected, and all the remaining animals aged over six weeks have reacted negatively to at least two official intradermal injections of tuberculin pursuant to Annex B to Directive 64/432/EEC, the first being carried out at least six months after the infected animals has left the herd and the second at least six months after the first.

Detailed information on the infected herds and an epidemiological report shall be submitted to the Joint Veterinary Committee. If any of the conditions laid down in the first subparagraph of Annex A(II)(4) to Directive 64/432/EEC is not fulfilled by Switzerland, the Federal Veterinary Office shall immediately notify the Commission. The situation shall be considered within the Joint Veterinary Committee with a view to reviewing this paragraph.

5. For the purposes of this Annex Switzerland is recognised as fulfilling the conditions laid down in Chapter I.F of Annex D to Directive 64/432/EEC as regards enzootic bovine leucosis. In order to maintain its status as having an officially enzootic bovine leucosis-free herd, Switzerland undertakes to meet the following conditions:
- (a) the Swiss herd shall be monitored by sampling checks. The size of the sample shall be such that it can be declared with 99 % reliability that less than 0,2 % of herds are infected with enzootic bovine leucosis;
 - (b) all slaughtered animals shall undergo a post mortem inspection carried out by an official veterinarian;
 - (c) any suspected cases of enzootic bovine leucosis found in clinical examinations, autopsies or checks on meat shall be reported to the competent authorities;

- (d) where enzootic bovine leucosis is suspected or found to be present, the officially leucosis-free status of the herd shall be suspended until the isolation period is terminated;
- (e) the isolation period shall be terminated when, after the infected animals and, where appropriate, their calves have been eliminated, two serological examinations carried out at an interval of at least 90 days have produced negative results.

If enzootic bovine leucosis has been found in 0,2 % of herds, the Federal Veterinary Office shall immediately notify the Commission. The situation shall be considered within the Joint Veterinary Committee with a view to reviewing this paragraph.

6. For the purposes of this Annex, Switzerland is recognised as officially free from infectious bovine rhinotracheitis. In order to maintain that status, Switzerland undertakes to meet the following conditions:

- (a) the Swiss herd shall be monitored by sampling checks. The size of the sample shall be such that it can be declared with 99 % reliability that less than 0,2 % of herds are infected with infectious bovine rhinotracheitis;
- (b) breeding bulls aged over 24 months shall undergo an annual serological examination;

- (c) any suspected cases of infectious bovine rhinotracheitis shall be reported to the competent authorities and the animals concerned shall undergo official tests for infectious bovine rhinotracheitis, comprising virological or serological tests;
- (d) where infectious bovine rhinotracheitis is suspected or found to be present, the officially infection-free status of the herd shall be suspended until the isolation period is terminated;
- (e) the isolation period shall be terminated when a serological examination carried out at least 30 days after the infected animals have been eliminated produces negative results.

By virtue of the recognised status of Switzerland, Decision 2004/558/EC⁺, shall apply *mutatis mutandis*.

The Federal Veterinary Office shall immediately notify the Commission of any change in the conditions on which recognition of that status is based. The situation shall be considered within the Joint Veterinary Committee with a view to reviewing this paragraph.

7. For the purposes of this Annex, Switzerland is recognised as officially free from Aujeszky's disease. In order to maintain that status, Switzerland undertakes to meet the following conditions:
- (a) the Swiss herd shall be monitored by sampling checks. The size of the sample shall be such that it can be declared with 99 % reliability that less than 0,2 % of herds are infected with Aujeszky's disease;
 - (b) any suspected cases of Aujeszky's disease shall be reported to the competent authorities and the animals concerned shall undergo official tests for Aujeszky's disease including virological or serological tests;
 - (c) where Aujeszky's disease is suspected or found to be present, the officially infection-free status of the herd shall be suspended until the isolation period is terminated;
 - (d) isolation shall be terminated when, after the infected animals have been eliminated, two serological examinations of all breeding animals and a representative number of fattening animals carried out at an interval of least 21 days have produced negative results.

By virtue of the recognised status of Switzerland, the provisions of Decision 2008/185/EC⁺⁺ as last amended by Decision 2010/434/EC⁺⁺⁺ shall apply *mutatis mutandis*.

The Federal Veterinary Office shall immediately notify the Commission of any change in the conditions on which recognition of that status is based. The situation shall be considered within the Joint Veterinary Committee with a view to reviewing this paragraph.

8. The question of possible additional guarantees concerning transmissible gastroenteritis of pigs (TGE) and porcine reproductive and respiratory syndrome (PRRS) shall be considered as soon as possible by the Joint Veterinary Committee. The Commission shall inform the Federal Veterinary Office of any developments on this matter.
9. In Switzerland the *Institut de Bactériologie Vétérinaire* of the University of Zurich is responsible for the official testing of tuberculins within the meaning of point 4 of Annex B to Directive 64/432/EEC.
10. The *Centre pour les zoonoses, les maladies bactériennes chez l'animal et la résistance aux antibiotiques* (ZOBA) shall be responsible for the official testing of antigens (brucellosis) in Switzerland in accordance with Annex C(A)(4) to Directive 64/432/EEC.

11. Bovine animals and swine traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the models set out in Annex F to Directive 64/432/EEC. The following adaptations shall apply:
- Model 1: in section C, the certifications are adapted as follows:
 - in point 4, relating to the additional guarantees, the following is added to the indents:
 - '– disease: infectious bovine rhinotracheitis,
 - in accordance with Commission Decision 2004/558/EC, which shall apply *mutatis mutandis*;',
 - Model 2: in section C, the certifications are adapted as follows:
 - in point 4, relating to the additional guarantees, the following is added to the indents:
 - '– Aujeszky's disease
 - in accordance with Commission Decision 2008/185/EC, which shall apply *mutatis mutandis*;'.

12. For the purposes of applying this Annex, bovine animals traded between the Member States of the European Union and Switzerland shall be accompanied by additional health certificates containing the following health declarations:

- Bovine animals:
 - are identified by a permanent identification system enabling them to be traced back to the dam and herd of origin and making it possible to establish that they are not the progeny of BSE suspect or confirmed females born during the two years preceding the diagnosis;
 - do not come from herds where a suspected case of BSE is under investigation;
 - were born after 1 June 2001.

II. SHEEP AND GOATS

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (OJEC L 46, 19.2.1991, p. 19).	<ol style="list-style-type: none">1. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 27 to 31 (markets, exhibitions), 34 to 37 (trade), 73 and 74 (cleaning and disinfection), 142 to 149 (rabies), 158 to 165 (tuberculosis), 166 to 169 (scrapie), 190 to 195 (ovine and caprine brucellosis), 196 to 199 (contagious agalactia), 200 to 203 (caprine arthritis/encephalitis), 233 to 235 (brucellosis in rams) and 297 (approval of markets, assembly centres and disinfection points) thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; 916.443.10).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 11 of Directive 91/68/EEC and Article 57 of the Law on epizootic diseases.

Should ovine and caprine brucellosis appear or reappear, Switzerland shall inform the Joint Veterinary Committee so that the necessary measures can be taken in line with developments in the situation.

2. For the purposes of this Annex, Switzerland is recognised as officially free from ovine and caprine brucellosis. In order to maintain that status, Switzerland undertakes to implement the measures provided for in point II(2) of Chapter I of Annex A to Directive 91/68/EEC.
3. Bovine and caprine animals traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the models set out in Annex E to Directive 91/68/EEC.

III. EQUIDAE

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJEU L 192, 23.7.2010, p. 1);	<ol style="list-style-type: none">1. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 112 to 115 (African horse disease), 204 to 206 (dourine, encephalomyelitis, infectious anaemia, glanders), and 240 to 244 (contagious equine metritis) thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. For the purposes of Article 3 of Directive 2009/156/EC, information shall be submitted to the Joint Veterinary Committee.
2. For the purposes of Article 6 of Directive 2009/156/EC, information shall be submitted to the Joint Veterinary Committee.
3. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 10 of Directive 2009/156/EEC and Article 57 of the Law on epizootic diseases.
4. Annexes II and III to Directive 2009/156/EEC shall apply mutatis mutandis to Switzerland.

IV. POULTRY AND HATCHING EGGS

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJEU L 343, 22.12.2009, p. 74).	<ol style="list-style-type: none">1. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 25 (transport), 122 to 125 (avian influenza and Newcastle disease), 255 to 261 (Salmonella enteritidis) and 262 to 265 (avian infectious laryngotracheitis) thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. For the purposes of Article 3 of Directive 2009/158/EEC, Switzerland shall submit a plan to the Joint Veterinary Committee setting out the measures it intends to implement for the approval of its establishments.
2. For the purposes of Article 4 of Directive 2009/158/EC, the national reference laboratory for Switzerland shall be the *Institut de Bactériologie Vétérinaire* of the University of Bern.
3. The requirement concerning eggs held prior to consignment in Article 8(1)(a)(i) of Directive 2009/158/EC shall apply *mutatis mutandis* to Switzerland.
4. For consignments of hatching eggs to the European Union, the Swiss authorities undertake to comply with the rules on marking laid down in Regulation (EC) No 617/2008⁺⁺⁺.
5. The holding requirement specified in Article 10(a) of Directive 2009/158/EC shall apply *mutatis mutandis* to Switzerland.
6. The holding requirement specified in Article 11(a) of Directive 2009/158/EC shall apply *mutatis mutandis* to Switzerland.
7. The requirement concerning eggs held prior to consignment in Article 14(2)(a) of Directive 2009/158/EC shall apply *mutatis mutandis* to Switzerland.

8. For the purposes of this Annex, Switzerland is recognised as meeting the requirements of Article 15(2) of Directive 2009/158/EC with regard to Newcastle disease and therefore shall have the status of not vaccinating against Newcastle disease. The Federal Veterinary Office shall immediately notify the Commission of any change in the conditions on which recognition of that status is based. The situation shall be considered within the Joint Veterinary Committee with a view to reviewing this paragraph.
9. The references to the name of the Member State in Article 18 of Directive 2009/158/EC shall apply *mutatis mutandis* to Switzerland.
10. Poultry and hatching eggs traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the models set out in Annex IV to Directive 2009/158/EC.
11. In the case of consignments from Switzerland to Finland or Sweden, the Swiss authorities undertake to supply the guarantees concerning salmonella required under European Union legislation.

V. AQUACULTURE ANIMALS AND PRODUCTS

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJEU L 328, 24.11.2006, p. 14).	<ol style="list-style-type: none">1. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), in particular Articles 3 and 4 (epizootic diseases concerned), 18a (registration of fish breeding units), 61 (obligations of leasers of fishing rights and of bodies responsible for monitoring fishing), 62 to 76 (general measures for combating disease), 275 to 290 (specific measures relating to fish diseases, diagnostic laboratory);2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10);3. Ordinance of 18 April 2007 on the import and transit of animals by air from third countries (OITA; RS 916.443.12).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. For the purposes of this Annex, Switzerland is recognised as officially free from infectious salmon anaemia and infections with *Marteilia refringens* and *Bonamia ostreae*.
2. The Joint Veterinary Committee shall decide on any application of Articles 29, 40, 41, 43, 44 and 50 of Directive 2006/88/EC.
3. The animal health conditions for the placing on the market of ornamental aquatic animals, aquaculture animals intended for farming, including relaying areas, put and take fisheries and open ornamental facilities, and restocking, and aquaculture animals and products thereof intended for human consumption are laid down in Articles 4 to 9 of Regulation (EC) No 1251/2008⁺⁺⁺⁺.
4. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 58 of Directive 2006/88/EC and Article 57 of the Law on epizootic diseases.

VI. BOVINE EMBRYOS

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (OJEC L 302, 19.10.1989, p. 1).	<ol style="list-style-type: none">1. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 56 to 58 (embryo transfer) thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 15 of Directive 89/556/EEC and Article 57 of the Law on epizootic diseases.
2. Bovine embryos traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the models set out in Annex C to Directive 89/556/EEC.

VII. BOVINE SEMEN

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species (OJEC L 194, 22.7.1988, p. 10).	<ol style="list-style-type: none">1. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 51 to 55 (artificial insemination) thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. For the purposes of Article 4(2) of Directive 88/407/EEC, it is noted that in Switzerland all centres keep only animals giving a negative reaction to the serum neutralisation test or the Elisa test.
2. The information provided for in Article 5(2) of Directive 88/407/EEC shall be submitted to the Joint Veterinary Committee.
3. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 16 of Directive 88/407/EEC and Article 57 of the Law on epizootic diseases.
4. Bovine semen traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the models set out in Annex D to Directive 88/407/EEC.

VIII. PORCINE SEMEN

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJEC L 224, 18.8.1990, p. 62).	<ol style="list-style-type: none">1. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 51 to 55 (artificial insemination) thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. The information provided for in Article 5(2) of Directive 90/429/EEC shall be submitted to the Joint Veterinary Committee.
2. On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 16 of Directive 90/429/EEC and Article 57 of the Law on epizootic diseases.
3. Porcine semen traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the model set out in Annex D to Directive 90/429/EEC.

IX. OTHER SPECIES

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
<ol style="list-style-type: none">1. Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC (OJEC L 268, 14.9.1992, p. 54).2. Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJEU L 146, 13.06.2003, p. 1).	<ol style="list-style-type: none">1. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401), and in particular Articles 51 to 55 (artificial insemination) and 56 to 58 (embryo transfer) thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. For the purposes of this Annex, this point shall cover trade in live animals not subject to points I to V, and in semen, ova and embryos not subject to points VI to VIII.
2. The European Union and Switzerland undertake not to ban or restrict trade in the live animals, semen, ova and embryos as referred to in point 1 for animal-health reasons other than those resulting from the application of this Annex, and in particular any safeguard measures taken pursuant to Article 20 thereof.
3. Ungulates of species other than those referred to in points I, II and III which are traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the model set out in the first part of Part I of Annex E to Directive 92/65/EEC, bearing the declaration provided for in Article 6(A)(1)(e) of Directive 92/65/EEC.
4. Lagomorphs traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the models set out in part 1 of Annex E to Directive 92/65/EEC, bearing where necessary the declaration provided for in the second subparagraph of Article 9(2) of Directive 92/65/EEC.

That declaration may be adapted by the Swiss authorities to include in full the requirements of Article 9 of Directive 92/65/EEC.

5. The information provided for in the fourth subparagraph of Article 9(2) of Directive 92/65/EEC shall be submitted to the Joint Veterinary Committee.
6. (a) Consignments of cats and dogs from the European Union to Switzerland shall be subject to the requirements of (JLs see also point (b) below) Article 10(2) of Directive 92/65/EEC.
- (b) Consignments of cats and dogs from Switzerland to the Member States of the European Union other than the United Kingdom, Ireland, Malta and Sweden shall be subject to the requirements of Article 10(2) of Directive 92/65/EEC.
- (c) Consignments of cats and dogs from Switzerland to the United Kingdom, Ireland, Malta and Sweden shall be subject to the requirements of Article 10(3) of Directive 92/65/EEC.
- (d) The identification system shall be the one provided for in Regulation (EC) No 998/2003. The passport to be used shall be the one laid down in Decision 2003/803/EC⁺⁺⁺⁺⁺. The validity of the anti-rabies vaccination, and if relevant the revaccination, shall be recognised in accordance with the recommendations of the laboratory of manufacture, in accordance with Article 5 of Regulation (EC) No 998/2003 and Decision 2005/91/EC⁺⁺⁺⁺⁺.

7. Semen, ova and embryos of the ovine or caprine species traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates as provided for by Decision 2010/470/EU⁺⁺⁺⁺⁺⁺.
8. Semen of the equine species traded between the Member States of the European Union and Switzerland shall be accompanied by the health certificate provided for in Decision 2010/470/EU.
9. Ova and embryos of the equine species traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with Decision 2010/470/EU.
10. Ova and embryos of the porcine species traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with Decision 2010/470/EU.
11. Colonies of bees (hives or queens with attendants) traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the second part of Annex E to Directive 92/65/EEC.

12. Animals, semen, embryos and ova from bodies, institutes or centres approved in accordance with Annex C to Directive 92/65/EEC traded between the Member States of the European Union and Switzerland shall be accompanied by health certificates in accordance with the model set out in the third part of Annex E to Directive 92/65/EEC.
13. For the purposes of Article 24 of Directive 92/65/EEC, the information provided for in paragraph 2 of that Article shall be submitted to the Joint Veterinary Committee.

X. NON-COMMERCIAL MOVEMENTS OF PET ANIMALS

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJEU L 146, 13.06.2003, p. 1).	Ordinance of 18 April 2007 on the importation of pet animals (OIA; RS 916.443.14).

B. SPECIAL RULES AND PROCEDURES FOR IMPLEMENTATION

1. The identification system shall be the one provided for in Regulation (EC) No 998/2003.
2. The validity of the anti-rabies vaccination and, if relevant, of the revaccination shall be recognised in accordance with the recommendations of the laboratory of manufacture and pursuant to Article 5 of Regulation (EC) No 998/2003 and Decision 2005/91/EC.
3. The passport to be used is that provided for by Decision 2003/803/EC.

By way of derogation from Section 1 of Part B of Annex II to Decision 2003/803/EC, the Swiss passport is red and has a Swiss cross instead of stars.

4. For the purposes of this Appendix, the provisions of Chapter II (Provisions applicable to movement between Member States) of Regulation (EC) No 998/2003 shall apply mutatis mutandis to the non-commercial movement of pet animals between the Member States of the European Union and Switzerland.

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- + Commission Decision 2004/558/EC of 15 July 2004 implementing Council Directive 64/432/EEC as regards additional guarantees for intra-Community trade in bovine animals relating to infectious bovine rhinotracheitis and the approval of the eradication programmes presented by certain Member States (OJEU L 249, 23.7.2004, p. 20).
- ++ Commission Decision 2008/185/EC of 21 February 2008 on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease and criteria to provide information on this disease (OJEU L 59, 4.3.2008, p. 19).
- +++ Commission Decision 2010/434/EU of 6 August 2010 amending Annexes I and II to Decision 2008/185/EC as regards the inclusion of Slovenia in the list of Member States free of Aujeszky's disease and of Poland and regions of Spain in the list of Member States where an approved national control programme for that disease is in place (OJEU L 208, 7.8.2010, p. 5).
- ++++ Commission Regulation (EC) No 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks (OJEU L 168, 28.6.2008, p. 5).
- +++++ Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species (OJEU L 337, 16.12.2008, p. 41).
- +++++ Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets (OJEU L 312, 27.11.2003, p. 1).
- +++++ Commission Decision 2005/91/EC of 2 February 2005 establishing the period after which the anti-rabbies vaccination is considered as valid (OJEU L 31, 4.2.2005, p. 61).
- +++++ Commission Decision 2010/470/EU of 26 August 2010 laying down model health certificates for trade within the Union in semen, ova and embryos of animals of the equine, ovine and caprine species and in ova and embryos of animals of the procine species (OJEU L 228, 31.08.2010, p. 15)."
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ANNEX III

Appendix 3 of Annex 11 to the Agriculture Agreement is replaced by the following:

"Appendix 3

IMPORTS OF LIVE ANIMALS, THEIR SEMEN, OVA AND EMBRYOS FROM THIRD COUNTRIES

I. EUROPEAN UNION — LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

A. Ungulates, excluding Equidae

Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC (OJEU L 139, 30.4.2004, p. 321).

B. Equidae

Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJEU L 192, 23.7.2010, p. 1).

C. Poultry and hatching eggs

Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJEU L 343, 22.12.2009, p. 74).

D. Aquaculture animals

Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJEU L 328, 24.11.2006, p.14).

E. Bovine embryos

Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (OJEC L 302, 19.10.1989, p. 1).

F. Bovine semen

Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species (OJEC L 194, 22.7.1988, p. 10).

G. Porcine semen

Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJEC L 224, 18.8.1990, p. 62).

H. Other live animals

1. Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC (OJEC L 268, 14.9.1992, p. 54).
2. Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC (OJEU L 146, 13.6.2003, p. 1).

I. Other specific provisions

1. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJEC L 125, 23.5.1996, p. 3).
2. Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJEC L 125, 23.5.1996, p. 10).

II. SWITZERLAND – LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

1. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10).
2. Ordinance of 18 April 2007 on the import and transit of animals by air from third countries (OITA; RS 916.443.12).

3. Ordinance of 27 August 2008 on the import and transit of animal products by air from third countries (OITPA; RS 916.443.13);
4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE; RS 916.443.106);
5. Ordinance of 18 April 2007 on the importation of pet animals (OIAC; RS 916.443.14).
6. Ordinance of 18 August 2004 on veterinary medicinal products (OMédV; RS 812.212.27);
7. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEvet; RS 916.472).

III. IMPLEMENTING RULES

The Federal Veterinary Office shall apply, simultaneously with the Member States of the European Union, the import conditions set out in the acts mentioned in point I of this Appendix, the implementing measures and the lists of establishments from which the corresponding imports are authorised. This undertaking shall apply to all the relevant acts, irrespective of their date of adoption.

The Federal Veterinary Office may adopt more restrictive measures and demand additional guarantees. Consultations shall be held within the Joint Veterinary Committee to find suitable solutions.

The Federal Veterinary Office and the Member States of the European Union shall notify each other of the specific import conditions established bilaterally, which have not been harmonised at European Union level.

For the purposes of this Annex, for Switzerland, the institutions accepted as approved centres in accordance with Annex C to Directive 92/65/EEC shall be published on the website of the Federal Veterinary Office."

ANNEX IV

- I. Chapter I of Appendix 5 of Annex 11 to the Agriculture Agreement is replaced by the following:

"CHAPTER I

General provisions – TRACES system

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC (OJEU L 94, 31.3.2004, p. 63).	<ol style="list-style-type: none">1. Law of 1 July 1966 on epizootic diseases (LFE; RS 916.40);2. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401);3. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10);4. Ordinance of 18 April 2007 on the import and transit of animals by air from third countries (OITA; RS 916.443.12);5. Ordinance of 27 August 2008 on the import and transit of animal products by air from third countries (OITPA; RS 916.443.13);6. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE; RS 916.443.106);7. Ordinance of 18 April 2007 on the importation of pet animals (OIAC; RS 916.443.14).

B. IMPLEMENTING PROVISIONS

The Commission, in cooperation with the Federal Veterinary Office, shall integrate Switzerland into the Traces system, in accordance with Decision 2004/292/EC.

If necessary, transitional and complementary measures shall be laid down by the Joint Veterinary Committee."

- II. Chapter IV of Appendix 5 of Annex 11 to the Agriculture Agreement is replaced by the following:

"CHAPTER IV
Veterinary checks applicable to imports
from third countries

A. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

Checks on imports from third countries shall be carried out in accordance with the provisions of the following acts:

European Union	Switzerland
<ol style="list-style-type: none">1. Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community (OJEU L 49, 19.2.2004, p. 11);2. Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJEU L 165, 30.4.2004, p. 1);	<ol style="list-style-type: none">1. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10);2. Ordinance of 18 April 2007 on the import and transit of animals by air from third countries (OITA; RS 916.443.12);3. Ordinance of 27 August 2008 on the import and transit of animal products by air from third countries (OITPA; RS 916.443.13);

European Union	Switzerland
<p>3. Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC (OJEC L 268, 24.9.1991, p. 56);</p> <p>4. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and of beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJEC L 125, 23.5.1996, p. 3);</p> <p>5. Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJEC L 125, 23.5.1996, p. 10);</p> <p>6. Commission Decision 97/794/EC of 12 November 1997 laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries (OJEC L 323, 26.11.1997, p. 31).</p> <p>7. Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC (OJEU L 116, 4.5.2007, p. 9).</p>	<p>4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE; RS 916.443.106);</p> <p>5. Ordinance of 18 April 2007 on the importation of pet animals (OIAC; RS 916.443.14);</p> <p>6. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEvet; RS 916.472);</p> <p>7. Ordinance of 18 August 2004 on veterinary medicinal products (OMédV; RS 812.212.27).</p>

B. IMPLEMENTING PROVISIONS

1. For the purposes of implementing Article 6 of Directive 91/496/EEC, the Member States' border inspection posts approved for veterinary checks on live animals are listed in the Annex to Decision 2009/821/EC⁺.
2. For the purposes of implementing Article 6 of Directive 91/496/EEC, the border inspection posts for Switzerland shall be:

Name	TRACES code	Type	Inspection centre	Type of approval
Zürich Airport	CHZRH4	A	Centre 3	O - Other animals (including zoo animals)*
Geneva Airport	CHGVA4	A	Centre 2	O - Other animals (including zoo animals)*

* By reference to the approval categories defined in Decision 2009/821/EC.

The Joint Veterinary Committee shall be responsible for any subsequent amendments to the list of border inspection posts, their inspection centres and their type of approval.

On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance in particular with Article 19 of Directive 91/496/EEC and Article 57 of the Law on epizootic diseases.

3. The Federal Veterinary Office shall apply, simultaneously with the Member States of the European Union, the import conditions referred to in Appendix 3 of this Annex, and the implementing measures.

The Federal Veterinary Office may adopt more restrictive measures and demand additional guarantees. Consultations shall be held within the Joint Veterinary Committee to find suitable solutions.

The Federal Veterinary Office and the Member States of the European Union shall notify each other of the specific import conditions established bilaterally, which have not been harmonised at European Union level.

4. The border inspection posts of the Member States of the European Union, referred to in point 1 shall check imports from third countries destined for Switzerland in accordance with point A of Chapter IV of this Appendix.
5. The Swiss border inspection posts mentioned in point 2 shall check imports from third countries destined for the Member States of the European Union in accordance with point A of Chapter IV of this Appendix.

⁺ Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down veterinary units in Traces (OJEU L 296, 12.11.2009, p. 11).".

III. Section B. Protection of animals in Chapter V of Appendix 5 of Annex 11 to the Agriculture Agreement is replaced by the following:

"B. PROTECTION OF ANIMALS

1. LEGISLATION*

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
<p>1. Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJEU L 3, 5.1.2005, p. 1);</p> <p>2. Council Regulation (EC) No 1255/97 of 25 June 1997 concerning Community criteria for control posts and amending the route plan referred to in the Annex to Directive 91/628/EEC (OJEC L 174, 2.7.1997, p. 1).</p>	<p>Ordinance of 23 April 2008 on animal welfare (OPAn; RS 455.1), and in particular Articles 169 to 176 thereof.</p>

2. IMPLEMENTING PROVISIONS

- (a) The Swiss authorities undertake to comply with the provisions of Regulation (EC) No 1/2005 for trade between Switzerland and the European Union and for imports from third countries.
- (b) In the cases provided for in Article 26 of Regulation (EC) No 1/2005, the competent authorities of the place of destination shall contact the competent authorities of the place of departure without delay.
- (c) The Joint Veterinary Committee shall be responsible for the application of Articles 10, 11 and 16 of Directive 89/608/EEC⁺.
- (d) On-the-spot inspections shall be carried out under the responsibility of the Joint Veterinary Committee in accordance, in particular, with Article 28 of Regulation (EC) No 1/2005 and Article 208 of the Ordinance of 23 April 2008 on animal welfare (OPAn; RS 455.1).
- (e) In application of the provisions of Article 175 of the Ordinance of 23 April 2008 on animal welfare (OPAn; RS 455.1), transit via Switzerland of bovine animals, sheep, goats and pigs, horses for slaughter and poultry for slaughter is authorised only by rail or aeroplane. This matter shall be examined by the Joint Veterinary Committee.

⁺ Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters (OJEC L 351, 2.12.1989, p. 34)."

ANNEX V

I. Appendix 6, Chapter I of Annex 11 to the Agriculture Agreement, Table of animal products intended for human consumption: Animal health section, Figure 10. Eggs and egg products are replaced by the following:

"

Exports from the European Union to Switzerland and exports from Switzerland to the European Union		
Trade conditions		Equivalence
European Union	Switzerland	
<i>Animal health:</i>		
10. Eggs and egg products	Directive 2009/158/EC	Law of 1 July 1966 on epizootic diseases (LFE; RS 916.40).
	Directive 2002/99/EC	Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401).

"

II. In Chapter I of Appendix 6 of Annex 11 to the Agriculture Agreement, the section concerning exports from the European Union to Switzerland and exports from Switzerland to the European Union is replaced by the following:

"

Exports from the European Union to Switzerland and exports from Switzerland to the European Union		Equivalence
Trade conditions		
European Union	Switzerland	
<i>Public health*</i>		
* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.		
Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJEC L 147, 31.5.2001, p. 1);	Federal Law of 9 October 1992 on foodstuffs and consumer products (LDAl; RS 817.0); Ordinance of 23 April 2008 on animal welfare (OPAn; RS 455.1); Ordinance of 16 November 2011 concerning the basic training, training leading to qualifications and ongoing training of persons working in the Public Veterinary Service (RS 916.402); Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401); Ordinance of 23 November 2005 on primary production (OPPr; RS 916.020); Ordinance of 23 November 2005 on the slaughter of livestock and the checking of meat (OabCV; RS 817.190); Ordinance of 23 November 2005 on foodstuffs and consumer products (ODAlOU; RS 817.02);	Yes, subject to special conditions
Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJEU L 139, 30.4.2004, p. 1);		
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJEU L 139, 30.4.2004, p. 55);		
Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJEU L 139, 30.4.2004, p. 206);		

Exports from the European Union to Switzerland and exports from Switzerland to the European Union		
Trade conditions		Equivalence
European Union	Switzerland	
Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJEU L 165, 30.4.2004, p. 1);	DFI Ordinance of 23 November 2005 on the implementation of foodstuffs legislation (RS 817.025.21);	
Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (OJEU L 338, 22.12.2005, p. 1).	DfE Ordinance of 23 November 2005 on hygiene in primary production (OHyPPr; RS 916.020.1);	
Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) 854/2004 (OJEU L 338, 22.12.2005, p. 27).	DFI Ordinance of 23 November 2005 on hygiene (OhyG; RS 817.024.1);	
Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for <i>Trichinella</i> in meat (OJEU L 338, 22.12.2005, p. 60).	DfE Ordinance of 23 November 2005 on hygiene during the slaughter of livestock (OhyAb; RS 817.190.1);	
	DFI Ordinance of 23 November 2005 on foodstuffs of animal origin (RS 817.022.108).	

Exports from the European Union to Switzerland and exports from Switzerland to the European Union		
Trade conditions		Equivalence
European Union	Switzerland	
<i>Protection of animals*</i>		
* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.		
Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (OJEU L 303, 18.11.2009, p. 1).	Federal Law of 16 December 2005 on animal welfare (LPA; RS 455); Ordinance of 23 April 2008 on animal welfare (OPAn; RS 455.1); OVF Ordinance of 12 August 2010 on the protection of animals at the time of slaughter (OPAnAb; RS 455.110.2); Ordinance of 23 November 2005 on the slaughter of livestock and the checking of meat (OabCV; RS 817.190).	Yes, subject to special conditions

Special conditions

- (1) Animal products intended for human consumption which are traded between the Member States of the European Union and Switzerland shall be moved only under the same conditions as animal products intended for human consumption which are traded between the Member States of the European Union, also as regards animal protection at the time of slaughter. Where necessary, these products are accompanied by the health certificates required for trade between the Member States of the European Union or defined in this Annex and available in the TRACES system.
- (2) The European Union reference laboratories for residues of veterinary medicines and contaminants in food of animal origin are as follows:
 - (a) For the residues listed in Annex I, Group A (1), (2), (3) and (4), Group B (2)(d) and Group B (3)(d) to Directive 96/23/EC⁺:

Rijksinstituut voor Volksgezondheid en Milieu (RIVM)

NL-3720 BA Bilthoven

Netherlands

- (b) For the residues listed in Annex I, Group B (1) and B (3)(e) to Directive 96/23/EC, and carbadox and olaquinox

Laboratoires d'études et de recherches sur les médicaments vétérinaires et les désinfectants

AFSSA – site de Fougères, BP 90203

F-35302 Fougères

France

- (c) For the residues listed in Annex I, Group A (5) and Group B (2)(a), (b) and (e) to Directive 96/23/EC

Bundesamt für Verbraucherschutz und Lebensmittelsicherheit

Diedersdorfer Weg, 1

D-12277 Berlin

Germany

- (d) For the residues listed in Annex I, Group B (3)(c) to Directive 96/23/EC

Istituto Superiore di Sanità (ISS)

Viale Regina Elena, 299

I-00161 Rome

Italy

Switzerland shall pay the costs for which it is liable for operations carried out by the laboratories in the above capacity. The functions and tasks of these laboratories shall be as laid down in Regulation (EC) No 882/2004⁺⁺.

- (3) Pending recognition of the alignment of European Union legislation and the Swiss legislation, for exports to the European Union, Switzerland shall monitor compliance with the acts listed below and their implementing texts:
1. Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (OJEC L 37, 13.2.1993, p. 1);
 2. Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs (OJEC L 299, 23.11.1996, p. 1);
 3. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJEC L 125, 23.5.1996, p. 3);
 4. Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJEC L 125, 23.5.1996, p. 10);

5. Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJEC L 66, 13.3.1999, p. 16);
6. Directive 1999/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation (OJEC L 66, 13.3.1999, p. 24);
7. Commission Decision 1999/217/EC of 23 February 1999 adopting a register of flavouring substances used in or on foodstuffs drawn up in application of Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 (OJEC L 84, 27.3.1999, p. 1);
8. Commission Decision 2002/840/EC of 23 October 2002 adopting the list of approved facilities in third countries for the irradiation of foods (OJEC L 287, 25.10.2002, p. 40);
9. Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods (OJEU L 309, 26.11.2003, p. 1);
10. Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJEU L 364, 20.12.2006, p. 5);

11. Commission Regulation (EC) No 884/2007 of 26 July 2007 on emergency measures suspending the use of E 128 Red 2G as food colour (OJEU L 195, 27.7.2007, p. 8);
12. Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (OJEU L 354, 31.12.2008, p. 7);
13. Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJEU L 354, 31.12.2008, p. 16);
14. Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJEU L 354, 31.12.2008, p. 34);
15. Commission Directive 2008/128/EC of 22 December 2008 laying down specific purity criteria concerning colours for use in foodstuffs (OJEU L 6, 10.1.2009, p. 20);
16. Directive 2009/32/EC of the European Parliament and of the Council of 23 April 2009 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (OJEU L 141, 6.6.2009, p. 3);

17. Commission Directive 2008/60/EC of 17 June 2008 laying down specific purity criteria concerning sweeteners for use in foodstuffs (OJEU L 158, 18.06.2008, p. 17);
18. Commission Directive 2008/84/EC of 27 August 2008 laying down specific purity criteria on food additives other than colours and sweeteners (OJEU L 253, 20.09.2008, p. 1);
19. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJEU L 152, 16.6.2009, p. 11).

-
- ⁺ Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJEC L 125, 23.5.1996, p. 10).
- ⁺⁺ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJEU L 165, 30.4.2004, p. 1)."

- III. In Appendix 6 of Annex 11 to the Agriculture Agreement, the part relating to animal by-products not intended for human consumption is replaced by the following:

"Animal by-products not intended for human consumption

Exports from the European Union to Switzerland Exports from Switzerland to the European Union		
Trade conditions		Equivalence
European Union *	Switzerland*	
* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.		Yes, subject to special conditions
<ol style="list-style-type: none"> 1. Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJEC L 147, 31.5.2001, p. 1); 2. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJEU L 300, 14.11.2009, p.1); 3. Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJEU L 54, 26.2.2011, p.1). 	<ol style="list-style-type: none"> 1. Ordinance of 23 November 2005 on the slaughter of livestock and the checking of meat (OabCV; RS 817.190); 2. DFE Ordinance of 23 November 2005 on hygiene during the slaughter of livestock (OHyAb; RS 817.190.1); 3. Ordinance of 27 June 1995 on epizootic diseases (OFE; RS 916.401); 4. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10); 5. Ordinance of 25 May 2011 on the disposal of animal by-products (OESPA; RS 916.441.22). 	

Special conditions

For its imports, Switzerland applies the same provisions as those under Articles 25 to 28 and 30 to 31 and Annexes XIV and XV (certificates) to Regulation (EU) No 142/2011, in accordance with Articles 41 and 42 of Regulation (EC) No 1069/2009.

Trade in Category 1 and Category 2 materials shall be governed by Article 48 of Regulation (EC) No 1069/2009.

Category 3 materials traded between the Member States of the European Union and Switzerland shall be accompanied by the commercial documents and health certificates provided for in Chapter III of Annex VIII to Regulation (EU) No 142/2011, in accordance with Article 17 of Regulation (EU) No 142/2011 and with Articles 21 and 48 of Regulation (EC) No 1069/2009.

Pursuant to Title II, Chapter I, Section 2 of Regulation (EC) No 1069/2009 and Chapter IV and Annex IX to Regulation (EU) No 142/2011, Switzerland shall draw up the list of its corresponding establishments."

ANNEX VI

- I. Section A. Legislation, Chapter I. General provisions, Appendix 10 of Annex 11 to the Agriculture Agreement is replaced by the following:

"A. LEGISLATION"

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

European Union	Switzerland
<ol style="list-style-type: none">1. Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC (OJEU L 94, 31.3.2004, p. 63);2. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJEC L 31, 1.2.2002, p. 1).	<ol style="list-style-type: none">1. Law of 1 July 1966 on epizootic diseases (LFE; RS 916.40), in particular Article 57 thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10);3. Ordinance of 27 August 2008 on the import and transit of animal products by air from third countries (OITPA; RS 916.443.13);4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE; RS 916.443.106);5. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEvet; RS 916.472).

".

II. Section A. Legislation, Chapter II. Veterinary controls applicable in trade between the Member States of the European Union and Switzerland, Appendix 10 of Annex 11 to the Agriculture Agreement is replaced by the following:

"A. LEGISLATION"

* Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

Veterinary checks applicable in trade between the Member States of the European Union and Switzerland shall be carried out in accordance with the provisions below:

European Union	Switzerland
<ol style="list-style-type: none"> 1. Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters (OJEC L 351, 2.12.1989, p. 34); 2. Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market (OJEC L 395, 30.12.1989, p. 13); 3. Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (OJEC L 18, 23.1.2003, p. 11). 	<ol style="list-style-type: none"> 1. Law of 1 July 1966 on epizootic diseases (LFE; RS 916.40), in particular Article 57 thereof; 2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10); 3. Ordinance of 27 August 2008 on the import and transit of animal products by air from third countries (OITPA; RS 916.443.13); 4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE; RS 916.443.106); 5. Ordinance of 18 April 2007 on the importation of pet animals (OIAC; RS 916.443.14); 6. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEvet; RS 916.472).

".

III. Section A. Legislation, Chapter III. Veterinary controls applicable for imports from third countries, Appendix 10 of Annex 11 to the Agriculture Agreement is replaced by the following:

"A. LEGISLATION"

* Unless indicated otherwise, any reference to an act shall mean that act as most recently amended.

Checks on imports from third countries shall be carried out in accordance with the provisions referred to below:

European Union	Switzerland
<ol style="list-style-type: none">1. Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJEU L 21, 28.1.2004, p. 11);2. Commission Regulation (EC) No 206/2009 of 5 March 2009 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation (EC) No 136/2004 (OJEU L 77, 24.3.2009, p.1);3. Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJEU L 139, 30.4.2004, p. 206);	<ol style="list-style-type: none">1. Law of 1 July 1966 on epizootic diseases (LFE; RS 916.40), in particular Article 57 thereof;2. Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10);3. Ordinance of 27 August 2008 on the import and transit of animal products by air from third countries (OITPA; RS 916.443.13);4. Ordinance of the DFE of 16 May 2007 on controls on the import and transit of animals and animal products (Ordinance on controls, OITE; RS 916.443.106);

European Union	Switzerland
<p>4. Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJEU L 165, 30.4.2004, p. 1);</p> <p>5. Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters (OJEC L 351, 2.12.1989, p. 34);</p> <p>6. Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJEC L 125, 23.5.1996, p. 3);</p> <p>7. Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJEC L 125, 23.5.1996, p. 10);</p>	<p>5. Ordinance of 18 April 2007 on the importation of pet animals (OIA; RS 916.443.14);</p> <p>6. Ordinance of 30 October 1985 on the fees levied by the Federal Veterinary Office (OEvet; RS 916.472);</p> <p>7. Law of 9 October 1992 on foodstuffs (LDA; RS 817.0);</p> <p>8. Ordinance of 23 November 2005 on foodstuffs and consumer products (ODAIUs, RS 817.02);</p> <p>9. Ordinance of 23 November 2005 on the implementation of foodstuffs legislation (RS 817.025.21);</p> <p>10. Ordinance of the DFI of 26 June 1995 on foreign substances and components in foodstuffs (OSEC; RS 817.021.23).</p>

European Union	Switzerland
<p>8. Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJEC L 24, 30.1.1998, p. 9);</p> <p>9. Commission Decision 2002/657/EC of 14 August 2002 implementing Council Directive 96/23/EC concerning the performance of analytical methods and the interpretation of results (OJEC L 221, 17.8.2002, p. 8);</p> <p>10. Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (OJEU L 18, 23.1.2003, p. 11);</p> <p>11. Commission Decision 2005/34/EC of 11 January 2005 laying down harmonised standards for the testing for certain residues in products of animal origin imported from third countries (OJEU L 16, 20.1.2005, p. 61);</p> <p>12. Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC (OJEU L 116, 4.5.2007, p. 9).</p>	

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- IV. Sub-chapter 2. Switzerland - Legislation, Chapter V. Health requirements and control requirements relating to imports from third countries, Appendix 10 of Annex 11 to the Agriculture Agreement is replaced by the following:

"2. Switzerland – Legislation^{*}

^{*} Unless indicated otherwise, any reference to an act shall mean that act as amended before 30 June 2012.

- A Ordinance of 18 April 2007 on the import, transit and export of animals and animal products (OITE; RS 916.443.10).
- B. Ordinance of 27 August 2008 on the import and transit of animal products by air from third countries (OITPA; RS 916.443.13).".

- V. The first paragraph of part D in sub-chapter 3. Implementing rules, Chapter V. Health requirements and control requirements relating to imports from third countries, Appendix 10 of Annex 11 to the Agriculture Agreement is replaced by the following:

"D. Pursuant to the provisions of the Ordinance of 27 August 2008 on the import and transit of animal products by air from third countries (OITPA; RS 916.443.13), the Swiss Confederation shall retain the possibility of importing bovine meat from cattle potentially treated with hormonal growth-promoters. The export of such meat to the European Union shall be prohibited. In addition, the Swiss Confederation shall:".
