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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part

SPECIAL PROVISIONS ON ADMINISTRATIVE COOPERATION

1. The Parties agree that administrative cooperation between their competent authorities is essential for the implementation and the control of the preferential treatment granted under this Agreement and underline their commitment to combat potential problems in this respect.
2. Where a Party has made a finding, on the basis of objective information, of a failure to provide administrative cooperation with respect to the preferences granted under this Agreement, the Party concerned may, in accordance with this Annex, temporarily suspend the relevant preferential treatment of the product(s) concerned by the failure to provide administrative cooperation, the products concerned being of a specific origin and of the same tariff classification.
3. For the purposes of this Annex, a failure to provide administrative cooperation between the Competent Authorities of the Parties means:
 - (a) a repeated failure to fulfil the obligation to verify the originating status of the product(s) concerned under Article 31 of Annex II (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Cooperation);

- (b) a repeated refusal or undue delay in carrying out and/or communicating the result of the verification of the proof of origin under Article 31 of Annex II (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Cooperation);
- (c) a repeated refusal or undue delay in obtaining authorisation to participate, along with officials of the exporting Party, in visits in the territory of the exporting Party to verify the origin of the products, when requested by the importing Party.

4. The application of a temporary suspension shall be subject to the following conditions:

- (a) the Party which has made a finding, on the basis of objective information, of a failure to provide administrative cooperation shall raise the issue with the Subcommittee on Customs, Trade Facilitation and Rules of Origin and, without undue delay, notify the Trade Committee of its finding together with the objective information. Such Party shall enter into consultations within the Trade Committee, on the basis of all relevant information and objective findings, with a view to reaching a solution acceptable to both Parties;

- (b) where the Parties have entered into consultations within the Trade Committee as indicated in subparagraph (a) and have failed to agree on an acceptable solution within three months following the notification, the Party concerned may temporarily suspend the relevant preferential treatment of the product or products concerned by the failure to provide administrative co-operation;
- (c) temporary suspensions shall not exceed a period of six months, which may be renewed if the conditions that gave rise to the suspension persist; a temporary suspension and its renewal shall be notified to the Trade Committee without undue delay and shall be subject to periodic consultations within the Trade Committee in particular with a view to their termination as soon as the conditions for their application no longer apply.

5. Once a Party has temporarily suspended preferential tariff treatment, the Parties are entitled to request the activation of the Dispute Settlement mechanism under Title XII of this Agreement. In that case, the stage of consultations established in paragraph 4(a) shall replace the stage of consultations established in Article 301 of this Agreement, provided that the conditions provided for in paragraph 9 of that Article are fulfilled¹.

¹ For the purposes of this paragraph, the reference to a subcommittee in Article 301 paragraph 9 shall be understood as referring to the Trade Committee.

AGRICULTURAL SAFEGUARD MEASURES

SECTION A

COLOMBIA

Subject Goods and Trigger Import Volumes

For the purposes of Article 29 of this Agreement, European Union goods that may be subject to an agricultural safeguard measure and the trigger aggregate volumes from each of those goods are listed below:

Staging category LP1:

Tariff lines	Year	Trigger Import Volume (Metric tonnes)
04021010 04021090 04022111 04022119 04022191 04022199		
	Entry into Force	20 % in addition of the pro – rated quota
	1	5 280
	2	5 760
	3	6 240
	4	6 720
	5	7 200
	6	7 680
	7	8 160
	8	8 640
	9	9 120
	10	9 600
	11	10 080
	12	10 560
	13	11 040
	14	11 520
	15	12 000
	16	12 480
	17	12 960

Staging category LP2:

Tariff lines	Year	Trigger Import Volume (Metric tones)
04022911 04022919 04022991 04022999 04029110 04029190 04029990		
	Entry into Force	20 % in addition of the pro – rated quota
	1	660
	2	720
	3	780
	4	840
	5	900
	6	960
	7	1 020
	8	1 080
	9	1 140
	10	1 200
	11	1 260
	12	1 320

Staging category LS:

Tariff lines	Year	Trigger Import Volume (Metric tones)
04041010 04041090 04049000		
	Entry into Force	20 % in addition of the pro – rated quota
	1	3 300
	2	3 600
	3	3 900
	4	4 200
	5	4 500
	6	4 800
	7	5 100
	8	5 400
	9	5 700
	10	6 000
	11	6 300
	12	6 600

Staging category Q:

Tariff lines	Year	Trigger Import Volume (Metric tones)
04062000 04063000 04064000 04069040 04069050 04069060 04069090		
	Entry into Force	20 % in addition of the pro-rated quota
	1	3 049
	2	3 326
	3	3 604
	4	3 881
	5	4 158
	6	4 435
	7	4 712
	8	4 990
	9	5 267
	10	5 544
	11	5 821
	12	6 098
	13	6 376
	14	6 653
	15	6 930
	16	7 207
	17	7 484

Staging category LM:

Tariff lines	Year	Trigger Import Volume (Metric tones)
19011010 19011091 19011099		
	Entry into Force	20 % in addition of the pro – rated quota
	1	1 452
	2	1 584
	3	1 716
	4	1 848
	5	1 980
	6	2 112
	7	2 244
	8	2 376
	9	2 508
	10	2 640
	11	2 772
	12	2 904
	13	3 036
	14	3 168
	15	3 300
	16	3 432
	17	3 564

SECTION B

PERU

1. Peru may apply an agricultural safeguard measure provided in Article 29 of this Agreement to the goods listed in this Annex when the amount of imports exceeds by 10 per cent the volume of the tariff rate quota set out for that year in Section C of Appendix 1 of Annex I (Tariff Elimination Schedules).
2. For heading 1601, Peru may apply an agricultural safeguard measure when the amount of imports exceeds 400 metric tonnes. This amount shall be increased by 40 metric tonnes each year.

NAN07 2010	Description
0203110000	MEAT OF SWINE AS CARCASSES AND HALF-CARCASSES, FRESH OR CHILLED
0203120000	HAMS, SHOULDERS AND CUTS THEREOF, FROM SWINE, WITH BONE IN, FRESH OR CHILLED
0203190000	OTHER MEAT OF SWINE, FRESH OR CHILLED
0203210000	MEAT OF SWINE AS CARCASSES AND HALF-CARCASSES, FROZEN
0203220000	HAMS, SHOULDERS AND CUTS THEREOF, FROM SWINE, WITH BONE IN, FROZEN
0203290000	OTHER MEAT OF SWINE, FROZEN
0402101000	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT NOT EXCEEDING 1,5 % BY WEIGHT, CONTAINING ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT NOT EXCEEDING 2,5 KG.
0402109000	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT NOT EXCEEDING 1,5 % BY WEIGHT, CONTAINING ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT EXCEEDING 2,5 KG.

NAN07 2010	Description
0402211100	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT OF 26 % OR MORE BY WEIGHT ON THE DRY PRODUCT WITHOUT ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT NOT EXCEEDING 2,5 KG
0402211900	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT OF 26 % OR MORE BY WEIGHT ON THE DRY PRODUCT WITHOUT ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT EXCEEDING 2,5 KG
0402219100	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT EXCEEDING 1,5 % BUT NO MORE THAN 26 % BY WEIGHT ON THE DRY PRODUCT WITHOUT ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT NOT EXCEEDING 2,5 KG
0402219900	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT EXCEEDING 1,5 % BUT NO MORE THAN 26 % BY WEIGHT ON THE DRY PRODUCT WITHOUT ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT EXCEEDING 2,5 KG
0402291100	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT OF 26 % OR MORE BY WEIGHT ON THE DRY PRODUCT WITH ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT NOT EXCEEDING 2,5 KG
0402291900	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT OF 26 % OR MORE BY WEIGHT ON THE DRY PRODUCT WITH ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT EXCEEDING 2,5 KG
0402299100	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT EXCEEDING 1,5 % BUT NO MORE THAN 26 % BY WEIGHT ON THE DRY PRODUCT WITH ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT NOT EXCEEDING 2,5 KG

NAN07 2010	Description
0402299900	MILK AND CREAM, IN POWDER, GRANULES OR OTHER SOLID FORMS, HAVING A FAT CONTENT EXCEEDING 1,5 % BUT NO MORE THAN 26 % BY WEIGHT ON THE DRY PRODUCT WITH ADDED SUGAR OR OTHER SWEETENER, IN CONTAINERS WITH A NET CONTENT EXCEEDING 2,5 KG
0402911000	EVAPORATED MILK
0402919000	OTHER MILK OR CREAM, WITHOUT ADDED SUGAR OR OTHER SWEETENER
0402991000	CONDENSED MILK
0402999000	OTHER MILK OR CREAM, WITH ADDED SUGAR OR OTHER SWEETENER
0406100000	FRESH (UNRIPENED OR UNCURED) CHEESE, INCLUDING WHEY CHEESE, AND CURD
0406200000	CHEESE OF ALL KINDS, GRATED OR POWDERED
0406300000	PROCESSED CHEESE, NOT GRATED OR POWDERED
0406400000	BLUE PASTE CHEESE
0406904000	CHEESE WITH A MOISTURE CONTENT OF LESS THAN 50% BY WEIGHT CALCULATED ON A TOTALLY DEFATTED BASIS
0406905000	CHEESE WITH A MOISTURE CONTENT OF AT LEAST 50% BUT NO MORE THAN 56% BY WEIGHT CALCULATED ON A TOTALLY DEFATTED BASIS
0406906000	CHEESE WITH A MOISTURE CONTENT OF AT LEAST 56% BUT NO MORE THAN 69% BY WEIGHT CALCULATED ON A TOTALLY DEFATTED BASIS
0406909000	OTHER CHEESE
1601000000	SAUSAGES AND SIMILAR PRODUCTS, OF MEAT, MEAT OFFAL OR BLOOD; FOOD PREPARATIONS BASED ON THESE PRODUCTS

MUTUAL ADMINISTRATIVE ASSISTANCE
IN CUSTOMS MATTERS

ARTICLE 1

Definitions

For the purposes of this Annex:

- "applicant authority" means any competent administrative authority which has been designated by a Party for this purpose and which makes a request for assistance on the basis of this Annex;
- "customs legislation" means any law, rule or any other legal instrument applicable in the territory of a Party, governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control;
- "operation in breach of customs legislation" means any violation or attempted violation of the customs legislation of any Party;

- "personal data" means any information relating to an identified or identifiable individual and may mean, if the legislation of the Party so provides, any information relating to an identified or identifiable legal person;
- "requested authority" means any competent administrative authority which has been designated by a Party for this purpose and which receives a request for assistance on the basis of this Annex.

ARTICLE 2

Scope of Application

1. The Parties shall assist each other, in the areas within their competence, in the manner and under the conditions set out in this Annex, to ensure the correct application of the customs legislation, in particular by preventing, investigating and combating operations in breach of that legislation.
2. Assistance in customs matters, as provided for in this Annex, shall apply to any administrative authority of the Parties which is competent for the application of this Annex. This shall not prejudice the rules governing mutual assistance in criminal matters, nor shall it cover information obtained under powers exercised at the request of a judicial authority, except where communication of such information is authorised by the said authority.

3. Assistance to recover duties, taxes or fines is not covered by this Annex.

ARTICLE 3

Assistance on Request

1. Upon request of an applicant authority, the requested authority shall provide it with all relevant information that may enable it to ensure that customs legislation is correctly applied, including information regarding activities noted or planned which are or could be operations in breach of customs legislation.
2. Upon request of an applicant authority, the requested authority shall inform it as to whether:
 - (a) goods exported from the territory of a Party have been properly imported into the territory of another Party, specifying, where appropriate, the customs procedure applied to the goods;
 - (b) goods imported into the territory of a Party have been properly exported from the territory of another Party, specifying, where appropriate, the customs procedure applied to the goods.

3. Upon request of an applicant authority, a requested authority shall, within the framework of its legal or regulatory provisions, take the necessary steps to ensure special surveillance of:
- (a) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
 - (b) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for believing that these goods are intended to be used in operations in breach of customs legislation;
 - (c) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation;
 - (d) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

ARTICLE 4

Spontaneous Assistance

The Parties shall assist each other, at their own initiative and in accordance with their laws, rules and other legal instruments, if they consider that to be necessary for the correct application of customs legislation, particularly by providing information obtained pertaining to:

- (a) activities which are or appear to be operations in breach of customs legislation and which may be of interest to another Party;
- (b) new means or methods employed in carrying out operations in breach of customs legislation;
- (c) goods known to be subject to operations in breach of customs legislation;
- (d) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
- (e) means of transport in respect of which there are reasonable grounds for believing that they have been, are, or may be used in operations in breach of customs legislation.

ARTICLE 5

Delivery and Notification

1. Upon request of an applicant authority, the requested authority shall, in accordance with legal or regulatory provisions applicable to the latter, take all necessary measures in order to deliver any document or to notify any decision emanating from the applicant authority and falling within the scope of application of this Annex, to an addressee residing or established in the territory of the requested authority.
2. Requests for delivery of documents or notification of decisions shall be made in writing either in Spanish or in English, whichever is acceptable to the requested authority.

ARTICLE 6

Form and Substance of Requests for Assistance

1. Requests pursuant to this Annex shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required by the urgency of the situation, oral requests may be accepted, but shall be immediately confirmed in writing.

2. Requests pursuant to paragraph 1 shall include the following information:
 - (a) the applicant authority;
 - (b) the measure requested;
 - (c) the object of, and the reason for, the request;
 - (d) the laws, rules and other legal instruments involved;
 - (e) indications as accurate and comprehensive as possible on the natural or legal persons who are the target of the investigations; and
 - (f) a summary of the relevant facts and of the enquiries already carried out.
3. Requests shall be submitted to a signatory Andean Country in either Spanish or English, and in the case of the EU Party, in whichever of these is acceptable to the requested authority.
4. If a request does not meet the requirements set out in paragraphs 2 and 3, its correction or completion may be requested; in the meantime precautionary measures may be ordered, according to the laws, rules and legal instruments of the Party concerned.

ARTICLE 7

Execution of Requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to any other authority to which the request has been addressed by the requested authority when the latter cannot act on its own.
2. Requests for assistance shall be executed in accordance with the laws, rules and other legal instruments of the requested Party.
3. Duly authorised officials of a Party may, with the agreement of the requested Party and subject to the conditions, laws, rules and other legal instruments laid down by the latter, be present at the offices of the requested authority or any other concerned authority in accordance with paragraph 1, in order to obtain relevant information in the context of an investigation aimed at establishing a breach or potential breach of customs legislation.
4. Duly authorised officials of a Party involved may, with the agreement of the other Party involved and subject to the conditions laid down by the latter, be present at enquiries carried out in the territory of the latter.

ARTICLE 8

Form in Which Information Is to Be Communicated

1. A requested authority shall communicate results of requests for assistance to the applicant authority in written form, together with relevant documents, certified copies, reports and the like.
2. The information referred to in paragraph 1 may be in computerised form.
3. The documents provided under this Annex will not need further certification, authentication or other type of solemnity other than that provided by the competent administrative authority, and shall be held to be authentic.

ARTICLE 9

Exceptions to the Obligation to Provide Assistance

1. Assistance may be refused or may be subject to certain conditions or requirements being satisfied, where a Party is of the opinion that assistance under this Annex would:
 - (a) be likely to prejudice the sovereignty of a signatory Andean Country or that of an European Union Member State which has been requested to provide assistance under this Annex;
 - (b) be likely to prejudice public order, security or other essential interests, in particular in the cases referred to under Article 10, paragraph 2;
 - (c) violate an industrial, commercial or professional secret; or
 - (d) be unconstitutional or contrary to its law, rules or other legal instruments.
2. Assistance may be postponed by the requested authority on the grounds that it may interfere with an ongoing investigation, prosecution or proceeding. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.

3. Where the applicant authority seeks assistance which it would itself be unable to provide if so requested, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.
4. For the cases referred to in paragraphs 1 and 2, the decision of the requested authority and the reasons therefor must be communicated to the applicant authority without delay.

ARTICLE 10

Information Exchange and Confidentiality

1. Any information communicated in whatever form pursuant to this Annex shall be of a confidential or restricted nature, in accordance with the rules applicable in each of the Parties. Such information shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Party that received it and the corresponding provisions applying to the authorities of the EU Party.
2. Personal data may be exchanged only where the Party which may receive them undertakes to protect such data in at least an equivalent way to that applicable in that particular case in the Party that may supply them.

3. A Party may refuse to provide the information requested by another Party where the latter has not acted in conformity with the provisions of paragraph 2.
4. The use, in judicial or administrative proceedings instituted in respect of operations in breach of customs legislation, of information obtained under this Annex, is considered to be for the purposes of this Annex. Therefore, the Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Annex. The competent authority which supplied that information or gave access to those documents shall be notified of such use.
5. Information obtained pursuant to this Annex shall be used solely for the purposes of the application of the latter. Where a Party wishes to use such information for other purposes, such Party shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

ARTICLE 11

Experts and Witnesses

An official of a requested authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered under this Annex, and produce such objects, documents or certified copies thereof, as may be needed for the proceedings. The request for appearance must indicate specifically before which judicial or administrative authority the official will have to appear, on what matters and by virtue of what title or qualification the official will be questioned.

ARTICLE 12

Assistance Expenses

The Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Annex, except, as appropriate, for expenses to experts and witnesses, and those to interpreters and translators who are not public service employees.

ARTICLE 13

Implementation

1. The implementation of this Annex shall be entrusted on the one hand to the customs or other competent authority designated by the relevant signatory Andean Country and on the other hand to the competent services of the European Commission and the customs authorities of the European Union Member States, as appropriate.
2. The authorities referred to in paragraph 1 shall decide on all practical measures and arrangements necessary for the application of this Annex, taking into consideration the rules in force in particular in the field of data protection. These authorities may recommend to the competent bodies the development of complementary instruments for the application of this Annex.
3. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Annex.

ARTICLE 14

Other Agreements

1. Taking into account the respective competencies of the European Union and of the European Union Member States, the provisions of this Annex shall:
 - (a) not affect the obligations of the Parties under any other international agreement or convention;
 - (b) be deemed complementary to agreements on mutual assistance which have been, or may be, concluded between an individual European Union Member State and a signatory Andean country; and
 - (c) not affect European Union provisions governing the communication between the competent services of the European Commission and the customs authorities of the European Union Member States of any information obtained under this Annex which could be of interest to the European Union.

2. Notwithstanding the provisions of paragraph 1, the provisions of this Annex shall prevail over the provisions of any bilateral agreement on mutual assistance which has been or may be concluded between an European Union Member State and a signatory Andean Country insofar as the provisions of the latter are incompatible with those of this Annex.
 3. The Parties shall consult to resolve any question relating to the applicability of this Annex, within the framework of the Subcommittee on Customs, Trade Facilitation and Rules of Origin established in Article 68 of this Agreement.
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SANITARY AND PHYTOSANITARY MEASURES

APPENDIX 1

COMPETENT AUTHORITIES

1. Competent Authorities of the EU Party

Control competences are shared between the national services of the European Union Member States and the European Commission. In this respect the following applies:

- (a) as regards exports to Colombia and/or Peru, the European Union Member States are responsible for control of the production conditions and procedures, including statutory inspections and issuing health (or animal welfare) certifications attesting compliance with the standards and requirements established by the importing Party.
- (b) as regards imports from Colombia and/or Peru, the European Union Member States are responsible for the control of the compliance of such imports with the import conditions established by the European Union;

- (c) the European Commission is responsible for overall co-ordination, inspections and audits of inspection systems and the necessary legislative action to ensure uniform application of standards and requirements within the European Union.

2. Competent Authorities of Colombia

Control and surveillance are carried out jointly by the Instituto Colombiano Agropecuario (hereinafter referred to as "ICA") and the Instituto Nacional de Vigilancia de Medicamentos y Alimentos – (hereinafter referred to as "INVIMA"), in accordance with the competences assigned to each institution by law. In this respect the following applies:

- (a) as regards exports to European Union Member States, ICA and INVIMA are responsible for the surveillance and control of the sanitary and phytosanitary conditions and procedures, including statutory inspections and issuing sanitary and phytosanitary certificates attesting compliance with the standards and requirements established by the importing Party;
- (b) as regards imports from the European Union Member States into Colombia, ICA and INVIMA are responsible for the verification and control of the compliance with the established import conditions, including the inspections and the sanitary and phytosanitary certificates issued by the European Union Member States attesting the compliance of such imports with the standards and import requirements in force in Colombia;

- (c) ICA and INVIMA are responsible, in accordance with their respective competences, for the overall co-ordination, inspection and audits of inspection systems.

3. Competent Authorities of Peru

The competent authorities of Peru in sanitary and phytosanitary matters are the following institutions:

- (a) Servicio Nacional de Sanidad Agraria (hereinafter referred to as "SENASA")
- (b) Dirección General de Salud Ambiental (hereinafter referred to as "DIGESA")
- (c) Ministerio de Salud
- (d) Instituto Tecnológico Pesquero (hereinafter referred to as "ITP")
- (e) Ministerio de Comercio Exterior y Turismo (hereinafter referred to as "MINCETUR").

APPENDIX 2

REQUIREMENTS AND PROVISIONS FOR APPROVAL OF ESTABLISHMENTS FOR PRODUCTS OF ANIMAL ORIGIN

1. The competent authority of the importing Party shall draw up lists of approved establishments and shall make these lists publicly available.
2. The requirements and procedures for approval are the following:
 - (a) the import of the animal product concerned from the exporting Party shall have been authorised by the competent authority of the importing Party; this authorisation shall include the import and certification requirements in force for the products concerned;
 - (b) the competent authority of the exporting Party shall approve the establishments intended to export and provide the importing Party with satisfactory sanitary guarantees that those establishments meet the relevant requirements of the importing Party;
 - (c) the competent authority of the exporting Party must have the effective power to suspend or withdraw the export approval of an establishment in the event of non-compliance of the relevant requirements of the importing Party;

- (d) the importing Party may carry out verifications in accordance with the provisions of Article 93 of this Agreement, as part of the approval procedure;
- (e) the verifications referred to in subparagraph (d), shall concern the structure, organisation and powers of the competent authority responsible for the approval of the establishments and the sanitary guarantees that such competent authority can provide regarding the compliance with the requirements of the importing Party;
- (f) the verifications referred to in subparagraph (d), may include on-the-spot inspection of a representative number of establishments appearing on the list or lists provided by the exporting Party;
- (g) taking into account the specific structure and distribution of competences within the EU Party, verifications referred to in subparagraph (d) carried out in the EU Party may concern individual European Union Member States;
- (h) based on the results of the verifications provided for in subparagraph (d), the importing Party may modify the list of establishments.

3. Approval pursuant to paragraphs 1 and 2 shall initially be limited to the following categories of establishments:
- (a) all establishments for fresh meat of domestic species;
 - (b) all establishments for fresh meat of wild and farmed game;
 - (c) all establishments for poultry meat;
 - (d) all establishments for meat products of all species;
 - (e) all establishments for other products of animal origin for human consumption (eg. casings, meat preparations, minced meat);
 - (f) all establishments for milk and milk products for human consumption; and
 - (g) processing establishments and factory/freezer vessels for fishery products for human consumption including bivalve molluscs and crustaceans.

APPENDIX 3

GUIDELINES FOR CONDUCTING VERIFICATIONS

Verifications may be carried out on the basis of audits and/or on-the-spot inspections.

For the purposes of this Annex:

- The "auditee" is the Party subject to the verification;
- The "auditor" is the Party that carries out the verification.

1. General Principles of Verification

- (a) verifications shall be carried out in cooperation between the auditor and the auditee in accordance with the provisions set out in this Appendix;

- (b) verifications shall aim at verifying the effectiveness of the controls of the auditee rather than at rejecting individual animals, groups of animals, consignments of food establishments or individual lots of plants or plant products; where verification reveals a serious risk to animal, plant or human health, the auditee shall take immediate corrective action. The process may include the study of the relevant regulations, the method of implementation, the assessment of the end result, the level of compliance and subsequent corrective actions;
- (c) the frequency of verifications shall be based on performance. A low level of performance should result in an increased frequency of verifications. Unsatisfactory performance shall be corrected by the auditee to the auditor's satisfaction;
- (d) verifications, and the decisions based on them, shall be made in a transparent and consistent manner.

2. Principles Relating to the Auditor

The auditors shall prepare a plan, preferably in accordance with recognised international standards, that covers the following points:

- (a) the subject, depth and scope of the verification;

- (b) the date and place of the verification, along with a timetable up to and including the issue of the final report;
- (c) the language or languages in which the verification will be conducted and the report written;
- (d) the identity of the auditors including, if a team approach is used, the leader; specialised professional skills may be required to carry out verification of specialised systems and programmes; and
- (e) a schedule of meetings with competent officials and visits to the establishments or facilities, as appropriate; the identity of establishments or facilities to be visited need not be stated in advance.

Subject to provisions on freedom of information, respect of commercial confidentiality shall be observed by the auditor. Conflicts of interest must be avoided.

3. Principles Relating to the Auditee

In order to facilitate verification, the following principles shall apply to actions taken by the auditee:

- (a) the auditee shall cooperate fully with the auditor and shall designate personnel responsible for this task; cooperation may include, for example:
 - (i) access to all relevant regulations and standards;
 - (ii) access to compliance programmes and relevant records and documents;
 - (iii) access to audit and inspection reports;
 - (iv) access to documentation concerning corrective actions and sanctions; and
 - (v) facilitating entry to establishments;
- (b) the auditee shall carry out a documented programme to demonstrate to the auditor that standards are being met on a consistent and uniform basis.

4. Procedures

(a) Opening meeting

An opening meeting shall be held between representatives of the Parties. At this meeting, the auditor shall be responsible for reviewing the verification plan and confirming that adequate resources, documentation, and any other necessary means are available for conducting the verification.

(b) Document review

The document review may consist in the examination of the documents and records referred to in subparagraph 3(a), the structures and competences of the auditee, and any relevant changes to inspection and certification systems since the entry into force of this Agreement or after the last verification, with emphasis on the implementation of elements of the system of inspection and certification for animals, animal products plants or plant products of interest. This may include an examination of relevant inspection and certification records and documents.

(c) on-the-spot inspections

- (i) to decide if an on-the-spot inspection should be carried out, the risk of the relevant animal, plant or animal or plant product should be considered, taking into account factors such as the history of conformity of the industry sector or exporting Party with requirements, the volume of product produced and imported or exported, changes in infrastructure and the domestic inspection and certification systems;
- (ii) on-the-spot inspections may involve visits to production and manufacturing facilities, food-handling or storage areas and control laboratories to check on compliance with the information contained in the documentary material referred to in subparagraph (b) above.

(d) Follow-up verification

Where a follow-up verification is being conducted in order to verify the correction of deficiencies, it may be sufficient to examine only those points which have been found to require correction.

5. Working documents

Forms for reporting audit findings and conclusions should be standardised as much as possible in order to make the approach to verification more uniform, transparent and efficient. The working documents may include any checklist of elements to evaluate. Such checklists may cover:

- (a) legislation;
- (b) structure and operations of inspection and certification services;
- (c) establishment details and working procedures, health statistics, sampling plans and results;
- (d) compliance action and procedures;
- (e) reporting and complaint procedures; and
- (f) training programmes.

6. Closing Meeting

A closing meeting shall be held between representatives of the Parties involved, including, where appropriate, officials responsible for the national inspection and certification programmes. At this meeting, the auditor shall present the findings of the verification. The information shall be presented in a clear and concise manner, so that the conclusions of the audit are clearly understood. An action plan for correction of any deficiencies noted shall be drawn up by the auditee, preferably with target dates for completion.

7. Report

The draft report of verification shall be forwarded to the auditee within 45 working days following the closing meeting referred to in paragraph 6. The auditee shall have 30 working days to comment on the draft report. Comments made by the auditee shall be attached to and, where appropriate, included in the final report. However, where a significant public, animal or plant health risk has been identified during the verification, the auditee shall be informed as soon as possible and, in any case, within 10 working days following the end of the verification.

APPENDIX 4

CONTACT POINTS AND WEB-SITES

A. Contact Points

For the European Union
European Commission Postal Address: Rue de la Loi 200 - B-1049 Brussels –Belgium Tel. + 322 2963314 Fax. +322 2964286
For Colombia
Instituto Colombiano Agropecuario (ICA) Postal Address: Calle 37 N° 8-43 Edificio Colgas, Bogotá, D.C. – Colombia Tel. +57 1 3203654 Fax. +57 1 2324695 E- mail: subgerencia.pecuaria@ica.gov.co
Instituto Nacional de Vigilancia de Medicamentos y Alimentos (INVIMA) Postal Address: Carrera 68D N° 17 – 11/21, Bogotá, D.C. - Colombia Tel. +57 1 2988700 E-mail: invimagr@invima.gov.co
Ministerio de Comercio, Industria y Turismo Postal Address: Calle 28 N° 13 A - 15, piso 3° - Bogotá, D.C. – Colombia Tel. +57 1 6064775

For Peru SENASA Postal Address: Avenida la Molina N° 1915-Lima 12 – La Molina – Lima - Perú Tel. +511 3133300 Fax. +511 3401486
DIGEMID Postal Address: Las Amapolas N° 350 Urbanización San Eugenio – Lince – Lima – Perú Tel. +511 4428335, 4210146, 4210258 Fax. +511 4226404
ITP Postal Address: Carretera a Ventanilla Km. 5.2 - Callao – Perú Tel.+511 5770116, 5770118 Fax.+511 5770908
MINCETUR Postal Address: Calle Uno Oeste N° 050, Urbanización Córpac, San Isido, Lima – Perú Tel. +511 5136100, anexos 8020, 8021 Fax. +511 5136100, anexo 8002 E-mail: webmaster@mincetur.gob.pe

B. Free websites

For the European Union
http://europa.eu.int/comm/dgs/health_consumer/index_en.htm
For Colombia
www.ica.gov.co
www.invima.gov.co
www.mincomercio.gov.co
For Peru
www.senasa.gob.pe
www.digesa.minsa.gob.pe
www.itp.org.pe
www.mincetur.gob.pe