

No. 26648

**AUSTRALIA
and
NEW ZEALAND**

Protocol on harmonisation of quarantine administrative procedures to the Australia–New Zealand Closer Economic Relations Trade Agreement (with annex). Signed at Canberra on 18 August 1988

Authentic text: English.

Registered by Australia on 8 June 1989.

**AUSTRALIE
et
NOUVELLE-ZÉLANDE**

Protocole à l'Accord commercial dans le cadre de relations économiques plus étroites, relatif à l'harmonisation des formalités administratives de quarantaine. Signé à Canberra le 18 août 1988

Texte authentique : anglais.

Enregistré par l'Australie le 8 juin 1989.

PROTOCOL¹ ON HARMONISATION OF QUARANTINE ADMINISTRATIVE PROCEDURES TO THE AUSTRALIA-NEW ZEALAND CLOSER ECONOMIC RELATIONS TRADE AGREEMENT²

Australia and New Zealand (called “the Member States”),

Wishing to bring within the Closer Economic Relationship (“CER”) the harmonisation of their quarantine administrative procedures;

Noting that this is consistent with the objectives of the Australia-New Zealand Closer Economic Relations Trade Agreement (“the Agreement”), done at Canberra on 28 March 1983,² and with the objective of the 1988 CER Review of extending the Agreement to those regulatory policies and practices outside the initial provisions of the Agreement which have a bearing on trade;

Endorsing the continuation of the policy of each Member State that the modification or removal of quarantine barriers to the importation of animals, plants, and their products is based on technical analysis of the risk of disease and pests;

Recognizing that the sovereignty and independence of the Member States in the question of technical quarantine standards is to remain, and that Article 18 (c) of the Agreement will continue to apply;

Committed to the principle that quarantine should not be deliberately used as a means of creating a technical barrier to trade, where this is not scientifically justified;

Recognizing that considerable progress has already been achieved in the harmonisation of administrative procedures through the efforts of, and regular consultations between, quarantine authorities of the Member States and convinced that more rapid progress towards harmonisation will bring significant benefits to both Member States under the Agreement in terms of trade in animals, plants and their products;

Desiring to conclude a Protocol to the Agreement to provide for further progress toward harmonisation of quarantine administrative procedures between the two countries;

Have agreed as follows:

Article 1. The Member States shall endeavour to achieve common administrative procedures in relation to quarantine by 1 July 1990.

Article 2. Where relevant international codes (such as those of the Office International des Epizooties (OIE) and standards exist or their completion is imminent, each Member State shall use those codes and standards, or the relevant parts of them, as a basis for quarantine and related inspection standards and procedures, except where such international codes and standards or relevant parts are inappropriate for the Member State concerned because of the need to provide for:

(a) Prevention of deceptive practices;

¹ Came into force on 18 August 1988 by signature, in accordance with article 10.

² United Nations, *Treaty Series*, vol. 1329, p. 175.

- (b) Protection of human health or safety, of animal or plant life or health, or of the environment;
- (c) Fundamental climatic or other geographic factors;
- (d) Fundamental technological problems; or
- (e) Other similar reasons.

Article 3. Where a relevant international code or standard does not exist or the technical content of the quarantine or inspection procedure or standard proposed by a Member State is not substantially the same as the technical content of that in the relevant international codes and standards, the Member State proposing to introduce the standard or procedure in relation to imports shall:

- (a) Inform the other Member State of the details of the new standard or procedure at least 30 days before its introduction; and
- (b) Take into account any comments made by the other Member State before introducing that new standard or procedure.

Article 4. Notwithstanding Articles 2 and 3, each Member State shall be entitled to apply such restrictions as it considers necessary in the case of emergency and shall:

- (a) Notify the other Member State immediately of the emergency and the action taken; and
- (b) If so requested by the other Member State, undertake consultations with that State concerning the emergency.

Article 5. The Member States shall work towards developing specific arrangements on quarantine requirements for plant and animal products so as to facilitate, among other things:

- (a) Harmonisation of their quarantine standards and procedures;
- (b) Adoption of common inspection standards and procedures;
- (c) Definition of inspection standards and procedures adopted by each Member State, including conditions for import; and
- (d) Development of improved procedures for notification by the importing Member State to the exporting Member State of quarantine rejections, so that remedial action may be taken as soon as possible.

Article 6. In order to achieve the objectives of this Protocol, the Member States agree to:

- (a) Develop a consistent approach to pest risk assessment and quarantine requirements for imports from third countries;
- (b) Continue regular interchange of inspection and quarantine personnel to ensure that specific arrangements for quarantine requirements remain effective;
- (c) Attend, at the invitation of the other Member State, technical and scientific meetings concerning animal and plant quarantine;
- (d) In principle, establish tolerances for pests, diseases and weeds which are common to both Member States; such tolerances to be consistent with those applicable to their domestic standards;

- (e) Apply any quarantine or related import restrictions on the basis of regional rather than national distribution of diseases or pests in the territory of the exporting Member State, where such diseases or pests are distributed regionally rather than nationally in the territory of the exporting Member State;
- (f) Work towards speedy resolution of the quarantine problems hindering trans-Tasman trade in the goods listed in the Annex; and
- (g) Adopt other appropriate procedures in relation to which it is mutually determined that harmonisation should take place.

Article 7. 1. The Member States shall establish a Consultative Group which shall:

- (a) Co-ordinate the efforts of the existing technical committees on animal and plant quarantine;
- (b) Help resolve outstanding technical differences on quarantine and related inspection matters; and
- (c) Provide overall impetus and direction for quarantine harmonisation between the Member States.

2. The Consultative Group shall comprise the Heads of the responsible Departments in Australia and New Zealand, or their authorised representatives. Until the Member State concerned notifies otherwise the responsible Department in Australia shall be the Department of Primary Industries and Energy and in New Zealand, the Ministry of Agriculture and Fisheries.

Article 8. 1. Each Member State shall nominate the official body responsible for the administration of that State's quarantine arrangements as the authority responsible for harmonisation in accordance with this Protocol.

2. Each authority shall report to its responsible Minister by 1 July 1990 on:

- (a) The areas in which harmonisation has been achieved;
- (b) The areas in which harmonisation has not yet been achieved but in which it is intended that it should take place, and the time by which it is proposed that it should do so.

Article 9. The Annex to this Protocol is an integral part of this Protocol.

Article 10. This Protocol shall enter into force on signature.

IN WITNESS WHEREOF the undersigned, duly authorised, have signed this Protocol.

DONE in duplicate at Canberra on the eighteenth day of August one thousand nine hundred and eighty-eight.

For Australia:
[Signed — Signé]¹

For New Zealand:
[Signed — Signé]²

¹ Signed by Bob Hawke — Signé par Bob Hawke.

² Signed by David Lange — Signé par David Lange.

ANNEX

Apples
Berryfruit
Cucurbits (cucumbers, squash, zucchinis)
Grapes
Nursery stock
Pigmeat
Poultry hatching-eggs
Poultrymeat
Frozen and chilled salmon
Tomatoes
