

No. 35924. New Zealand and European Community

AGREEMENT ON MUTUAL RECOGNITION IN RELATION TO CONFORMITY ASSESSMENT BETWEEN NEW ZEALAND AND THE EUROPEAN COMMUNITY. WELLINGTON, 25 JUNE 1998 [*United Nations, Treaty Series, vol. 2071, I-35924.*]

AGREEMENT BETWEEN NEW ZEALAND AND THE EUROPEAN UNION AMENDING THE AGREEMENT ON MUTUAL RECOGNITION IN RELATION TO CONFORMITY ASSESSMENT BETWEEN THE EUROPEAN COMMUNITY AND NEW ZEALAND. BRUSSELS, 23 FEBRUARY 2012*

Entry into force: 1 January 2013, in accordance with article 2

Authentic texts: Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish

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*No UNTS volume number has yet been determined for this record. Only the authentic English and French text of the Agreements are published herein. The other authentic texts of the Agreement are not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.

N° 35924. Nouvelle-Zélande et Communauté européenne

ACCORD SUR LA RECONNAISSANCE MUTUELLE EN MATIÈRE D'ÉVALUATION DE LA CONFORMITÉ DE CERTIFICATS ET DE MARQUAGE ENTRE LA NOUVELLE-ZÉLANDE ET LA COMMUNAUTÉ EUROPÉENNE. WELLINGTON, 25 JUIN 1998 [*Nations Unies, Recueil des Traités, vol. 2071, I-35924.*]

ACCORD ENTRE LA NOUVELLE-ZÉLANDE ET L'UNION EUROPÉENNE SUR LA RECONNAISSANCE MUTUELLE EN MATIÈRE D'ÉVALUATION DE LA CONFORMITÉ DE CERTIFICATS ET DE MARQUAGE ENTRE LA COMMUNAUTÉ EUROPÉENNE ET LA NOUVELLE-ZÉLANDE. BRUXELLES, 23 FÉVRIER 2012*

Entrée en vigueur : 1^{er} janvier 2013, conformément à l'article 2

Textes authentiques : bulgare, tchèque, danois, néerlandais, anglais, estonien, finnois, français, allemand, grec, hongrois, italien, letton, lituanien, maltais, polonais, portugais, roumain, slovaque, slovène, espagnol et suédois

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*Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Seul les textes authentiques anglais et français son publiés ici. Les autres textes authentiques de l'Accord ne sont pas publiés ici conformément aux dispositions de l'article 12, paragraphe 2, des réglementations de l'Assemblée générale, en application de l'article 102 de la Charte des Nations Unies, tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat.

AGREEMENT
BETWEEN NEW ZEALAND
AND THE EUROPEAN UNION
AMENDING THE AGREEMENT ON MUTUAL RECOGNITION
IN RELATION TO CONFORMITY ASSESSMENT
BETWEEN THE EUROPEAN COMMUNITY AND NEW ZEALAND

NEW ZEALAND

and

THE EUROPEAN UNION,

hereinafter "the Parties",

HAVING concluded the Agreement on mutual recognition in relation to conformity assessment , done at Wellington on 25 June 1998 (hereinafter "the Agreement on Mutual Recognition");

NOTING the need to simplify the operation of the Agreement on Mutual Recognition;

WHEREAS Article 3 of the Agreement on Mutual Recognition sets out the form of the Sectoral Annexes in detail, and, specifically, provides that Section II of each Sectoral Annex to the Agreement shall contain a list of the designated conformity assessment bodies;

WHEREAS Article 4 of the Agreement on Mutual Recognition restricts the application of the Agreement to products that originate in the Parties according to non-preferential rules of origin;

WHEREAS Article 12 of the Agreement on Mutual Recognition establishes a Joint Committee that, *inter alia*, gives effect to decisions on the inclusion of conformity assessment bodies in, and their removal from, the Sectoral Annexes and sets out a procedure for such inclusion and removal;

WHEREAS Articles 8 and 12 of the Agreement on Mutual Recognition refer to the Chair of the Joint Committee;

WHEREAS Article 12 of the Agreement on Mutual Recognition does not explicitly empower the Joint Committee to amend the Sectoral Annexes, except to give effect to the decision by a designating authority to designate or to withdraw designation of a particular conformity assessment body;

CONSIDERING that Article 3 of the Agreement on Mutual Recognition should be amended, both to reflect the changes proposed to Article 12 thereof to limit the requirement for the Joint Committee to take action on the recognition or withdrawal of recognition of conformity assessment bodies to cases that have been contested by the other Party under Article 8 of the Agreement on Mutual Recognition, and to allow greater flexibility in the structure of Sectoral Annexes to the Agreement;

CONSIDERING that in order that trade between the Parties is not unnecessarily restricted, the origin restriction in Article 4 of the Agreement on Mutual Recognition should be deleted;

CONSIDERING that in order to reflect the fact that the Joint Committee is co-chaired by the Parties, the references to the Chair of the Joint Committee should be deleted from Articles 8 and 12 of the Agreement on Mutual Recognition;

CONSIDERING that enhanced exchange of information between the Parties regarding the operation of the Agreement on Mutual Recognition will facilitate its operation;

CONSIDERING that in order to make timely adaptations to the Sectoral Annexes so as to take account of technical progress, and other factors such as enlargement of the European Union, the Joint Committee should be explicitly empowered in Article 12 of the Agreement on Mutual Recognition to amend the Sectoral Annexes in areas other than to give effect to the decision by a designating authority to designate or to withdraw designation of a particular conformity assessment body, and also to adopt new Sectoral Annexes;

CONSIDERING that in order to simplify the operation of the Agreement on Mutual Recognition, the need for the Joint Committee to take decisions on the recognition or withdrawal of recognition of conformity assessment bodies should be limited to cases that have been contested by the other Party under Article 8 of the Agreement on Mutual Recognition;

CONSIDERING that in order to simplify the operation of the Agreement on Mutual Recognition, a simpler procedure for the recognition, withdrawal of recognition, and suspension of conformity assessment bodies should be set up in Article 12 thereof, and the position regarding conformity assessment carried out by bodies before their designation is suspended or withdrawn should be clarified;