

**MEMORANDUM OF UNDERSTANDING
ON THE PROCEDURES FOR THE IMPORTATION OF LIVE ANIMALS**

BETWEEN

**THE MINISTRY OF AGRICULTURE AND FISHERIES OF THE UNITED
ARAB EMIRATES**

AND THE

**DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY OF
AUSTRALIA**

THIS MEMORANDUM OF UNDERSTANDING expresses the understandings of the Ministry of Agriculture and Fisheries of the United Arab Emirates and the Department of Agriculture, Fisheries and Forestry of Australia (herein referred to as "the Participants") concerning cooperation in the fields of animal health and welfare and veterinary public health in relation to the importation into the United Arab Emirates of Live Animals from Australia,

DESIRING cooperation in the fields of animal health and welfare, veterinary public health, exchange of information and other matters with a view to facilitating the export of Live Animals from Australia to The United Arab Emirates in a manner that protects the welfare of the animals and minimizes the risk of the spread of infectious and contagious diseases from the territory of one Participant to the territory of the other,

NOTING that the health, welfare and safety of the Live Animals in the trade is of paramount concern to the Participants,

ACKNOWLEDGING the rights and obligations of both countries as Members (or future Members) of the World Trade Organisation (WTO) and the World Animal Health Organization (OIE),

RECOGNISING that the risks associated with the trade in Live Animals needs to be managed and mitigated through the supply chain and the important role of the private sectors of both countries in the United Arab Emirates – Australia relationship,

RECOGNISING the importance of exports of Live Animals from Australia to the United Arab Emirates,

The Participants have reached the following understandings:

A. GENERAL DISPOSITIONS

1. This Memorandum of Understanding will provide the framework for the export of Live Animals from Australia to the United Arab Emirates.
2. The paragraphs of this Memorandum of Understanding are intended to be read consistently with relevant international science based standards and guidelines, including those of the OIE and the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the "SPS Agreement").
3. The paragraphs of this Memorandum of Understanding are subject to the applicable domestic and regional laws of the countries of the Participants.

B. DEFINITIONS

4. **AQIS** refers to the Australian Quarantine and Inspection Service, the Australian Government agency responsible for issuing certification attesting to the health status of Consignments and granting of permission to export.
5. **Assembly Point** refers to a registered premise, or place registered by the AQIS for the purpose of holding Live Animals prior to export.
6. **Consignment** refers to Live Animals intended to be exported to one destination and may be described by reference to the Exporter, the consignee, method of transport, kind of animals, the number of animals, the weight of the animals and any other characteristic of the animal, or a combination of these characteristics.
7. **DAFF** refers to the Australian Government Department of Agriculture, Fisheries and Forestry.
8. **Exporter** refers to a person or entity that holds a valid licence to export Live Animals issued by AQIS and intends to export the Live Animals.
9. **Export Permit** refers to the official document issued by AQIS to the Exporter.
10. **Health Certificate** refers to the official document issued by AQIS in accordance with the Australian Government obligations under OIE attesting to the health status of the Live Animals.
11. **Importer** refers to a person or entity that intends to import the Live Animals, and holds a valid Import Permit.

12. **Import Permit** refers to the official documentation issued by the Ministry of Agriculture and Fisheries in the United Arab Emirates specifying the health and welfare requirements for importing a Consignment as contained in Annex A.

13. **Live Animals** refers to an animal or group of animals that is intended to be exported alive to a country that requires certification as to any matter in relation to that animal or group of animals. In this Memorandum the term Live Animals is limited to sheep, goats, cattle and buffalo.

14. **MAF** refers to the UAE Government Ministry of Agriculture and Fisheries.

15. **OIE** refers to the World Animal Health Organization.

16. **Shipment** refers to the sum total of animals in one or more Consignments intended to be exported on one vessel.

17. **Quarantine Holding Facility** refers to a land-based operational facility within the relevant authority of the United Arab Emirates that meets the requirements specified in Section E of this Memorandum of Understanding.

C. PROVISIONS REGARDING THE PROTECTION OF HEALTH, WELFARE AND SAFETY OF LIVE ANIMALS AND THE TRADE IN LIVE ANIMALS

General Assurances

18. Details of the specific import provisions regarding the protection of health, welfare and safety of Live Animals and the trade in Live Animals for the United Arab Emirates are contained in Annex A.

19. Australia will implement quality assurance and audit systems to meet the import requirements of the United Arab Emirates as contained in Annex A.

20. The United Arab Emirates will accept at the port of destination any Consignment that meets the requirements contained in Annex A and specified in the Import Permit and that has been certified by AQIS to meet those requirements.

21. Where the United Arab Emirates suspects there are grounds for possible rejection of a Consignment, the Participants will initiate the consultation process outlined in paragraph 31 of this Memorandum of Understanding before a formal rejection is issued.

22. MAF in the United Arab Emirates will not, except in circumstances outlined in paragraph 31, accept a Consignment on a vessel originating in Australia unless it has issued an Import Permit for that Consignment and an Export Permit has been issued by AQIS for that Consignment for the United Arab Emirates.

Specific Assurances



23. Import Permits on individual Consignments issued by the United Arab Emirates will be in accordance with the specific provisions contained in Annex A.
24. The United Arab Emirates will provide to AQIS and any other relevant parties a copy of the Import Permit in sufficient time to allow the sourcing and preparation of Live Animals to meet those specified requirements.
25. Notification of the Import Permit will be accepted as being given at the time it is actually received by AQIS.
26. MAF reserves the right to appoint a representative or a third party inspection company to inspect Live Animals being held at relevant Australian ports or Assembly Points prior to embarkation. This may include a review of the health status of animals; a review of vaccination records and testing of animals; reviews of documents and inspection of vessel cleanliness and suitability for carrying live animals.
27. Australia commits to facilitate any visits requested by veterinary officials from the United Arab Emirates (or their nominated qualified representatives) to inspect Live Animals being held at relevant Australian ports or Assembly Points prior to embarkation on a vessel. The United Arab Emirates commits to notify AQIS or the Australian Embassy accredited to the United Arab Emirates of any proposed inspection to provide adequate time to allow AQIS to facilitate the inspection. All costs associated with this inspection process are the responsibility of the person or entity requesting the inspection.
28. For each Consignment, AQIS will issue:
- (i) A Health Certificate attesting to compliance with the United Arab Emirates import requirements as contained in Annex A and as notified in the Import Permit provided by MAF; and
 - (ii) An Export Permit in accordance with relevant Australian legislation and in accordance with the import requirements of the United Arab Emirates as contained in Annex A.

D. INSPECTION

29. The United Arab Emirates will inspect the Live Animals from Australia destined for the United Arab Emirates on board the vessel within 12 hours of docking at the port of destination. Inspections will be conducted by an appropriately qualified organization. This may include
- (i) Inspection on arrival to reconfirm loading inspection (if any) and review of relevant documents;
 - (ii) Discharge supervision;
 - (iii) Monitoring of Health Certificates, and
 - (iv) Blood sampling and testing.
30. Where an inconsistency is suspected between the Consignment and requirements contained in Annex A that raises the possibility of a rejection of the Consignment, both Participants recognise the need for timely and effective action to address the situation.

31. If, after the initial inspection, any Live Animals are suspected of not meeting the import requirements of the United Arab Emirates as contained in Annex A:
- (i) The United Arab Emirates will notify AQIS immediately;
 - (ii) Within 24 hours of the initial inspection, the United Arab Emirates will commence transfer of the entire Shipment to a Quarantine Holding Facility,
 - (iii) Within 24 hours of the initial inspection, officials and relevant advisers from both Participants will meet to determine the condition of the Live Animals, their treatment and the timing of future meetings if necessary. This may include one or more of the following, as arranged between the Participants:
 - a. joint inspection by the United Arab Emirates and designated representatives of Australia;
 - b. a second inspection after a specified period;
 - c. use of agreed diagnostic tests;
 - d. repeat diagnostic testing and analysis at an independent OIE approved laboratory;
 - e. inspection by an independent party; or
 - f. referral to, or consultation with, independent veterinarian authorities such as OIE; and
 - (iv) The processes in this Paragraph will occur before final veterinary inspection and any determination of whether or not the Live Animals meet the import requirements of The United Arab Emirates as contained in Annex A.

E. QUARANTINE HOLDING FACILITY

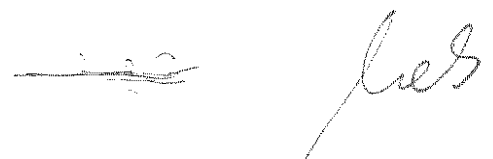
32. The United Arab Emirates will specify a Quarantine Holding Facility to accommodate humanely Live Animals suspected of not meeting import requirements as contained in Annex A.

33. The Quarantine Holding Facility will:

- (i) be close to port facilities;
- (ii) provide sufficient isolation to avoid potential contamination of the Live Animals through contact or exposure to diseases of local animals and to avoid any contamination of local animals from any suspected diseases of the Live Animals and should be technically supervised by MAF; and
- (iii) protect fully the welfare of the Live Animals including the provision of adequate feed and water, shelter shade and veterinary care.

34. The Quarantine Holding Facility:

- (i) must be approved by the United Arab Emirates;
- (ii) may be owned and operated by the United Arab Emirates or the private sector and relevant industry of either Australia or the United Arab Emirates.



F. REJECTION OF CONSIGNMENTS

35. The United Arab Emirates may reject a Consignment if the Consignment fails to meet the requirements contained in Annex A, and only after the completion of the processes outlined in Paragraph 31.

36. If the United Arab Emirates rejects the suspected Consignment, the Live Animals must be dealt with by measures as arranged between the Participants in a way that does not damage or harm the general health and environmental requirements of the United Arab Emirates as outlined in Annex B.

G. IMPLEMENTATION

Implementing Agencies

37. The implementing agencies for this Memorandum of Understanding will be MAF for the United Arab Emirates and DAFF for Australia.

Communication

38. Both Participants recognise the fundamental importance of timely and effective communication and notification within 48 hours (wherever possible), if practices are identified that are inconsistent with this Memorandum of Understanding.

39. The relevant representative of each Participant for notification purposes pursuant to this Memorandum of Understanding will be:

- (i) Assistant Undersecretary for Agriculture affairs (MAF); and
- (ii) Consul Agriculture (Middle East)
Australian Consulate
Dubai
United Arab Emirates

Consultative Mechanism

40. With a view to further strengthening cooperation in animal health and welfare and safety matters as they relate to the live animal trade more broadly between Australia and the United Arab Emirates, the Participants will meet for regular high level consultations covering animal health and welfare and safety matters of mutual interest, for the purpose of considering relevant policies, inspection and certification issues and cooperation activities, including but not limited to:

- (i) training;
- (ii) exchange of information;
- (iii) research and development and technical development,
- (iv) application of international standards; and
- (v) reciprocal visits.

41. These meetings will occur annually, with the location to alternate between Australia and the United Arab Emirates.

42. In addition to any meetings pursuant to paragraphs 31 and 40 of this Memorandum of Understanding, the relevant officials from the Participants will meet when necessary to discuss performance under this Memorandum of Understanding, and any other matters relating to the live animal trade.

43. These meetings will complement rather than replace other established bilateral meetings on these or other issues.

44. The Participants will fund their own participation in activities under this Memorandum of Understanding, unless the Participants mutually decide otherwise.

H. DISPUTE SETTLEMENT

45. Both Participants will endeavour to settle by consultation without unreasonable delay any differences arising in relation to this Memorandum.

I. COMMENCEMENT, AMENDMENT AND DURATION


46. This Memorandum of Understanding will come into effect on the date on which it has been signed by both Participants.

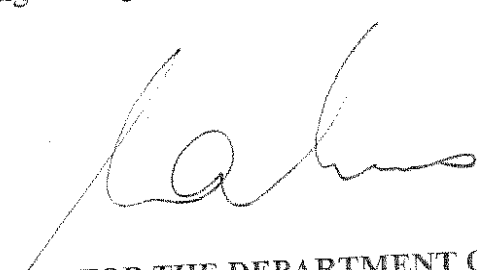
47. This Memorandum of Understanding will be valid for two years from the day of signature and will be automatically renewed for subsequent two year periods unless either Participant notifies the other in writing at least six months in advance of their intent to terminate this Memorandum.

48. This Memorandum of Understanding and Annex may be amended by mutual arrangement in writing between the Participants.

49. Either Participant may terminate the Memorandum of Understanding at any time by giving six (6) months written notice to the other Participant. The Memorandum of Understanding will cease to have effect six (6) months after that notice has been received.

SIGNED at Abu Dhabi on this 06 day of December 2004 in two copies, one in each of the Arabic and English languages, both being equally authentic.


FOR THE MINISTRY OF
AGRICULTURE AND FISHERIES
OF THE UNITED ARAB EMIRATES


FOR THE DEPARTMENT OF
AGRICULTURE, FISHERIES AND
FORESTRY OF AUSTRALIA

ANNEX A: HEALTH REQUIREMENTS FOR SHEEP, GOATS AND CATTLE

Health Requirements for Sheep and Goats

1. HEALTH CERTIFICATION

Country declaration

For sheep:

Australia is free from:

- Foot-and-mouth disease;
- Peste des petit ruminant (PPR);
- *Brucella melitensis* infection;
- Rabies;
- Sheep pox;
- Sheep scab;
- Scrapie;
- Rift Valley fever; and
- Vesicular exanthema.

For goats:

Australia is free from:

- Foot-and-mouth disease;
- Peste de petit ruminant (PPR);
- *Brucella melitensis* infection;
- Rabies
- Goat pox;
- Sheep scab;
- Scrapie;
- Rift Valley fever;
- Vesicular exanthema; and
- Contagious caprine pleuropneumonia.

Consignment declaration

(a) Anthrax is a notifiable disease in Australia. The animals showed no clinical signs of anthrax on the day of export and the animals either:

- originated from a property or properties free from anthrax for the twenty (20) days prior to export;

or

- were vaccinated against anthrax not less than twenty (20) days and not more than six (6) months prior to export.

(b) The animals were examined during the 48 hours prior to loading for export, and found to be free from evidence of disease and external parasites and fit to travel.

(c) For breeding animals: The animals were vaccinated against clostridial diseases (including pulpy kidney, black leg and lamb dysentery).

2. TRANSPORTATION DETAILS

Road transportation in Australia

The animals were moved by the most direct and practical route and not permitted to make contact with any ruminants of differing health status.

Sea

Certification by AQIS that the decks and compartments of the vessel used for transporting the ruminants and storing feed have been thoroughly cleaned.

3. **OTHER MARKET REQUIREMENTS**
Nil

4. **PORTS OF DISCHARGE REQUIREMENTS**

Consignments to the UAE will preferably be shipped direct from Australia. Where, for logistical or other reasons, direct shipment of a particular Consignment is not practical, written notification will be provided by AQIS to MAF containing particulars of the intended shipping route no less than 5-7 days prior to the loading of the vessel in Australia. MAF will be deemed to have approved these arrangements unless written advice to the contrary is received by AQIS from MAF before loading of the vessel is due to commence in Australia.

Health Requirements for Cattle and Buffalo

1. **HEALTH CERTIFICATION**

Country declaration

Australia is free from:

- Foot-and-mouth disease;
- Rinderpest;
- Contagious bovine pleuropneumonia;
- Rabies;
- Haemorrhagic septicaemia;
- Bovine brucellosis;
- Bovine tuberculosis;
- Bovine spongiform encephalopathy;
- Rift Valley fever;
- Vesicular stomatitis;
- Heartwater; and
- Vesicular exanthema.

Consignment declaration

(a) Anthrax is a notifiable disease in Australia. The animals showed no clinical signs of anthrax on the day of export and the animals either:

- originated from a property or properties free from anthrax for the twenty (20) days prior to export;

or

- were vaccinated against anthrax not less than twenty (20) days and not more than six (6) months prior to export.

(b) The property of origin either:

- is located in a zone free from cattle tick and tick borne diseases and the cattle are free from evidence of cattle ticks;

or

- the cattle have been treated for ticks and are free from evidence of ticks.

- (c) The animals were examined during the 48 hours prior to loading for export, and were found free from evidence of disease and external parasites and fit to travel.
- (d) For breeding animals: were examined during the 48 hours prior to loading for export, and were found free from evidence of the following diseases:
- Vibriosis;
 - Trichomoniasis;
 - Johnnes disease (paratuberculosis);
 - Q fever;
 - Leptospirosis; and
 - Listeriosis.

2. TRANSPORTATION DETAILS

Road transportation in Australia

The animals are to be moved by the most direct and practical route and are not permitted to make contact with any ruminants of differing health status.

Sea

Certification by AQIS that the decks and compartments of the vessel used for transporting the ruminants and storing feed have been thoroughly cleaned.

3. OTHER MARKET REQUIREMENTS

Nil

4. PORTS OF DISCHARGE REQUIREMENTS

Consignments to the UAE will preferably be shipped direct from Australia. Where, for logistical or other reasons, direct shipment of a particular Consignment is not practical, written notification will be provided by AQIS to MAF containing particulars of the intended shipping route no less than 5-7 days prior to the loading of the vessel in Australia. MAF will be deemed to have approved these arrangements unless written advice to the contrary is received by AQIS from MAF before loading of the vessel is due to commence in Australia.

ANNEX B: DISPOSAL OF THE ANIMALS

In the case the consignment is rejected:

1. Animals that have proven to have infectious diseases and are not fit for human consumption will be slaughtered and disposed of, by burning or other method, in accordance with measures provided for under local regulations;
2. Animals fit for human consumption:
 - (a) Are to be moved directly to the abattoir in closed vehicles;
 - (b) Are to be slaughtered according to Islamic customs under the supervision of the abattoir veterinarian and the representative of MAF; and
 - (c) Good parts of the animals can be released and handed to the importer.