

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 241 final
Brussels, 10.06.1994

94/ 0141(CNS)

Proposal for a

COUNCIL DECISION

on the conditions for drawing up, for a transitional
period, provisional lists of third country establishments
from which Member States are authorized to import certain products of
animal origin, fishery products or live
bivalve molluscs

(presented by the Commission)

EXPLANATORY MEMORANDUM

The establishment of the single market in the veterinary sector includes the requirement to apply harmonised conditions for the importation of products of animal origin, fishery products and live bivalve molluscs to avoid distortions in competition or unequal health conditions across the Community. To date these products have been imported on the basis of national decisions.

The specific conditions laid down in Council legislation for the import of such products requires that lists of establishments meeting Community requirements be established, and that either the establishments themselves, or the system applied by the third country concerned, are examined before the establishments are approved.

Such a major inspection effort in third countries will take a considerable time to complete. If unresolved, this could lead to a disruption in trade with third countries and possible distortions of the operation of the single market. It is therefore proposed that a temporary regime be put in place until 1 July 1996, to allow the Commission to draw up provisional lists of establishments on the basis of information from third countries on the establishments for which their competent authorities can provide guarantees that they meet Community requirements. The application of the temporary regime would allow time for the Office of Veterinary and Phytosanitary Inspection and Control to carry out the necessary inspections leading to the establishment of the permanent lists.

This proposal would have no effect on the Community budget.

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**Proposal for a
Council Decision
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period, provisional lists of third country establishments
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bivalve molluscs**

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Whereas products of animal origin, fishery products and live bivalve molluscs are included in the list of products at Annex II to the Treaty; whereas health rules applying to production and marketing have been laid down at Community level;

(1) OJ No.

(2) OJ No.

Whereas Community arrangements have been defined in respect of imports from third countries; whereas these arrangements require the drawing up of lists of third country establishments from which imports of certain products are permitted in accordance with Article 14.B(2) (a) of Council Directive 71/118/EEC on health problems affecting the production and placing on the market of fresh poultry meat⁽⁴⁾, Article 4(1) of Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine and fresh meat or meat products from third countries⁽⁵⁾, Article 9(3) (c) of Council Directive 91/492/EEC laying down the health conditions for the production and placing on the market of live bivalve molluscs⁽⁶⁾, Article 11 (4) (c) of Council Directive 91/493/EEC laying down the health conditions for the production and placing on the market of fishery products⁽⁷⁾, Article 16 (3) (a) of Council Directive 92/45/EEC on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat⁽⁸⁾, and Article 23 (3) (a) of Council Directive 92/46/EEC laying down health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products⁽⁹⁾;

Whereas, in order to allow the time necessary to carry out Community inspections in third countries to ensure that their establishments comply with Community provisions and to avoid a disruption in trade from third countries, a simplified approval system should be applied for a transitional period;

(4) O.J. N° L 55, 08.03.1971, p. 23. Last amended by Directive 92/116/EEC (O.J. N° L 62, 15.03.1993, p. 1).

(5) O.J. N° L 302, 31.12.1972, p. 28. Last amended by Regulation (EEC) N° 1601/92 (O.J. N° L 173, 27.06.1992, p. 13).

(6) O.J. N° L 268, 24.09.1991, p. 1.

(7) O.J. N° L 268, 24.09.1991, p. 15.

(8) O.J. N° L 268, 14.09.1992, p. 35. Last amended by Directive 92/116/EEC.

(9) O.J. N° L 268, 14.09.1992, p. 1. Last amended by Directive 92/118/EEC (O.J. N° L 62, 15.03.1993, p. 49).

Whereas in the interim period the guarantee of conformity with Community provisions for the protection of public and animal health should be undertaken by the competent authority of the third country concerned; whereas establishments may only figure on the lists where the third country concerned has provided the necessary assurances on compliance with Community rules;

Whereas, it is appropriate to make provision for a procedure establishing close and effective cooperation between the Commission and the Member States within the Standing Veterinary Committee;

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to the drawing up of lists of third country establishments from which Member States are authorized to import the following products:

- (i) Fresh poultry meat as defined in Article 2(2) of Council Directive 71/118/EEC;
- (ii) Meat products as defined in Article 1(1) fifth indent of Council Directive 72/462/EEC;
- (iii) Bivalve Molluscs as defined in Article 2(1) of Council Directive 91/492/EEC;
- (iv) Fishery products as defined in Article 2(1) of Council Directive 91/493/EEC;
- (v) Wild game meat as defined in Article 2(1) (d) of Council Directive 92/45/EEC;
- (vi) Raw milk, heat-heated milk and milk-based products as defined in Article 2 of Council Directive 92/46/EEC.

Article 2

1. Pending the drawing up of Community lists of third country establishments in accordance with the specific provisions of Directives 71/118/EEC, 72/462/EEC, 91/492/EEC, 92/45/EEC and 92/46/EEC, the Commission may draw up provisional lists of third country establishments for each of the products covered by Article 1, points (i), (ii), (iii), (v) and (vi) from which imports are authorized in accordance with the procedure laid down in Article 5. The provisional lists shall be valid until 1st July 1996 at the latest.
2. The provisional lists referred to in paragraph 1 shall be drawn up on the basis of establishments appearing on a list or lists provided by the third country concerned and for which the competent authority has provided the Commission with guarantees that these establishments meet the relevant Community requirements;
3. Establishments may only appear on the lists provided for in paragraph 1 if they are situated in a third country or part of a third country appearing on the list of third countries from which the import of the relevant products is permitted and if the information referred to in paragraph 2 is received by the Commission before 31 July 1994.
4. The lists provided for in paragraph 1 may be amended or supplemented by the Commission, to take account of new information received after 31 July 1994, or in the light of veterinary checks carried out at importation, in accordance with the procedure laid down in Article 5.

Article 3

1. Pending the drawing up of Community lists of establishments in certain third countries in accordance with the provisions of Article 11(2), first sub-paragraph and Article 11(4)(c) of Council Directive 91/493/EEC the Commission, in accordance with the procedure laid down in Article 5, may draw up a provisional list of third countries which have provided the Commission with guarantees equivalent to those provided for by Directive 91/493/EEC and a provisional list of third country establishments from which import of the products covered by Article 1(iv) is authorized. The provisional lists shall be valid until 1 July 1996 at the latest.

2. Establishments may only appear on the list of establishments if they are situated in a third country appearing on the list of third countries drawn up in accordance with paragraph 1, and if the establishments appear on a list provided by the third country concerned and if the competent authority has provided the Commission with guarantees that the establishments meet Community requirements. This information must be received by the Commission by 31 July 1994.
3. The list of establishments provided for in paragraph 1 may be amended or supplemented by the Commission to take account of new information provided after 31 July 1994, or in the light of veterinary checks carried out at importation, in accordance with the procedure laid down in Article 5.

Article 4

The procedure laid down in Article 5 may also be used to adopt modifications to Commission Decisions 86/414/EEC⁽¹⁰⁾, 86/473/EEC⁽¹¹⁾, 87/119/EEC⁽¹²⁾ and 94/40/EC⁽¹³⁾ on lists of establishments approved for the purpose of importing meat products into the Community.

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- (10) Commission Decision 86/414/EEC of 31 July 1986 on the list of establishments in Argentina approved for the purpose of importing meat into the Community.
(O.J. N° L 237, 23.08.1986, p. 36). Last amended by Commission Decision 93/201/EEC (O.J. N° L 87, 07.04.1993, p. 15.)
 - (11) Commission Decision 86/473/EEC of 10 September 1986 on the list of establishments in Uruguay approved for the purpose of importing meat products into the Community.
(O.J. N° L 279, 30.09.1986, p. 53.) Last amended by Commission Decision 92/99/EEC (O.J. N° L 39, 15.02.1992, p. 42).
 - (12) Commission Decision 87/119/EEC of 13 January 1987 on the list of establishments in Brazil approved for the purpose of importing meat products into Community.
(O.J. N° L 49, 18.02.1987, p. 37). Last amended by Commission Decision 92/485/EEC (O.J. N° L 290, 06.10.1992, p. 13.).
 - (13) Commission Decision 94/40/EC of 25 January 1994 on the list of establishments in Zimbabwe approved for the purpose of importing meat products into the Community.
(O.J. N° L 22, 27.01.1994, p. 50.).

Without prejudice to decisions taken in accordance with Directive 72/462/EEC, or in accordance with Article 2(4) of this Decision, establishments added to the lists in accordance with this Article shall be authorised to import meat products into the Community until 1 July 1996.

Article 5

1. The Commission shall be assisted by the Standing Veterinary Committee (hereinafter called 'the Committee') set up by Decision 68/361/EEC⁽¹⁴⁾.
2. Where reference is made to the procedure set out in this Article the following provisions shall apply.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 6

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President

(14) OJ No. L 255, 18.10.1968, p.23

ISSN 0254-1475

COM(94) 241 final

DOCUMENTS

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Catalogue number : CB-CO-94-254-EN-C

ISBN 92-77-69901-9

**Office for Official Publications of the European Communities
L-2985 Luxembourg**