

Opinion on the proposal for a Council Regulation (EEC) laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries⁽¹⁾

(91/C 269/12)

On 15 April 1991 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the above-mentioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 14 June 1991, in the light of the Report by Mr Wick.

At its 288th plenary session (meeting of 3 July 1991), the Economic and Social Committee unanimously adopted the following Opinion.

The Committee welcomes the proposal. It closes a gap in the future system of veterinary checks on live animals imported from third countries which will be required by the forthcoming completion of the internal market; it also contributes to the protection of human and animal health, the prevention of unnecessary obstacles to the flow of goods and the certainty that all market participants will be treated in accordance with the same principles.

1. General comments

1.1. The Council has already adopted the following rules for intra-Community trade in animal products and the hygiene requirements to be observed for the protection of the consumer (Directive 89/662 EEC); a second set of rules on intra-Community trade laying down the measures necessary to prevent the introduction of communicable animal diseases via live animals and animal products (Directive 90/425/EEC); and rules on veterinary checks on the import of animal products from third countries (Directive 90/675/EEC).

1.2. These rules have hitherto all been enshrined in Directives, but the current proposal takes the form of a Regulation. The Committee feels that uniform application of EC rules can be achieved via both Regulations and Directives, provided that realistic deadlines are set for implementing Directives.

The Committee wonders whether in addition to Article 43 Article 100a should not also be used as a legal basis since questions of human and animal health are involved.

1.3. The Committee has issued Opinions on each of the abovementioned Directives, most recently on the

Directive concerning the import of animal products from third countries (OJ No C 60, 8 March 1991, p. 37). As these Directives have strong parallels in terms of content and procedure with the current proposal, reference will be made in particular to the latter Opinion.

1.4. The Committee notes with interest the adoption of the proposal it made at the time, namely that in order to avoid practical difficulties, separate rules should be drawn up for live animals and products.

1.5. The Committee notes that no financial record sheet is attached to the proposal. The proposed Community checks at external frontiers will however entail additional staffing and material costs, mainly for the Member States but also for the Commission.

The Council Decision (90/C 288/01)⁽²⁾ of 15 October 1990 called for the expansion before the end of 1993 of Community and national veterinary services and their staffing, in order to ensure uniform application and observance of Community rules and the introduction of machinery for checks at the Community's external frontiers.

In the interests of animal protection, which has particularly high priority, and in order to avoid disruptions to trade, the Committee feels that the rapid handling of consignments for import and transit must be ensured. Staffing levels must be commensurate with the ability to carry out checks. The Committee also made this point in its Opinion on Directive 90/675/EEC. See also the specific recommendations in point 3.1 below.

1.6. The earlier Directives on veterinary checks (see point 1.1) differ in form and content from the current

⁽¹⁾ OJ No C 89, 6. 4. 1991, p. 5.

⁽²⁾ OJ No C 288, 16. 11. 1990.

proposal. The current proposal has particularly strong parallels with Directive 90/675/EEC on the import of products from third countries and it is recommended that its wording and content be aligned as closely as possible with Directive 90/675/EEC in order to prevent discrepancies and differences of interpretation.

2. Specific comments

2.1. Article 2(2)

The same definitions should be used as in Directive 90/675/EEC. In the German text the term 'Tierbeschau' should be replaced by the more correct 'Tieruntersuchung'. Definitions of 'importer', 'consignment', 'border inspection post' and 'competent authority' should be inserted.

2.2. Article 3(1) and (2) and Article 4(1)

When animals are imported from third countries, particular care must be taken to prevent the introduction of animal diseases. It is unacceptable for veterinary inspections to be confined to spot checks. Documentary, identity and physical checks must be carried out systematically on all consignments.

In the interests of uniformity and reliability all checks should ideally be carried out at border inspection posts. But in the light of practical and cost considerations, it would also be acceptable for the documentary check to be carried out at the point of entry, with consignments then being forwarded under customs supervision to the border inspection post for the remaining checks.

2.3. In the case of products imported from third countries, the Member States are to require the importers to notify the border inspection post, at which the products are to be presented, of the quantity and nature of the products and of their scheduled date of arrival. The Committee feels that the need for such rules is at least as great in the case of live animal imports from third countries.

2.4. Article 5(2)

The possibility of waiving the requirement that the inspection post be located in the immediate vicinity of the point of entry is welcomed. The relevant conditions should however be laid down in the Regulation itself, rather than being determined under the Veterinary Committee procedure.

2.5. Article 5(5)

For the reasons outlined in point 1.6 above, it is recommended that the approval of inspection posts be handled under the procedure specified in Article 9(3) of Directive 90/675/EEC (the national authorities and the Commission to check whether the minimum requirements are fulfilled; the Member States to provide the Commission with a list of inspection posts).

2.6. Article 6(1) and (2)

Quarantine checks should be carried out either at approved quarantine centres, or—where epidemiological considerations permit—at a suitable farm located close to the border.

2.7. Additional provisions should be incorporated into the proposal (e.g. under Article 6) specifying the conditions under which import or transit is to be prohibited.

2.8. Article 8

The rules on transit could be more clearly worded. In particular, in order to ensure the effectiveness of checks on animals in transit within the Community, there should be a requirement that the results of the checks stipulated in Articles 3 and 4 satisfy the competent veterinary authority.

2.9. Article 10

The measures provided in the event of identification of a communicable animal disease are endorsed. However, at the very least, the Member State's other inspection posts and the Commission should be notified—at all events if re-exportation is ordered—in order to prevent possible irregularities).

The Committee feels that notification of the Commission of irregularities in checks should be compulsory. In paragraph 3 the words 'where appropriate' should therefore be deleted.

2.10. The earlier Directives (see point 1.1) rightly lay down separate rules for harmonized and non-harmonized areas. The current proposal does not contain any rules for the non-harmonized area. In order to prevent two parallel systems of checks at external frontiers, the rules should—*mutatis mutandis*—also apply to the non-harmonized area.

2.11. Article 12(1)

The Committee suggests that the text relating to protective measures be clarified as follows:

'If, in the territory of a third country, ... or public health reason so warrants, or if imported animals are subsequently found to be the source of such diseases or threats, the Commission may, as a protective measure, prohibit imports or apply special conditions to imports of animals originating directly or indirectly in the third country concerned or part of the territory thereof.'

2.12. Article 15(1)

The opening sentence should define the respective areas of competence as follows: 'Veterinary experts from the Commission shall, to the extent that this is necessary for uniform application of the rules, in collaboration with the competent authorities check...'

2.13. Article 18

With regard to the rules on the exchange of information and the notification of the competent authorities, the Council decided on 15 October 1990 (Decision 90/C 288/01) to set up forthwith a computer system linking border crossing points and tied in with the network linking veterinary authorities which the Commission was required to set up under Article 30(1) of Directive 90/425/EEC.

The Committee supports the resulting call for a uniform information system for all checks.

2.14. Articles 20 and 21

The Committee accepts that there are good reasons for the proposed procedures which have also been employed in other veterinary legislation, but would like to see regular reports drawn up on matters dealt with under the Veterinary Committee procedure and any specific infringements uncovered.

2.15. Article 24(2) and Article 25

The Committee is surprised to note that yet again the proposed deadlines are much too short. The time allowed for the procedure should be more realistic.

3. Specific recommendations

3.1. Particular attention should be paid to animal protection in connection with the import of live animals. The international transport of live animals is governed by Directive 77/489/EEC on the protection of animals during international transport even in cases of import from a third country or transit. Checks should be specifically stipulated at an appropriate point in the proposal.

3.2. Unlike the earlier Directives (see point 1.1) the current proposal makes no provision for fees for veterinary checks. The Committee refers to its Opinion on the import of products from third countries which calls for check fees to be harmonized. The Committee stresses once again that a uniform fee framework is needed in order to prevent distortions of competition.

Done at Brussels, 3 July 1991.

The Chairman
of the Economic and Social Committee
François STAEDLIN