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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 334/98
of 11 February 1998
establishing the standard import values for determining the entry price of
certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 February 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 February 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 11 February 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	47,0
	212	106,4
	624	185,9
	999	113,1
0707 00 05	052	126,4
	204	85,9
	999	106,2
0709 10 00	220	167,8
	999	167,8
0709 90 70	052	138,0
	204	159,2
	999	148,6
0805 10 10, 0805 10 30, 0805 10 50	052	39,1
	204	36,2
	212	41,2
	600	51,4
	624	50,1
	999	43,6
0805 20 10	204	74,9
	999	74,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	58,2
	204	74,5
	464	82,7
	600	75,7
	624	80,4
	662	47,6
	999	69,8
	0805 30 10	052
0808 10 20, 0808 10 50, 0808 10 90	400	61,7
	600	76,5
	999	72,1
	060	51,5
	400	97,3
0808 20 50	404	98,8
	720	69,2
	728	81,1
	999	79,6
	388	99,6
	400	127,5
	528	102,8
	999	110,0

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 335/98

of 11 February 1998

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not rep-

resentative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 February 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 February 1998.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	7,96	—	0,25
1703 90 00 ⁽¹⁾	9,64	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 336/98
of 11 February 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 289/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 289/98 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 289/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 February 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 February 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 30, 5. 2. 1998, p. 5.

ANNEX

to the Commission Regulation of 11 February 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	37,00 ⁽¹⁾
1701 11 90 9910	34,66 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	37,00 ⁽¹⁾
1701 12 90 9910	34,66 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4022
	— ECU/100 kg —
1701 99 10 9100	40,22
1701 99 10 9910	40,35
1701 99 10 9950	40,35
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4022

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 337/98
of 11 February 1998

fixing the maximum export refund for white sugar for the 26th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1408/97 of 22 July 1997 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1408/97 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 26th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 26th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 43,436 per 100 kilograms.

Article 2

This Regulation shall enter into force on 12 February 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 February 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 338/98
of 11 February 1998

fixing the maximum export refunds for olive oil for the sixth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 1978/97⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 1978/97 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the sixth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 February 1998.

Article 2

This Regulation shall enter into force on 12 February 1998.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 February 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 278, 11. 10. 1997, p. 7.

ANNEX

to the Commission Regulation of 11 February 1998 fixing the maximum export refunds for olive oil for the sixth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 9100	9,00
1509 10 90 9900	—
1509 90 00 9100	8,00
1509 90 00 9900	—
1510 00 90 9100	—
1510 00 90 9900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 February 1998

laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States

(Text with EEA relevance)

(98/139/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat⁽¹⁾, as last amended by Directive 95/23/EC⁽²⁾, and in particular Article 12 thereof, and to the corresponding provisions of the other Directives and Decisions in the veterinary field, especially those concerning health problems affecting intra-Community trade in products of animal origin, laying down the animal health requirements applicable to intra-Community trade in live animals and in products of animal origin, concerning the examination of animals and fresh meat for the presence of residues, introducing measures for the control or the eradication of certain diseases, setting up standards for the animal welfare, introducing financial measures for the eradication of certain diseases and concerning expenditure in the veterinary field,

Whereas the Commission should adopt the general implementing rules establishing the conditions under which the on-the-spot checks referred to in the Direct-

ives and Decisions concerned must take place, in collaboration with the Member States concerned;

Whereas, in the framework of the on-the-spot checks provided for in Article 12 of Directive 64/433/EEC and in Article 10 of Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat⁽³⁾, as last amended by Directive 96/23/EC⁽⁴⁾, the Commission may, without warning, verify the application of the provisions of Council Directive 85/73/EEC of 29 January 1985 on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC⁽⁵⁾, as last amended by Directive 96/43/EC⁽⁶⁾;

Whereas, where this is necessary to ensure the uniform application of the Community legislation, the on-the-spot checks should be included in programmes established after discussion with the Member States concerned and an exchange of views in the Standing Veterinary Committee;

Whereas that collaboration should continue during the on-the-spot checks and in addition it should be possible for Commission experts to be accompanied by experts appointed by the Commission who are subject to certain obligations and have their travel and subsistence costs reimbursed;

⁽¹⁾ OJ L 121, 29. 7. 1964, p. 2012/64.

⁽²⁾ OJ L 243, 11. 10. 1995, p. 7.

⁽³⁾ OJ L 55, 8. 3. 1971, p. 23.

⁽⁴⁾ OJ L 125, 23. 5. 1996, p. 10.

⁽⁵⁾ OJ L 32, 5. 2. 1985, p. 14.

⁽⁶⁾ OJ L 162, 1. 7. 1996, p. 1.

Whereas, in the interests of efficiency, deadlines should be established for the despatch by the Commission of the results of on-the-spot checks to the Member States in which the checks were undertaken, and for the receipt of comments from those Member States;

Whereas it is necessary to ensure that the results of on-the-spot checks are taken into account by the Member States concerned;

Whereas, in the interests of transparency, the European Parliament, the consumer and the producer should be kept informed, within the limits of the Treaty and in particular the need to respect the obligation of professional secrecy laid down by Article 214 of the Treaty, of the findings of, and recommendations for action following from, the on-the-spot checks;

Whereas provision should also be made for a rapid procedure enabling Community Decisions to be adopted, where necessary, particularly in cases where on-the-spot checks have revealed a serious health risk or where it is found that measures acknowledged as indispensable after the checks have not been taken;

Whereas, in the interests of clarity, Commission Decision 96/345/EC⁽¹⁾ should be repealed;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision lays down certain rules relating to the on-the-spot checks carried out in the veterinary field in Member States by Commission experts.

For the purposes of this Decision, 'on-the-spot checks in the veterinary field' (hereinafter referred to as 'checks') means auditing actions necessary to ensure that the provisions of Community legislation are complied with in a uniform manner.

2. The provisions of this Decision shall apply without prejudice to the provisions of any agreements on sanitary measures applicable to trade in live animals and animal products reached between the European Community and third countries.

Article 2

The checks shall be performed in each Member State. The Commission shall establish a general programme of checks for the legislation concerned and submit it for an exchange of views in the Standing Veterinary Committee.

The general programme shall include information on all actions to be undertaken by the Commission in the context of the checks.

⁽¹⁾ OJ L 133, 4. 6. 1996, p. 29.

Article 3

1. The programmes of checks shall be organised and carried out in collaboration with the Member State concerned which shall appoint one or several experts for that purpose.

2. The Commission may defer or bring forward certain checks or carry out additional checks when it regards that as necessary in particular for health reasons, animal welfare reasons or on the basis of the results of previous checks, after discussion with the Member State concerned.

3. In every case, the Commission shall give notice to the Member State concerned of at least ten working days before the beginning of the programme of checks.

Article 4

1. In addition to experts from the Member State inspected, the Commission's experts may be accompanied during the checks by one or more experts, listed in accordance with paragraph 2, from one or more other Member States.

When checks are organised, the participation of an expert from another Member State may be refused by the Member State where those checks are to be carried out. This opportunity may only be used once.

2. Each Member State shall propose to the Commission at least two experts with specific expertise in designated areas of competence, and shall communicate to it their names, their fields of expertise, their exact official addresses, fax and telephone numbers.

The Commission shall maintain a list of those experts and shall consult the competent authority of the Member State of the expert before issuing an invitation to the expert to accompany the Commission's experts during the checks referred to in paragraph 1.

Where a Member State considers that one of the experts proposed by it should no longer be included in the list, it shall so inform the Commission. If the number of experts would thereby fall below the minimum required, the Member State shall propose one or more replacements to the Commission.

Article 5

1. During the checks, the Member State expert or experts appointed by the Commission shall comply with the Commission's administrative rules.

2. Information acquired or conclusions reached by the Member State expert or experts during the course of checks may on no account be used for personal purposes or divulged to persons who are not part of the competent departments of the Commission or the Member States.

3. The travel and subsistence costs incurred by the Member State expert or experts appointed by the Commission shall be reimbursed in accordance with its rules governing travel and subsistence costs incurred by persons who are not officials of the Commission and who are called on to perform the tasks of an expert.

Article 6

1. A Member State in whose territory checks are carried out in accordance with this Decision shall provide the experts of the Commission and the experts appointed by the Commission with the assistance they require in order to perform their tasks. In particular, access on the same basis as officials of the competent authority shall be given to all concerned persons, information and documentation as well as access to places, establishments, installations and means of transport in order for the checks to be carried out.

2. During the checks, the experts shall comply with the administrative rules which officials of the competent authorities of the Member State referred to in paragraph 1 must follow, without prejudice to the provisions of Article 5(1).

Article 7

1. Once the checks are concluded, the Commission's experts shall inform the Member State concerned orally of their conclusions and, where necessary, of the corrective measures they deem necessary and their degree of urgency.

The Commission shall confirm the results of the checks within 20 working days in a written report, subject to the receipt of any additional information requested during the checks but not available at that time.

The Member State shall give its comments within 25 working days of the receipt of the written report from the Commission.

However, in the event of an emergency, or where a significant risk to health or animal welfare has been identified during the on-the-spot check, the Member State shall be informed of the findings of the mission in a written report as quickly as possible and in any case within ten working days of the end of the mission. The Member State shall also give its comments as quickly as possible and in any case within ten working days of the receipt of the written report from the Commission.

In providing information on the findings of missions, the Commission shall in particular comply with the requirements laid down in Article 214 of the Treaty.

These provisions are without prejudice to the powers of the Commission to take interim protection measures

under the provisions of Community legislation in the veterinary field.

2. The Member State shall take the corrective measures to take account of the results of the checks carried out.

3. If, during checks, the Commission experts discover significant instances of non-compliance with Community legislation in a Member State or in one or more regions of that Member State, the latter must, at the request of the Commission, thoroughly investigate the general situation in the area concerned. If appropriate, the Member State, after consultation with the Commission, may restrict the investigation to the region(s) concerned by the programme of checks; it shall notify the Commission within the time set by the latter of the results of the checks and of the measures taken to remedy the situation.

4. If, after the checks, appropriate corrective measures are not taken by the Member State concerned within the prescribed period, in particular where the checks have revealed a serious public-health or animal-health or animal-welfare risk, the Commission shall, in accordance with the procedure laid down in Article 17 of Council Directive 89/662/EEC⁽¹⁾, take all the measures which it deems necessary.

Article 8

1. The Commission shall regularly notify by written reports all Member States, in the Standing Veterinary Committee, of the findings of, and recommendations for action following from, the on-the-spot checks carried out in each Member State.

The Commission shall inform the European Parliament of those findings and recommendations.

The Commission shall also make those findings and recommendations publicly available on a regular basis.

2. In undertaking the actions provided for in this Article, the Commission and the Member States shall in particular comply with the requirements laid down in Article 214 of the Treaty.

Article 9

The provisions of this Decision shall be re-examined before 31 December 1998 on the basis of a report by the Commission to the Member States.

Article 10

Decision 96/345/EC is hereby repealed.

⁽¹⁾ OJ L 395, 30. 12. 1989, p. 13.

Article 11

This Decision is addressed to the Member States.

Done at Brussels, 4 February 1998.

For the Commission
Emma BONINO
Member of the Commission

COMMISSION DECISION

of 4 February 1998

laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in third countries

(Text with EEA relevance)

(98/140/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat ⁽¹⁾, as last amended by Directive 96/23/EC ⁽²⁾, and in particular Article 14 thereof, and to the corresponding provisions of the other Directives in the veterinary field concerning health rules and the health requirements applying to imports of various animal species or products of animal origin,

Whereas the Commission should adopt the general implementing rules establishing the conditions under which on-the-spot checks in the veterinary field in third countries should take place, in collaboration with the Member States;

Whereas some rules relating to on-the-spot checks by Commission experts should be common to all the legislation in this field; whereas, therefore, they should be laid down in a single Decision; whereas, however, Commission Decision 86/474/EEC of 11 September 1986 on the implementation of the on-the-spot inspections to be carried out in respect of the importation of bovine animals and swine and fresh meat ⁽³⁾ should continue to apply;

Whereas application of the plans that third countries must submit pursuant to Council Directive 92/117/EEC of 17 December 1992 concerning measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications ⁽⁴⁾, as last amended by Directive 97/22/EC ⁽⁵⁾, should be verified during the on-the-spot checks;

Whereas, when approved establishments or those undergoing approval for the purpose of exporting fresh meat to the Community are being inspected, the slaughtering conditions should also be checked in accordance with Article 15 of Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killings ⁽⁶⁾;

Whereas, in the interests of efficiency, deadlines should be established for the despatch by the Commission of the results of on-the-spot checks to the third countries in which the checks were undertaken;

Whereas, where this is necessary to ensure the uniform application of the Community legislation, the on-the-spot checks should be included in programmes established after discussion with the Member States and an exchange of views in the Standing Veterinary Committee;

Whereas that collaboration should continue during the on-the-spot checks carried out by Commission experts, accompanied by experts of the Member States appointed by the Commission; whereas the Member States' experts should be subject to certain obligations and be reimbursed their travel and subsistence expenses;

Whereas, following on-the-spot checks, it is necessary to ensure that Member States are informed of the results and for appropriate measures to be proposed in accordance with Community legislation;

Whereas, in the interests of transparency, the European Parliament, the consumer and the producer should be kept informed within the limits of the Treaty and in particular the need to respect the obligation of professional secrecy laid down in Article 214 of the Treaty, of the findings of, and recommendations for action following from, the on-the-spot checks;

Whereas, the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures, and in particular Article 8 and Annex C, paragraph 1(d), requires that the confidentiality of information arising from the operation of control, inspection and approval procedures is respected in a way that legitimate commercial interests are protected;

Whereas, in the interests of clarity, Commission Decision 97/134/EC ⁽⁷⁾ should be repealed;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 55, 8. 3. 1971, p. 23.

⁽²⁾ OJ L 125, 23. 5. 1996, p. 10.

⁽³⁾ OJ L 279, 30. 9. 1986, p. 55.

⁽⁴⁾ OJ L 62, 15. 3. 1993, p. 38.

⁽⁵⁾ OJ L 113, 30. 4. 1997, p. 9.

⁽⁶⁾ OJ L 340, 31. 12. 1993, p. 21.

⁽⁷⁾ OJ L 51, 21. 2. 1997, p. 54.

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision lays down certain rules relating to the on-the-spot checks carried out in the veterinary field in third countries by Commission experts accompanied by Member State experts.

For the purposes of this Decision, 'on-the-spot checks in the veterinary field' (hereinafter referred to as 'checks') means auditing and inspection measures necessary to ensure that, without prejudice to the control of the application of existing veterinary legislation, the public and animal health and animal protection guarantees offered by third countries as regards production conditions and placement on the market may be regarded as at least equivalent to those applied in the Community.

2. The checks shall permit, according to the legislation concerned, the establishment or amendment of, in particular:

- the list of third countries or parts of third countries from which the Member States shall authorise imports,
- the import conditions specific to each third country, including any health certificate that must accompany all consignments intended for the Community,
- the list of establishments from which the Member States shall authorise imports.

3. The provisions of this Decision shall apply without prejudice to the provisions of any agreements on sanitary measures applicable to trade in live animals and animal products reached between the European Community and third countries.

Article 2

1. The Commission shall establish a general programme of checks for the legislation and third countries concerned and submit it for an exchange of views in the Standing Veterinary Committee.

The general programme shall include information on the content and frequency of the measures to be taken by the Commission in the context of the checks.

2. The Commission may defer or bring forward certain checks or carry out additional checks when it regards that as necessary, in particular for health reasons or on the basis of the results of previous checks, after consulting the Member States in the Standing Veterinary Committee.

Article 3

1. The Commission's experts may be accompanied during the checks by one or more experts, listed in accordance with paragraph 2, from one or more Member States.

2. Each Member State shall propose to the Commission at least two experts with specific expertise in designated areas of competence, and shall communicate to it their names, their fields of expertise, their exact official addresses, fax and telephone numbers.

The Commission shall maintain a list of those experts and shall consult the competent authority of the Member State of the expert before issuing an invitation to the expert to accompany the Commission's experts during the checks referred to in paragraph 1.

Where a Member State considers that one of the experts proposed by it should no longer be included in the list, it shall so inform the Commission. If the number of experts would thereby fall below the minimum required, the Member State shall propose one or more replacements to the Commission.

Article 4

1. During the checks, the expert or experts from one or more Member States appointed by the Commission to accompany its experts shall comply with the Commission's administrative instructions.

Information gathered or conclusions made by the Member State expert or experts during the course of the checks may on no account be used for personal purposes or divulged to persons outside the competent departments of the Commission or the Member States.

2. The travel and subsistence expenses incurred by the Member State expert or experts appointed by the Commission shall be reimbursed in accordance with its rules governing travel and subsistence expenses incurred by persons not belonging to the Commission who are called on to act as experts.

Article 5

Once the checks are concluded, the Commission's experts shall inform the third country orally of their conclusions and, where necessary, of the corrective measures they deem necessary and their degree of urgency.

The Commission shall confirm the results of the checks within 20 working days in a written report, subject to the receipt of any additional information requested during the checks but not available at that time.

However, in the event of an emergency, or where a significant health risk has been identified during the on-the-spot check, the third country shall be informed of the findings of the mission in a written report as quickly as possible and in any case within ten working days of the end of the mission.

In providing information on the findings of missions, the Commission shall in particular comply with the requirements laid down in Article 214 of the Treaty.

These provisions are without prejudice to the powers of the Commission to take interim protection measures under the provisions of Community legislation in the veterinary sector.

Article 6

1. The Commission shall inform, by written reports, the Member States in the Standing Veterinary Committee of the findings of, and recommendations for action following from, the on-the-spot checks carried out in each third country.

The reports shall indicate, as appropriate, and if the legislation concerned so provides, whether it is necessary:

- to amend any of the lists referred to in the first indent of Article 1(2),
- to establish or amend the import conditions referred to in the second indent of Article 1(2),
or
- to establish or amend the lists of establishments referred to in the third indent of Article 1(2).

The Commission shall inform the European Parliament of those findings and recommendations.

The Commission shall also make those findings and recommendations publicly available on a regular basis.

2. In undertaking the actions provided for in this Article, the Commission and the Member States shall in particular comply with the requirements laid down in Article 214 of the Treaty.

Article 7

The provisions of this Decision shall be re-examined before 31 December 1998 on the basis of a report by the Commission to the Member States.

Article 8

Decision 97/134/EC is hereby repealed.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 4 February 1998.

For the Commission

Emma BONINO

Member of the Commission
