

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 346 final

Brussels, 07.09.1994

Proposal for a
COUNCIL DIRECTIVE

amending the Annex to Directive 85/73/EEC on the financing of veterinary inspections
and controls of animal products covered by Annex A to
Directive 89/662/EEC and by Directive 90/675/EEC

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Directive 93/118/EC of 22 December 1993 amending Directive 85/73/EEC⁽¹⁾ lays down the general rules concerning the financing of veterinary inspections for Community and imported livestock products. It lays down the arrangements for collecting Community fees for fresh meat and poultrymeat. It also lays down that for other products of animal origin detailed rules are to be laid down at a later date, taking account of the specific nature of the products to be checked, the nature of the checks to be made and the advisability, having regard to the rules of competition, of setting a Community fee.

The purpose of this draft is to lay down the appropriate detailed rules for fishery products covered by Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽²⁾. It is designed to clarify the situation in the area where there are still major differences as regards means of financing.

The proposal provides for the collection of a fee:

- chargeable to the purchaser at the time of unloading or first sale;
- chargeable to the processing establishment;
- chargeable to the importer on import from third countries.

In principle the general provisions laid down by Directive 85/73/EEC are applicable.

⁽¹⁾ OJ No L 340, 31.12.1993, p. 15.

⁽²⁾ OJ No L 268, 24.9.1991, p. 15.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 85/73/EEC of 29 January 1985 on the financing of veterinary inspections and controls of animal products covered by Annex A to Directive 89/662/EEC and by Directive 90/675/EEC⁽¹⁾, as last amended by Directive 93/118/EC⁽²⁾, and in particular Article 6(1) and (2) thereof,

Having regard to the proposal from the Commission,

Whereas for products of animal origin other than meat referred to in Council Directive 64/433/EEC⁽³⁾, as last amended by Directive 92/5/EEC⁽⁴⁾, Council Directive 71/118/EEC⁽⁵⁾, as last amended by Directive 92/116/EEC⁽⁶⁾, and Council Directive 72/462/EEC⁽⁷⁾, as last amended by Regulation (EEC) No 1601/92⁽⁸⁾, it remains to lay down the necessary detailed rules for ensuring the financing of veterinary inspections;

Whereas, to ensure effective operation of the system of checks on fishery products and to avoid distortions of competition in the sector, such detailed rules should be laid down for the fishery products covered by Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽⁹⁾;

Whereas the detailed rules laid down take account of the specific nature of fishery products, the nature of the checks provided for by Directive 91/493/EEC and the advisability, having regard to the rules of competition, of setting Community fees;

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- (1) OJ No L 32, 5.2.1985, p. 14.
(2) OJ No L 340, 31.12.1993, p. 15.
(3) OJ No 121, 29.7.1964, p. 2012/64.
(4) OJ No L 57, 2.3.1992, p. 1.
(5) OJ No L 55, 8.3.1971, p. 23.
(6) OJ No L 62, 15.3.1993, p. 1.
(7) OJ No L 302, 31.12.1972, p. 28.
(8) OJ No L 173, 27.6.1992, p. 13.
(9) OJ No L 268, 24.9.1991, p. 15.

Whereas, for meat from non-member countries, the date specified by Commission Decision 94/360/EC of 20 May 1994 on the reduced frequency of physical checks of consignments of certain products to be imported from third countries, under Council Directive 90/675/EEC⁽¹⁰⁾, should be the date to be taken into account,

HAS ADOPTED THIS DECISION:

Article 1

Directive 85/73/EEC is amended as follows:

1. The Annex becomes "Annex I".
2. In point 2 of Chapter II of Annex I, "1 July 1994" is replaced by "1 October 1994".
3. The following Annex II is added:

"Annex II

Fees applying to fishery products covered by Directive 91/493/EEC

Chapter I

Fishery products coming under Chapter I of Directive 91/493/EEC

The fee referred to in the first subindent of the second indent of Article 1(1) is fixed in accordance with Article 1(2) as follows:

1. (a) Member States shall collect a fee for inspection costs relating to the checks provided for in the Annex to Directive 91/493/EEC
 - in Chapter V(II)(1) (organoleptic checks)
 - in Chapter V(II)(2) (parasite checks).
- (b) The fee provided for in (a) is fixed at ECU 1 per tonne of fishery products. It shall be collected at the time of unloading or of first sale and shall be charged to the first purchaser. In the case of a consignment of less than one tonne, the fee shall remain ECU 1.

⁽¹⁰⁾ OJ No L 158, 25.6.1994, p. 41.

2. (a) Member States shall collect a fee for the inspection costs relating to the checks provided for in the Annex to Directive 91/493/EEC:
 - in Chapter V(I)(3) (inspection of establishments)
 - in Chapter V(II)(3) (chemicals checks)
 - in Chapter V(II)(4) (microbiological analyses).
- (b) The fee provided for in (a) is fixed at ECU 1 per tonne of fishery products entering a preparation or processing establishment. The provisions of Article 4 apply.
3. Member States shall collect an amount corresponding to the actual cost of checks on fishery products in establishments only chilling, freezing, packaging or storing. The provisions of Article 4 apply.
4. Where the fees provided for in points 1 and 2 are charged to one and the same natural or legal person, Member States may collect a total fee covering the different amounts on a single occasion and in a single location.

Chapter II

Fishery products coming under Chapter II of Directive 91/493/EEC.

1. In the case of the fishery products referred to in the second subparagraph of Article 10 of Directive 91/493/EEC, the provisions laid down in point 1(a) of Chapter I of this Annex apply.
2. For fishery products other than those referred to in 1, the fee provided for in the second subindent of the second indent of Article 1(1) shall be fixed in accordance with Article 1(2) at the minimum flat-rate level of ECU 2 per tonne, with a minimum of ECU 30 per consignment, that minimum not being collected in the case of small consignments imported within the framework of cross-border trade.

However, Member States may derogate upwards from this amount to up to the actual costs.

3. When the decisions provided for in Article 8(3) of Directive 90/675/EEC are adopted and in accordance with the same procedure, the amounts referred to in point 2 shall be adjusted in the light of the reduced frequency of checks decided on.

When those decisions are taken, the Commission shall take account in particular of the guarantees given by third countries as regards acceptance of the principle of regionalization and other Community principles.

4. The fee referred to in point 2 shall be charged to the importer and shall be collected at the customs post responsible for the border inspection post."

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than two days after the date of its entry into force as regards the provisions of point 2 of Article 1, and not later than 31 December 1995 as regards the other provisions.

Member States shall immediately inform the Commission of the provisions adopted.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The President

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