

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 394 final

Brussels, 20.09.1994

94/0208 (CNS)

Proposal for a
COUNCIL DECISION

establishing rules for the recognition of third country health and veterinary inspection measures for fresh meat and meat products as equivalent to those applied to Community production, and for the conditions to be met for importation into the Community and amending Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat and meat products from third countries

(presented by the Commission)

EXPLANATORY MEMORANDUM

Community legislation concerning the conditions for the import of animal products from third countries already provides for the possibility of recognising the equivalence of a third country's health and veterinary inspection requirements except for fresh meat and meat products.

This proposal would establish the possibility to recognise the equivalence of a third country's health and veterinary inspection measures for fresh meat and meat products. It would therefore complete Community legislation in this field. Measures are also proposed for establishing the conditions of importation where equivalence is recognised.

This proposal would also allow the Community to meet its international obligations, in particular as regards the United States of America whose arrangements for fresh meat have already been recognised in principle as equivalent.

With the adoption of this proposal, it would be necessary to provide for a modification to Council Directive 72/462/EEC to clarify the situation. The existing provisions of Directive 72/462/EEC would be maintained to cater for the majority of the 60 or so third countries from which imports of fresh meat are authorised.

This proposal would have no effect on the Community budget.

Proposal for a
Council Decision

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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⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas it is necessary to establish criteria for the Community to be able to recognise the health and veterinary inspection measures applied by a third country for the production of fresh meat or meat products as offering equivalent health guarantees to that required by Community legislation;

Whereas it is necessary to evaluate the operation of health and veterinary inspection measures applied by third countries, and to assess the guarantees the third country concerned can provide on the efficacy of its control measures, and to take account of other relevant factors, before equivalence can be recognised;

- (1) CJ No. L...
- (2) CJ No. L...
- (3) CJ No. L...

Whereas it is necessary to establish provisions on certification, the management of lists of establishments, and other relevant management factors; whereas these provisions should be applied in all cases where equivalence of third country health systems for animal products has been recognised;

Whereas the Commission should be entrusted with the task of evaluating and recognising the health measures applied by third countries for fresh meat and meat products, and determining the provisions on certification, the management of lists of establishments and other relevant management factors, within the framework of the Standing Veterinary Committee procedure;

Whereas these provisions would allow the Community to fulfill its international obligations, and in particular those set out in Council Decision 93/158/EEC on the conclusion of negotiations between the European Economic Community and the United States of America on the application of Directive 72/462/EEC⁽⁴⁾.

Whereas to clarify the situation as concerns the scope of the different regimes applied to the importation of fresh meat and meat products from third countries it is necessary to take account the regime established by this decision as regards Council Directive 72/462/EEC of 12 December 1972 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⁾, as last amended by Council Regulation (EEC) 1601/92⁽⁶⁾.

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to imports of fresh meat and meat products, as defined in Article 1 of Council Directive 72/462/EEC, from third countries whose health and veterinary inspection measures provide equivalent guarantees to those laid down for the placing on the market in the Community.

(4) OJ No. L 68, 19.03.1993, p. 1.

(5) OJ No. L 302, 31.12.1972, p. 28.

(6) OJ No. L 173, 27.06.1992, p. 13.

Article 2**Recognition of Equivalence**

1. The Commission may, acting in accordance with the procedure laid down in Article 8, recognise the health and veterinary inspection measures applied by a third country or a part of a third country for the production of fresh meat and/or meat products as providing equivalent guarantees to those applied for the placing on the market in the Community where the third country objectively demonstrates that its measures provide similar guarantees.
2. Equivalence may only be recognised for third countries or parts of third countries listed in accordance with Article 3(1) of Directive 72/462/EEC.
3. In assessing the health and veterinary inspection measures operated by a third country, the Commission will pay particular attention to:
 - a) the experience of trade in fresh meat and/or meat products from that third country and the result of the import controls carried out;
 - b) the results of Community inspection visits to the third country;
 - c) the guarantees offered by the third country with regard to the application of measures equivalent to those of Annex I of Council Directive 64/433/EEC and Articles 14-16 and 20 of Directive 72/462/EEC;
 - d) the structure of the veterinary services in the third country and their powers;
 - e) the state of health of the livestock, other domestic animals and wildlife in the third country, particular account being paid to exotic animal diseases and of the environmental health situation in the country, which might endanger public or animal health in the Community;
 - f) the regularity and rapidity of the information supplied by the third country relating to the existence of infectious or contagious animal diseases in its territory, in particular those diseases mentioned in Lists A and B of the International Office of Epizootic Diseases;

- g) the third country's rules on animal disease prevention and control;
 - h) the organisation and implementation of measures to prevent and control infectious or contagious diseases;
 - i) the third countries legislation on the use of substances, in particular legislation concerning the prohibition or authorisation of substances, their distribution, release onto the market and the rules covering administration and inspection.
4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 8.

Article 3

Conditions for Importation

1. Where the Commission recognises the health and veterinary inspection measures of a third country or group of third countries in accordance with Article 2, the Commission shall at the same time, and in accordance with the same procedure, establish conditions for the importation of the fresh meat and/or meat products.
2. The conditions referred to in paragraph 1 shall include:
 - a) the nature and content of the health certificate(s) which must accompany the products;
 - b) arrangements for the drawing up and modification of the list of establishments from which imports are authorised;
 - c) specific animal or public health requirements for imports into the Community.
3. If necessary, specific conditions for the import of products destined for particular uses may be fixed in accordance with the procedure provided for in Article 8.
4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 8.

Article 4

Inspectors from the Commission and the Member States shall carry out inspections to verify whether the guarantees given by the third country regarding the conditions of production and placing on the market can be considered equivalent to those applied in the Community.

The experts from the Member States responsible for these inspections shall be appointed by the Commission, acting on proposals from the Member States.

These inspections shall be made on behalf of the Community, which shall bear the cost of any expenditure involved.

Article 5

The principles and rules laid down in Council Directive 90/675/EEC⁽⁷⁾ shall apply, with particular reference to the organisation of and follow-up to the inspections to be carried out by the member states and the safeguard measures to be implemented.

Article 6

Council Directive 72/462/EEC is hereby amended as follows:

The following Article 32b is added:

'Article 32b

This Directive shall not apply to imports of fresh meat or meat products from third countries for which Commission Decision(s) have been taken in accordance with Articles 2 and 3 of Council Decision .../.../EC⁽¹⁾.

(1) OJ No. L....'

(7) OJ No. L 373, 31.12.1990, p. 1. Last amended by Regulation (EEC) No. 1601/92.

Article 7

The Commission shall be assisted by the Standing Veterinary Committee (hereinafter called 'the Committee') set up by Decision 68/361/EEC⁽⁸⁾.

Article 8

Where the procedure laid down in this Article is to be followed, the following provisions shall be applicable.

The Commission representative 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 their opinion 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 9

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President

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

ISSN 0254-1475

COM(94) 394 final

DOCUMENTS

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Catalogue number : CB-CO-94-414-EN-C

ISBN 92-77-80630-3

Office for Official Publications of the European Communities

L-2985 Luxembourg