

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 38 final/A

Brussels, 8 February 1978

## Proposal for a COUNCIL DECISION

concerning the Community's acceptance of Resolution No 212  
(revised) of the Economic Commission for Europe and relating  
to the facilitation of health and quality inspection in the  
international carriage of goods by rail as regards traffic  
between the Community and third countries signatories to the  
Resolution

---

(submitted to the Council by the Commission)

COM(78) 38 final/A



The facts

1. In 1969 the Inland Transport Committee of the Economic Commission for Europe in Geneva adopted Resolution No 212 relating to the facilitation of health and quality inspection. The Resolution applies to the three modes of inland transport.
  
2. The years following the adoption of this Resolution showed that its recommendations - also the problem of non-recognition of health certificates - do not entirely meet the needs of the railway sector. The ECE's Inland Transport Committee therefore called upon its Working Party on Rail Transport to investigate the problems involved so that, where this sector is concerned, the Resolution could be revised. Following a proposal by the Working Party on Rail Transport, the Inland Transport Committee, at its 36th meeting (31 January to 4 February 1977) approved the proposal for Resolution No 212 (revised). On 6 April 1977 the Executive Secretary of the ECE wrote to members requesting acceptance and implementation of the revised Resolution. The deadline for answering the letter was 1 July 1977.
  
3. In this connection it should be made clear that, for the purposes of implementing Resolution No 212 (revised), the territories of the Member States of the Community are considered a single territory, notably because of the customs union established by them. In other words, acceptance and implementation of Resolution No 212 (revised) by the Community can cover only the carriage of goods between the Community and those non-Community countries signatories to the Resolution.
  
4. Since this matter is within the competence of the Community<sup>1</sup>, the Member States are no longer in a position to act individually and take on an international commitment concerning the implementation of Resolution No 212 (revised) on the carriage of goods by rail, or to reply individually to the letter of 6 April 1977 from the Executive Secretary of the ECE. On 10 June 1977 a telex to this effect was sent by the Commission to the Permanent Representations of Member States.

---

<sup>1</sup> See Articles 43, 75 and 100.

5. It is therefore clear that acceptance or non-acceptance of the revised Resolution must be established by the Community by means of a decision.

6. It is proposed that the Council approves the proposal for a Council Decision concerning the Community's acceptance of Resolution No 212 (revised) of the Economic Commission for Europe relating to the facilitation of health and quality inspection in the international carriage of goods by rail as regards traffic between the Community and those non-Community countries that are signatories of the Resolution.

Proposal for a Council Decision

concerning the Community's acceptance of Resolution No 212 (revised) of the Economic Commission for Europe relating to the facilitation of health and quality inspection in the international carriage of goods by rail as regards traffic between the Community and third countries signatories to the Resolution.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43, 75 and 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas the Inland Transport Committee of the Economic Commission for Europe at Geneva has approved the revision of Resolution No 212 relating to the facilitation of health and quality inspection in the international carriage of goods by rail, the application of which will make the crossing of national borders easier by eliminating any unnecessary or superfluous interruption in the movement of perishable goods originating in non-Community countries and imported into or in transit through the Community ;

Whereas the subject concerned by this revised Resolution, namely veterinary, plant-health and quality inspections in trade with non-Community countries is within the competence of the Community ; whereas the matter is already partially covered by Community rules ; whereas on 12 December 1972 the Council adopted Directive No 72/462/EEC concerning health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries (1) ; whereas on the basis of Article 23 (1) of this Directive the Member States ensure that, immediately upon its arrival in Community territory, fresh meat is submitted to a health inspection by the competent authority ;

---

(1) O.J. No L 302 from 31.12.1972

29

Whereas it should be recalled that the Community is based on its customs union; whereas this union covers all trade in goods and prohibits as between Member States customs duties, quantitative restrictions and measures having equivalent effect; whereas there also exist Community provisions concerning veterinary, plant-health and quality inspections within the Community;

Whereas by virtue of the relevant provisions of the Treaty of Rome the territories of the Member States are therefore regarded as one unit; and whereas the scope of a resolution aiming to establish uniform rules relating to the facilitation of veterinary, plant-health and quality inspections applicable in international rail transport can therefore be envisaged only for traffic between the Community and non-Community countries ;

Whereas in these circumstances the power to approve and accept the revised Resolution consequently lies with the Community,

HAS ADOPTED THIS DECISION:

Article 1

The Community hereby accepts Resolution No 212 (revised) of the Economic Commission for Europe for transport between the Community and non-Community countries signatories to the Resolution in question. Acceptance shall become operative on 1 January 1978. The text of the revised Resolution is annexed to this Decision.

Article 2

The President of the Council shall inform the Executive Secretary of the Economic Commission for Europe of the Council's decision to accept

---

(1) OJ No L 302 from 31.12.1972

Resolution No 212 (revised).

Article 3

This Decision is addressed to Member States.

Done at

For the Council  
The President





REVISED RESOLUTION RELATING TO THE FACILITATION  
OF HEALTH AND QUALITY INSPECTION

Resolution No. 212 (revised)

(adopted by the Inland Transport Committee on 4 February 1977)

THE INLAND TRANSPORT COMMITTEE,

CONSCIOUS of the need for certain requirements relating to the protection of animals and plants, as well as of consumers, in all transit and importing countries,

RECOGNIZING that requirements for the protection of animals and for the transport of living plants and of perishable and fragile foodstuffs imply the fastest possible forwarding and the elimination of any unnecessary waiting en route, in order to prevent any damage and the propagation of any disease,

CONSIDERING the precautions taken by the carriers who practically always transport plants and foodstuffs only in covered railway wagons or closed and sometimes insulated or refrigerated containers, which ensure adequate protection against the propagation of epidemics and diseases, not only for the products but also for the territories traversed,

TAKING INTO ACCOUNT the optimum advantage, in the case of direct delivery provided by uninterrupted cooling and by the use of fast transport equipment,

AWARE of the export inspections already being carried out in various States and of the health certificates being issued for export, which help to create favourable conditions for import and offer the possibility of dispensing, in so far as this is desirable, with any unnecessary interruption of shipments during transport and upon arrival in the importing country,

CONVINCED of the need to bring about as soon as possible optimum transport conditions, in order to improve trade in perishable products and to prevent any unnecessary pollution,

RECOMMENDS Governments,

1. for the veterinary inspection of shipments of live animals to have at frontier posts veterinary services which can operate according to traffic requirements and to organize, in agreement with their railways, a practical and operational system of efficient advance notification in order to prevent any delay in the execution of all the operations;
2. for the other health and quality inspections of shipments of living plants and of food products of animal or plant origin which, in principle, are still being carried out at the frontier in certain countries whereas their Customs operations are already taking place in the interior, to take the following steps to prevent any unnecessary waiting at the frontier;

- 7
- (a) provide for adequate and reliable export inspection before shipment in conjunction with the issuing of health certificates and the appropriate sealing of the transport equipment;
  - (b) endeavour to renounce, to the extent possible, all inspection shipments in transit in the case of loads carried under cold-storage conditions or enclosed transport equipment, provided with seals affixed by the control services of the country of origin;
  - (c) refrain from any unnecessary interruption of the continuous cooling process for the purpose of health or quality inspections at frontier railway stations;
  - (d) gradually abolish, to the extent possible, frontier inspections of all shipments carried in closed transport equipment and require only visual verification of health certificates accompanying the shipments and the corresponding seals;
  - (e) become parties to an international convention relating to the adoption of uniform standards for health and quality inspections and certificates.
-