

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 13 April 2004

amending Council Decision 79/542/EEC as regards the animal health conditions and veterinary certification for certain products transiting or being temporarily stored in the Community

(notified under document number C(2004) 1308)

(Text with EEA relevance)

(2004/372/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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, fresh meat or meat products from third countries⁽¹⁾, and in particular Article 3(1), Articles 14 and 15 and Article 22(2) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽²⁾, in particular Article 8(5), third indent, and Article 9(2)(b) and (4)(c),

Whereas:

- (1) Council Decision 79/542/EEC lays down the Community health conditions on imports of animals and fresh meat including minced meat from third countries⁽³⁾.
- (2) Council Directive 97/78/EC lays down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽⁴⁾ and certain provisions for transit are already provided for in Article 11, such as the use of ANIMO messages and of the common veterinary entry document.

(3) However, it is necessary in order to safeguard the disease situation in the Community to further ensure that consignments of fresh meat transiting through the Community comply with the animal health conditions applicable for authorised countries in regard to the relevant species concerned.

(4) In the light of experience, it appears that the presentation to the border inspection post, pursuant to Article 7 of Directive 97/78/EC, of the original veterinary documents established in the exporting third country to fulfil the regulatory requirement of the third country of destination, is not sufficient to ensure that the animal health conditions required for the safe introduction into the territory of the Community of the products concerned are effectively satisfied; it is therefore appropriate to establish a specific model of animal health certificate to be used in transit situations for the products concerned.

(5) It is further appropriate to clarify the implementation of the condition laid down in Article 11 of Directive 97/78/EC, that transit is only allowed from third countries whose products are not prohibited for introduction in the territory of the Community, by making reference to the list of third countries annexed to Decision 79/542/EEC.

⁽¹⁾ OJ L 302, 31.12.1972 p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽²⁾ OJ L 18, 23.1.2002, p. 11.

⁽³⁾ OJ L 146, 14.6.1979, p. 15. Decision as last amended by Commission Decision 2004/212/EC (OJ L 73, 11.3.2004, p. 11).

⁽⁴⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by the Act concerning the conditions of Accession (OJ L 236, 23.9.2003, p. 381).

(6) However, specific conditions for transits via the Community of consignments to and from Russia should be foreseen due to the geographical situation of Kaliningrad and taking into account climatic problems impeding the use of some ports at certain times of the year.

- (7) Commission Decision 2001/881/EC draws up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and updating the detailed rules concerning the checks to be carried out by the experts of the Commission⁽¹⁾ and it is appropriate to specify the border inspection posts designated for the control of such transits taking into account this Decision.
- (8) Council Decision 79/542/EEC should be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Council Decision 79/542/EEC is amended as follows:

1. The following Article 12a is inserted:

'Article 12a

Member States shall ensure that consignments of meat for human consumption, including minced meat, introduced onto the territory of the Community and which are destined for a third country either by transit immediately or after storage in accordance with Articles 12(4) or 13 of Directive 97/78/EC, and not intended for importation into the Community shall comply with the following requirements:

- (a) they shall come from the territory of a third country or a part thereof listed in Annex II, part 1, of this Decision for the import of fresh meat of that species;
- (b) they shall meet the specific animal health conditions for the species concerned set out in the corresponding model animal health certificate drawn up pursuant to Annex II, part 2;
- (c) they shall be accompanied by an animal health certificate established in accordance with the model laid down in Annex III, signed by an official veterinarian of the competent veterinary services of the third country concerned;
- (d) they are certified as acceptable for transit or storage (as appropriate) on the common veterinary entry document by the official veterinarian of the border inspection post of introduction.'

2. The following Article 12b is inserted:

'Article 12b

1. By way of derogation from Article 12a, Member States shall authorise the transit by road or by rail through the Community, between the designated Community border

inspection posts listed in Annex IV, of consignments coming from and destined to Russia directly or via another third country provided that the following conditions are met:

- (a) the consignment shall be sealed with a serially numbered seal at the border inspection post (BIP) of entry to the Community by the veterinary services of the competent authority;
- (b) the documents accompanying the consignment and referred to in Article 7 of Directive 97/78/EC shall be stamped "ONLY FOR TRANSIT TO RUSSIA VIA THE EC" on each page by the official veterinarian of the competent authority responsible for the BIP;
- (c) the procedural requirements provided for in Article 11 of Directive 97/78/EC shall be complied with;
- (d) the consignment is certified as acceptable for transit on the common veterinary entry document by the official veterinarian of the border inspection post of introduction.

2. Unloading or storage, as defined in Article 12(4) or Article 13 of Directive 97/78/EC, of such consignments on Community territory shall not be allowed.

3. Regular audits shall be made by the competent authority to ensure that the number of consignments and the quantities of products leaving the Community territory matches the number and quantities entering.'

3. The Annexes are amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 1 May 2004.

Article 1(1) and point 1 of the Annex shall only apply from 1 January 2005.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 April 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 326, 11.12.2001, p. 44. Decision as last amended by Decision 2004/273/EC (OJ L 86, 24.3.2004, p. 21).

ANNEX

The Annexes to Decision 79/542/EEC are amended as follows:

1. The following Annex III is added:

‘ANNEX III

(Transit and/or storage)

Model TRANSIT/STORAGE

VETERINARY CERTIFICATE for fresh meat ⁽¹⁾ , for transit and/or storage ⁽²⁾ ⁽⁷⁾ in the European Community																																																																											
	N ^o ⁽³⁾ ORIGINAL																																																																										
1. Consignor (name and address in full)	3. Origin of the meat ⁽⁴⁾ 3.1. Country: 3.2. Code of territory:																																																																										
2. Consignee (name and address in full)	4. Competent Authority 4.1. Ministry: 4.2. Service:																																																																										
5. Intended transit/storage ⁽⁷⁾ destination of the meat 5.1. Storage in EU Member State: (Name and address of the establishment ⁽⁵⁾ ⁽¹⁰⁾): 5.2. Transit final third-country destination ⁽¹⁰⁾ : Exit Community BIP name and address ⁽¹⁰⁾ :	4.3. Local/regional level: 6. Place of loading for exportation																																																																										
7. Means of transport and consignment identification ⁽⁶⁾ 7.1. (Lorry, Rail-wagon, Ship, or Aircraft) ⁽⁷⁾ 7.2. Registration number(s), ship name or flight number:	7.3. Consignment identification details ⁽⁸⁾ :																																																																										
8. Identification of the meat 8.1 Meat from: (animal species) 8.2 Temperature conditions of the meat included in this consignment: ... chilled/frozen ⁽⁵⁾ 8.3 Individual identification of the meat included in this consignment:																																																																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Nature of cuts</th> <th colspan="2">Number of the establishment(s)</th> <th rowspan="2">Cold store</th> <th rowspan="2">Number of packages/pieces</th> <th rowspan="2">Net weight (kg).</th> </tr> <tr> <th>Slaughterhouse</th> <th>Cutting/manufacturing</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td colspan="3" style="text-align: right;">Total</td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Nature of cuts	Number of the establishment(s)		Cold store	Number of packages/pieces	Net weight (kg).	Slaughterhouse	Cutting/manufacturing																																																													Total					
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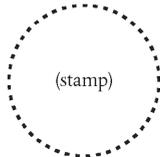
9. Animal health attestation

I, the undersigned official veterinarian, hereby certify, that the fresh meat described above:

- 9.1 comes from a country or region authorised for imports into the Community as laid down in Annex II, part 1, to 579/542/EEC at the time of slaughter and
- 9.2 complies with the relevant animal health conditions as laid down in the animal health attestation in the model certificate BOV/POR/OVI/EQU/RUF/RUW/SUF/SUW/EQW (?) in Annex II part 2 to 79/542/EEC and
- 9.3 is derived from animals which were slaughtered and processed on or between (?)

Official stamp and signature

Done at on



.....
(signature of official veterinarian)

.....
(name in capital letters, qualifications and title)

Notes

- (1) Fresh meat means all parts, whether fresh, chilled or frozen including deep-frozen minced meat, intended for human consumption of: (1) domestic bovine animals (*Bos taurus*, *Bison bison*, *Bubalus bubalis* and their cross-breeds) (model "BOV"); (2) domestic porcine animals (*Sus scrofa*) (model "POR"); (3) domestic sheep (*Ovis aries*) and goats (*Capra hircus*) (model "OVI"); (4) domestic equine animals (*Equus caballus*, *Equus asinus* and their cross-breeds) (model "EQU"); (5) farmed non-domestic animals other than *Suidae* and *Solipeds* (model "RUF"); (6) (wild non-domestic animals other than *Suidae* and *Solipeds* (model "RUW"); farmed non-domestic *Suidae* (Model "SUF"); (7) wild non-domestic *Suidae* (Model "SUW"); (8) wild non-domestic *Solipeds* (model "EQW").
- (2) In accordance with Article 12(4) or Article 13 of Council Directive 97/78/EC.
- (3) Issued by the competent authority.
- (4) Country and code of territory as appearing in Part 1 of Annex II to Council Decision 79/542/EEC (as last amended).
- (5) Address (and approval number if known) of the warehouse in a free zone, free warehouse, customs warehouse or ship chandler shall be included.
- (6) The registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft. In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, should be indicated under point 7.3.
- (7) Keep as appropriate.
- (8) Complete if appropriate.
- (9) Date or dates of slaughter. Imports of this meat shall not be allowed when obtained from animals slaughtered either prior to the date of authorisation for exportation to the European Community of the territory mentioned under (4), or during a period where restrictive measures have been adopted by the European Community against imports of this meat from this territory.
- (10) Complete as appropriate.'

2. The following Annex IV is added:

'ANNEX IV**List of the specifically designated border inspection posts referred to in Article 12b**

ISO code	Member State	BIP
LT	Lithuania	As laid down in Decision 2001/881/EC for Lithuania
LV	Latvia	As laid down in Decision 2001/881/EC for Latvia
PL	Poland	As laid down in Decision 2001/881/EC for Poland'