

This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

► **B**

COMMISSION DECISION

of 20 May 1994

on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries, under Council Directive 90/675/EEC

(94/360/EC)

(OJ L 158, 25.6.1994, p. 41)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Decision 94/658/EC of 30 September 1994	L 256	29	4.10.1994
► <u>M2</u>	Commission Decision 95/54/EC of 28 February 1995	L 53	36	9.3.1995
► <u>M3</u>	Commission Decision 95/270/EC of 30 June 1995	L 165	24	15.7.1995
► <u>M4</u>	Commission Decision 96/104/EC of 29 January 1996	L 24	31	31.1.1996
► <u>M5</u>	Commission Decision 97/139/EC of 3 February 1997	L 55	13	25.2.1997
► <u>M6</u>	Commission Decision 1999/302/EC of 30 April 1999	L 117	58	5.5.1999
► <u>M7</u>	Commission Decision 1999/518/EC of 28 July 1999	L 197	50	29.7.1999
► <u>M8</u>	Commission Decision 1999/609/EC of 10 September 1999	L 242	28	14.9.1999
► <u>M9</u>	Commission Decision 2000/583/EC of 27 September 2000	L 246	67	30.9.2000
► <u>M10</u>	Commission Decision 2002/237/EC of 21 March 2002	L 80	40	23.3.2002
► <u>M11</u>	Commission Decision 2006/590/EC of 1 September 2006	L 240	11	2.9.2006

▼B**COMMISSION DECISION****of 20 May 1994****on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries, under Council Directive 90/675/EEC**

(94/360/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾ and particularly Article 8 (3) thereof,

Whereas a reduction in the frequency of physical checks of consignments of products imported from third countries should be fixed on the basis of the criteria laid down in Article 8 (3) of Directive 90/675/EEC on experiences in the Member States and the danger to public and animal health in the Community;

Whereas, in addition, for certain third countries with which the Community has reached agreements on equivalency, a reduction in the physical checks on certain products can be applied, taking into account, *inter alia*, the application of the regionalization principle in the case of an animal disease, and of other Community veterinary principles;

Whereas the reduction in the frequency of physical checks will be carried out by each Member State; whereas it must be carried out in such a way that it is not possible for an importer to predict whether any particular consignment will be subject to a physical check;

Whereas there is a need to review the level of reduction at regular intervals based on information received by the Commission or the Member States on the implementation of the checks in border inspection posts;

Whereas Member States should immediately inform the Commission when checks reveal that products do not satisfy the necessary requirements or reveal any other irregularity;

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. In application of Article (8) of Directive 90/675/EEC, the Member States shall apply the reduction in the frequency of physical checks for the products from third countries as laid down in Annex I to this Decision, where Community decisions have been taken to establish, without prejudice to the EEA agreement:

— a list of approved third countries,

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

▼B

- a list of approved establishments (animal health and public health), and
 - a model certificate (animal health and public health).
2. For the third countries referred to in Annex II, the level of physical checks to be carried out by each Member State on consignments of products of the same group shall be as laid down in that Annex.
3. Paragraphs 1 and 2 shall apply without prejudice to Articles 15 and 19 of Directive 90/675/EEC.

Where a Member State applies the measures provided for in Article 15 of Directive 90/675/EEC, the situation shall be urgently reviewed in accordance with the procedure laid down in Article 23 of Directive 90/675/EEC; for this purpose the Member State concerned shall immediately inform the Commission and the other Member States thereof, in particular with a view to the implementation of the second subparagraph of Article 3 (3) of this Decision.

▼M10**▼B***Article 2*

Member States shall organize physical checks in such a way that it is not possible for an importer to predict whether any particular consignment will be subjected to a physical check.

*Article 3***▼M11****▼B**

3. ►**M11** The Commission shall review in accordance with the procedure referred to in Article 28 of Directive 97/78/EC the frequencies set out in Annexes I and II to this Decision at the request of a Member State or on its own initiative, taking into account the criteria laid down in Article 10 of Directive 97/78/EC as well as the regionalisation principle and other Community veterinary principles. ◀
4. Were the veterinary checks reveal an irregularity which has serious implications for animal or public health, Member States shall inform the Commission thereof without delay.

Article 4

The frequency of physical checks on consignments of products laid down in Annex I to this Decision shall be without prejudice to the provisions on physical checks set out in Directive 92/118/EEC or any Commission decision made under that Directive, or in any other Community legislation.

Article 5

Wherever a Council decision on equivalence veterinary agreements defines specific frequencies of physical checks, the Commission shall include such frequencies in Annex II.

▼B

Article 6

This Decision will be amended as soon as the Council adopts the relevant modifications in Directive 90/675/EEC.

Article 7

This Decision shall apply from ►**M4** 1 January 1997 ◀.

Article 3 shall apply as from the 15th day after the day of notification of this Decision.

Article 8

This Decision is addressed to the Member States.



ANNEX I

GROUPS OF PRODUCTS AND THE FREQUENCIES OF PHYSICAL CHECKS WHICH MUST BE CARRIED OUT BY EACH MEMBER STATE ON CONSIGNMENTS OF PRODUCTS IMPORTED FROM THIRD COUNTRY ESTABLISHMENTS REFERRED TO IN ARTICLE 1

Groups of products	Frequency of physical check
Category I	
1. Fresh meat including offal, and products of the bovine, ovine, caprine, porcine and equine species defined in Council Directive 92/5/EEC ⁽¹⁾	} 20 %
2. Fish products in hermetically sealed containers intended to render them stable at ambient temperatures, fresh and frozen fish and dry and/or salted fishery products ⁽²⁾	
3. Whole eggs	
4. Lard and rendered fats	
5. Animal casings	
6. Hatching eggs	
Category II	
1. Poultry meat and poultry meat products	} 50 %
2. Rabbit meat, game meat (wild/farmed) and products thereof	
3. Milk and milk products for human consumption	
4. Egg products	
5. Processed animal protein for human consumption	
6. Other fishery products than those mentioned under Category I, 2, and bivalve molluscs	
7. Honey	
Category III	
1. Semen	} minimum of 1 % maximum of 10 %
2. Embryos	
3. Manure	
4. Milk and milk products (not for human consumption)	
5. Gelatin	
6. Frog legs and snails	
7. Bones and bone products	
8. Hides and skins	
9. Bristles, wool, hair, feathers	
10. Horns, horn products, hooves and hoof products	
11. Apiculture products	
12. Hunting trophies	
13. Processed petfood	
14. Raw material for the manufacture of petfood	
15. Raw material, blood, blood products, glands and organs for pharmaceutical use	
16. Blood products for technical use	
17. Pathogens	
18. Hay and straw	

⁽¹⁾ OJ No L 57, 2. 3. 1992 p. 1.

⁽²⁾ Without prejudice to Article 10, subparagraph 2, of Directive 91/493/EEC (fresh fish).

▼M11*ANNEX II***LIST OF THIRD COUNTRIES AND FREQUENCIES OF PHYSICAL CHECKS****1. New Zealand**

In the case of New Zealand, the frequencies shall be those provided for in the Agreement which was approved by Council Decision 97/132/EC of 17 December 1996 on the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products ⁽¹⁾.

2. Canada

In the case of Canada, the frequencies shall be those provided for in Annex VIII to the Agreement which was approved by Council Decision 1999/201/EC of 14 December 1998 on the conclusion of the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products ⁽²⁾.

3. Chile

In the case of Chile, the frequencies shall be those provided for in the Agreement on Sanitary and Phytosanitary Measures applicable to Trade in Animals and Animal Products, Plants, Plant Products and other Goods and Animal Welfare set out in Annex IV to the Association Agreement which was approved by Council Decision 2002/979/EC of 18 November 2002 on the signature and provisional application of certain provisions of an Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part ⁽³⁾.

4. Switzerland

In the case of Switzerland, the frequencies shall be those provided for in Appendix 10 of Annex 11 on animal-health and zootechnical measures applicable to trade in live animals and animal products to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products approved by Decision 2002/309/EC, Euratom of 4 April 2002 of the Council, and of the Commission, as regards the Agreement on Scientific and Technological Cooperation, on the conclusion of seven Agreements with the Swiss Confederation ⁽⁴⁾.

⁽¹⁾ OJ L 57, 26.2.1997, p. 4. Decision as last amended by Decision 1999/837/EC (OJ L 332, 23.12.1999, p. 1).

⁽²⁾ OJ L 71, 18.3.1999, p. 1.

⁽³⁾ OJ L 352, 30.12.2002, p. 3.

⁽⁴⁾ OJ L 114, 30.4.2002, p. 1.