Commission Decision of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in third countries (Text with EEA relevance) (98/140/EC)

COMMISSION DECISION

of 4 February 1998

laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in third countries

(Text with EEA relevance)

(98/140/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat[(1)], as last amended by Directive 96/23/EC[(2)], and in particular Article 14 thereof, and to the corresponding provisions of the other Directives in the veterinary field concerning health rules and the health requirements applying to imports of various animal species or products of animal origin,

Whereas the Commission should adopt the general implementing rules establishing the conditions under which on-the-spot checks in the veterinary field in third countries should take place, in collaboration with the Member States;

Whereas some rules relating to on-the-spot checks by Commission experts should be common to all the legislation in this field; whereas, therefore, they should be laid down in a single Decision; whereas, however, Commission Decision 86/474/EEC of 11 September 1986 on the implementation of the on-the-spot inspections to be carried out in respect of the importation of bovine animals and swine and fresh meat[(3)] should continue to apply;

Whereas application of the plans that third countries must submit pursuant to Council Directive 92/117/EEC of 17 December 1992 concerning measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications[(4)], as last amended by Directive 97/22/EC[(5)], should be verified during the on-the-spot checks;

Whereas, when approved establishments or those undergoing approval for the purpose of exporting fresh meat to the Community are being inspected, the slaughtering conditions should also be checked in accordance with Article 15 of Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killings[(6)];

Whereas, in the interests of efficiency, deadlines should be established for the despatch by the Commission of the results of on-the-spot checks to the third countries in which the checks were undertaken;

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *There are currently no known outstanding effects for the Commission Decision of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in third countries (Text with EEA relevance) (98/140/EC), Introductory Text. (See end of Document for details)*

Whereas, where this is necessary to ensure the uniform application of the Community legislation, the on-the-spot checks should be included in programmes established after discussion with the Member States and an exchange of views in the Standing Veterinary Committee;

Whereas that collaboration should continue during the on-the-spot checks carried out by Commission experts, accompanied by experts of the Member States appointed by the Commission; whereas the Member States' experts should be subject to certain obligations and be reimbursed their travel and subsistence expenses;

Whereas, following on-the-spot checks, it is necessary to ensure that Member States are informed of the results and for appropriate measures to be proposed in accordance with Community legislation;

Whereas, in the interests of transparency, the European Parliament, the consumer and the producer should be kept informed within the limits of the Treaty and in particular the need to respect the obligation of professional secrecy laid down in Article 214 of the Treaty, of the findings of, and recommendations for action following from, the on-the-spot checks;

Whereas, the World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures, and in particular Article 8 and Annex C, paragraph l(d), requires that the confidentiality of information arising from the operation of control, inspection and approval procedures is respected in a way that legitimate commercial interests are protected;

Whereas, in the interests of clarity, Commission Decision 97/134/EC[7] should be repealed;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

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(**1**) OJ L 55, 8. 3. 1971, p. 23.

(**2**) OJ L 125, 23. 5. 1996, p. 10.

(**3**) OJ L 279, 30. 9. 1986, p. 55.

(**4**) OJ L 62, 15. 3. 1993, p. 38.

(**5**) OJ L 113, 30. 4. 1997, p. 9.

(**6**) OJ L 340, 31. 12. 1993, p. 21.

(**7**) OJ L 51, 21. 2. 1997, p. 54.

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