

## COMMISSION DECISION

of 9 November 2007

**amending Annex II to Council Decision 79/542/EEC as regards the list of third countries and parts thereof from which imports into the Community of certain fresh meat is authorised***(notified under document number C(2007) 5365)***(Text with EEA relevance)**

(2007/736/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(2)</sup>, and in particular Article 22(6) 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 <sup>(3)</sup>, and in particular the introductory phrase of Article 8, the first subparagraph of Article 8(1) and Article 8(4) thereof,

Whereas:

(1) Part 1 of Annex II to Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat <sup>(4)</sup> sets out a list of third countries and parts thereof from which Member States are authorised to import fresh meat of certain animals.

(2) That Annex indicates the time periods for which importation into the Community is authorised or not authorised, in relation to dates of slaughter or killing of the animals from which the meat was obtained. Those periods are indicated in order to allow the importation of fresh meat produced before the animal health restrictions were applied to certain third countries or parts thereof.

(3) However, to guarantee a high level of health protection in the Community, it is appropriate to provide that imports of fresh meat obtained in a third country from animals slaughtered on or before the date of application of restrictive measures are only allowed for a limited period of time, namely 90 days. In case of consignments certified on or before the date of application of an import ban and transported on high seas at the moment in which the ban enters into force, that period should be 40 days.

(4) The date from which imports into the Community of fresh meat from a certain third country or parts thereof are authorised, or banned, should be inserted in Annex II to Decision 79/542/EEC in order to avoid imports of fresh meat produced in a period in which an animal health risk was present in such country or part thereof.

(5) The existing indications of time periods in that Annex have also created practical problems, both as regards the Community border inspection posts when checking the health certificates for imports of such meat and for the competent services in the exporting third countries when preparing those certificates.

(6) As a consequence, in order to achieve a high level of protection of health and in order to ensure clarity, coherence and transparency as regards the list of third countries from which imports of fresh meat into the Community are authorised, it is appropriate to amend Annex II to Decision 79/542/EEC and to delete the references to those periods. In addition, entries concerning certain countries, in particular Paraguay and Brazil, should be updated.

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56. Directive as last amended by Directive 2006/104/EC (OJ L 363, 20.12.2006, p. 352).

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 9. Directive as last amended by Directive 2006/104/EC.

<sup>(3)</sup> OJ L 18, 23.1.2003, p. 11.

<sup>(4)</sup> OJ L 146, 14.6.1979, p. 15. Decision as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

- (7) In order to allow the imports of stocks of fresh meat currently authorised to be imported into the Community from certain third countries or parts thereof under Decision 79/542/EEC, but which no longer will be authorised after the date of application of the present Decision, it is appropriate to provide for a transitional period of 90 days.
- (8) Due to two outbreaks of foot-and-mouth disease in Argentina in February 2006, Commission Decision 2006/259/EC of 27 March 2006 amending Annex II to Council Decision 79/542/EEC as regards regionalisation for Argentina and the model certificates relating to the importation of bovine fresh meat from Argentina<sup>(1)</sup> prohibited imports of de-boned and matured bovine meat from eight departments in the province of Corrientes. A recent Community inspection in Argentina showed that the current animal health restrictions in the eight departments concerned, in particular as regards foot and mouth disease, are no longer necessary. Those restrictions should therefore no longer apply to those areas of Argentina, as requested by that country.
- (9) The inspection also showed that the production of de-boned and matured deer meat in Argentina fulfils the animal health requirements provided for in Decision 79/542/EEC. It is therefore appropriate to authorise imports into the Community of de-boned and matured deer meat from Argentina.
- (10) Due to two outbreaks of foot-and-mouth disease in Botswana in April 2006, Council Decision 79/542/EEC, as amended by Commission Decision 2006/463/EC<sup>(2)</sup>, prohibited imports of de-boned and matured bovine meat from a part of Botswana. The documentation received from Botswana and the favourable outcome of a Community inspection carried out in that country in March 2007 show that the measures taken by Botswana have been effective in controlling and eliminating the disease. Accordingly, the current animal health restrictions in the concerned part of Botswana should no longer apply.
- (11) In addition, the Community inspection considered favourably two other regions of Botswana that have been recognised by the OIE as free of FMD without vaccination. It is therefore opportune to allow these areas to export to the EU de-boned and matured bovine, ovine and farmed and wild game meat.
- (12) Parts of Colombia are listed in Part 1 of Annex II to Decision 79/542/EEC as parts of a third country from which imports of fresh bovine meat into the Community
- are authorised. However, Colombia has not submitted any residue monitoring plan for fresh bovine meat in accordance with Commission Decision 2004/432/EC of 29 April 2004 on the approval of residue monitoring plans submitted by third countries in accordance with Council Directive 96/23/EC<sup>(3)</sup>. In addition, no establishments are authorised for export of fresh meat to the Community. Therefore imports of fresh bovine meat from Colombia should no longer be authorised and the necessary amendment made to Part 1 of Annex II to Decision 79/542/EEC.
- (13) In order to give the possibility to the relevant stakeholders to adapt to the new import regime it is appropriate to provide that the present Decision applies from 1 December 2007.
- (14) Decision 79/542/EEC should therefore be amended accordingly.
- (15) Commission Decision 96/367/EC of 13 June 1996 concerning protection measures in relation to foot-and-mouth disease in Albania<sup>(4)</sup> and Commission Decision 96/414/EC of 4 July 1996 concerning protective measures with regard to imports of animals and animal products from the former Yugoslav Republic of Macedonia due to outbreaks of foot-and-mouth disease<sup>(5)</sup> are obsolete as the provisions provided for therein are now laid down in other Community acts. In the interests of clarity and legal certainty, those Decisions should be expressly repealed.
- (16) 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

Part 1 of Annex II to Decision 79/542/EEC is replaced by the text in the Annex to this Decision.

#### Article 2

Decisions 96/367/EC and 96/414/EC are repealed.

<sup>(1)</sup> OJ L 93, 31.3.2006, p. 65.

<sup>(2)</sup> OJ L 183, 5.7.2006, p. 20.

<sup>(3)</sup> OJ L 154, 30.4.2004, p. 44. Corrected version (OJ L 189, 27.5.2004, p. 33). Decision as last amended by Decision 2007/362/EC (OJ L 138, 30.5.2007, p. 18).

<sup>(4)</sup> OJ L 145, 19.6.1996, p. 17. Decision as amended by Decision 98/373/EC (OJ L 170, 16.6.1998, p. 62).

<sup>(5)</sup> OJ L 167, 6.7.1996, p. 58. Decision as amended by Decision 98/373/EC.

*Article 3*

Imports of fresh meat to the EU which were authorised under Decision 79/542/EEC which are no longer authorised by the application of the present Decision shall continue to be authorised for a transitional period of 90 days following the date of application.

*Article 4*

This Decision shall apply from 1 December 2007.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 9 November 2007.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

## ANNEX

## 'ANNEX II

## FRESH MEAT

## Part 1

## LIST OF THIRD COUNTRIES OR PARTS THEREOF (\*)

Country	Code of Territory	Description of territory	Veterinary certificate		Specific conditions	Closing date (**)	Opening date (***)
			Model(s)	SG			
1	2	3	4	5	6	7	8
AL — Albania	AL-0	Whole country	—				
AR — Argentina	AR-0	Whole country	EQU				
	AR-1	The Provinces of: Buenos Aires, Catamarca, Corrientes (except the departments of Berón de Astrada, Capital, Empedrado, General Paz, Itati, Mbucuruyá, San Cosme and San Luís del Palmar), Entre Ríos, La Rioja, Mendoza, Misiones, Neuquen, Rio Negro, San Juan, San Luis, Santa Fe, Tucuman, Cordoba, La Pampa, Santiago del Estero, Chaco Formosa, Jujuy and Salta, excluding the buffer area of 25 km from the border with Bolivia and Paraguay that extends from the Santa Catalina District in the Province of Jujuy, to the Laishi District in the Province of Formosa	BOV	A	1		18 March 2005
			RUF	A	1		1 December 2007
	AR-2	Chubut, Santa Cruz and Tierra del Fuego	BOV, OVI, RUW, RUF				1 March 2002
	AR-3	Corrientes: the departments of Berón de Astrada, Capital, Empedrado, General Paz, Itati, Mbucuruyá, San Cosme and San Luís del Palmar	BOV, RUF	A	1		1 December 2007
AU — Australia	AU-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF, SUW				
BA — Bosnia Herzegovina	BA-0	Whole country	—				
BH — Bahrain	BH-0	Whole country	—				

1	2	3	4	5	6	7	8
BR — Brazil	BR-0	Whole country	EQU				
	BR-1	Part of the State of Minas Gerais (except regional delegations of Oliveira, Passos, São Gonçalo de Sapucaí, Setelagoas and Bambuí), State of Espírito Santo, State of Goiás, Part of the State of Mato Grosso comprising the regional units of: <ul style="list-style-type: none"> <li>— Cuiabá (except for the municipalities of San Antonio de Leverger, Nossa Senhora do Livramento, Pocone and Barão de Melgaço),</li> <li>— Cáceres (except for the municipality of Cáceres),</li> <li>— Lucas do Rio Verde,</li> <li>— Rondonópolis (except for the municipality of Itiquiora),</li> <li>— Barra do Garça,</li> <li>— Barra do Burgres, State of Rio Grande do Sul</li> </ul>	BOV	A and H	1		1 November 2002
	BR-2	State of Santa Catarina	BOV	A and I	1		1 November 2002
BW — Botswana	BW-0	Whole country	EQU, EQW				
	BW-1	The veterinary disease control zones 3c, 4b, 5, 6, 8, 9 and 18	BOV, OVI, RUF, RUW	F	1		1 December 2007
	BW-2	The veterinary disease control zones 10, 11, 12, 13 and 14	BOV, OVI, RUF, RUW	F	1		7 March 2002
BY — Belarus	BY-0	Whole country	—				
BZ — Belize	BZ-0	Whole country	BOV, EQU				
CA — Canada	CA-0	Whole country	BOV, OVI, POR, EQU, SUF, SUW, RUF, RUW	G			
CH — Switzerland	CH-0	Whole country	•				
CL — Chile	CL-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF				
CN — China (People's Republic of)	CN-0	Whole country	—				
CO — Colombia	CO-0	Whole country	EQU				

1	2	3	4	5	6	7	8
CR — Costa Rica	CR-0	Whole country	BOV, EQU				
CU — Cuba	CU-0	Whole country	BOV, EQU				
DZ — Algeria	DZ-0	Whole country	—				
ET — Ethiopia	ET-0	Whole country	—				
FK — Falkland Islands	FK-0	Whole country	BOV, OVI, EQU				
GL — Greenland	GL-0	Whole country	BOV, OVI, EQU, RUF, RUW				
GT — Guatemala	GT-0	Whole country	BOV, EQU				
HK — Hong Kong	HK-0	Whole country	—				
HN — Honduras	HN-0	Whole country	BOV, EQU				
HR — Croatia	HR-0	Whole country	BOV, OVI, EQU, RUF, RUW				
IL — Israel	IL-0	Whole country	—				
IN — India	IN-0	Whole country	—				
IS — Iceland	IS-0	Whole country	BOV, OVI, EQU, RUF, RUW				
KE — Kenya	KE-0	Whole country	—				
MA — Morocco	MA-0	Whole country	EQU				
ME — Montenegro	ME-0	Whole country	BOV, OVI, EQU				
MG — Madagascar	MG-0	Whole country	—				
MK — Former Yugoslav Republic of Macedonia (****)	MK-0	Whole country	OVI, EQU				
MU — Mauritius	MU-0	Whole country	—				
MX — Mexico	MX-0	Whole country	BOV, EQU				

1	2	3	4	5	6	7	8
NA — Namibia	NA-0	Whole country	EQU, EQW				
	NA-1	South of the cordon fences which extend from Palgrave Point in the west to Gam in the east	BOV, OVI, RUF, RUW	F	1		
NC — New Caledonia	NC-0	Whole country	BOV, RUF, RUW				
NI — Nicaragua	NI-0	Whole country	—				
NZ — New Zealand	NZ-0	Whole country	BOV, OVI, POR, EQU, RUF, RUW, SUF, SUW				
PA — Panama	PA-0	Whole country	BOV, EQU				
PY — Paraguay	PY-0	Whole country	EQU				
RS — Serbia (****)	RS-0	Whole country	BOV, OVI, EQU				
RU — Russia	RU-0	Whole country	—				
	RU-1	Region of Murmansk, Yamolo-Nenets autonomous area	RUF				
SV — El Salvador	SV-0	Whole country	—				
SZ — Swaziland	SZ-0	Whole country	EQU, EQW				
	SZ-1	Area west of the "red line" fences which extends northwards from the river Usutu to the frontier with South Africa west of Nkalashane	BOV, RUF, RUW	F	1		
	SZ-2	The veterinary foot and mouth surveillance and vaccination control areas as gazetted as a Statutory Instrument under legal notice number 51 of 2001	BOV, RUF, RUW	F	1		4 August 2003
TH — Thailand	TH-0	Whole country	—				
TN — Tunisia	TN-0	Whole country	—				
TR — Turkey	TR-0	Whole country	—				
	TR-1	The provinces of Amasya, Ankara, Aydin, Balikesir, Bursa, Cankiri, Corum, Denizli, Izmir, Kastamonu, Kutahya, Manisa, Usak, Yozgat and Kirikkale	EQU				

1	2	3	4	5	6	7	8
UA — Ukraine	UA-0	Whole country	—				
US — United States	US-0	Whole country	BOV, OVI, POR, EQU, SUF, SUW, RUF, RUW	G			
UY — Uruguay	UY-0	Whole country	EQU				
			BOV	A	1		1 November 2001
			OVI	A	1		
ZA — South Africa	ZA-0	Whole country	EQU, EQW				
			ZA-1	The whole country except: — the part of the foot-and-mouth disease control area situated in the veterinary regions of Mpumalanga and Northern provinces, in the district of Ingwavuma of the veterinary region of Natal and in the border area with Botswana east of longitude 28°, and — the district of Camperdown, in the province of KwaZuluNatal	BOV, OVI, RUF, RUW	F	1
ZW — Zimbabwe	ZW-0	Whole country	—				

(\*) Without prejudice to specific certification requirements provided for by Community agreements with third countries.

(\*\*) Meat from animals slaughtered on or before the date indicated in column 7 can be imported into the Community for 90 days from that date. Consignments on the high seas can be imported into the Community if certified before the date indicated in column 7 for 40 days from that date. (N.B.: no date in column 7 means that there are no time restrictions).

(\*\*\*) Only meat from animals slaughtered on or after the date indicated in column 8 can be imported into the Community (no date in column 8 means that there are no time restrictions).

(\*\*\*\*) The former Yugoslav Republic of Macedonia; provisional code that does not prejudice in any way the definitive nomenclature for this country, which will be agreed following the conclusion of negotiations currently taking place on this subject in the United Nations.

(\*\*\*\*\*) Not including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

• = Certificates in accordance with the agreement between the European Community and the Swiss Confederation on trade in agricultural products, OJ L 114, 30.4.2002, p. 132.

— = No certificate laid down and fresh meat imports are prohibited (except for those species where indicated in the line for the whole country).

“1” Category restrictions:

No offal authorised (except, in the case of bovine species, diaphragm and masseter muscles).’