Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC

CHAPTER III U.K.

Provisions applicable to imports into the Community

Article 9 *U.K.*

The requirements applicable to imports of products covered by this Directive must offer at least the guarantees provided for in Chapter II, including those established in implementation of Article 6, and those laid down in the second and third indents of Article 3.

Article 10 *U.K.*

1 For the purposes of uniform application of Article 9, the following provisions shall apply.

2 The products referred to in **[**[F1]**[**[X1]Annex I**]]** and in the second and third indents of Article 3 may be imported into the Community only if they satisfy the following requirements:

a unless otherwise specified in **[**[F1]**[**[X1]Annex I**]]**, they must come from a third country or part of a third country on a list to be drawn up and updated in accordance with the procedure provided for in Article 18;

[[F2]b unless otherwise specified in **[**[F1]**[**[X1]Annex I**]]**, products must come from establishments on a Community list to be drawn up in accordance with the procedure laid down in Article 18;**]**

c in the cases specifically provided for in **[**[F1]**[**[X1]Annex I**]]** and in the second and third indents of Article 3, they must be accompanied by an animal health or public health certificate corresponding to a specimen to be drawn up under the procedure provided for in Article 18, certifying that the products meet the additional conditions or offer the equivalent guarantees referred to in paragraph 3 (a) and come from establishments offering such guarantees, and signed by an official veterinarian or, as appropriate, by any other competent authority recognized under the same procedure.

3 Under the procedure provided for in Article 18:

a specific requirements shall be established — in particular for the protection of the Community from certain exotic diseases or diseases transmissible to man — or guarantees equivalent to those conditions.

The specific requirements and equivalent guarantees established for third countries may not be more favourable than those laid down in **[**[F1]**[**[X1]Annex I**]]** and in the second and third indents of Article 3**[**[F3]**.]**

[[F4]Pending the fixing of the detailed rules of application provided for in the fourth and fifth indents of Chapter 2 of Annex II, Member States shall ensure that imports of products referred to therein are subject to compliance with the minimum guarantees laid down in the said indents;**]**

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[F5b a Community list shall be drawn up of third country establishments which satisfy the requirements of paragraph 2 (b);]

c the nature of any treatment or the measures to be taken to avoid recontamination of animal casings, eggs and egg products shall be established.

4 The decisions provided for in paragraphs 2 and 3 must be taken on the basis of evaluation and, if appropriate, the opinion of the Scientific Veterinary Committee, of the real risk of the spread of serious transmissible diseases or of diseases transmissible to man which could result from movement of the product, not only for the species from which the product originates but also for other species which could carry the disease or become a focus of disease or a risk to public health.

5 Experts from the Commission and the Member States shall carry out on-the-spot inspections to verify whether the guarantees given by the third country regarding the conditions of production and placing on the market can be considered equivalent to those applied in the Community.

The experts from the Member States responsible for these inspections shall be appointed by the Commission, acting on proposals from the Member States.

These inspections shall be made on behalf of the Community, which shall bear the cost of any expenditure involved.

Pending organization of the inspections referred to in the first subparagraph, national rules applicable to inspection in third countries shall continue to apply, subject to notification, through the Standing Veterinary Committee, of any failure to comply with the guarantees offered in accordance with paragraph 3 found during these inspections.

6 Pending compilation of the lists provided for [F3in paragraph 2 (a) and (b) second indent], Member States are authorized to maintain the controls provided for in Article 11 (2) of Directive 90/675/EEC and the national certificate required by products imported under existing national rules.

Editorial Information

X1 Substituted by Corrigendum to Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC (Official Journal of the European Union L 157 of 30 April 2004).

Textual Amendments

F1 Substituted by Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC.

F2 Substituted by Directive 2002/33/EC of the European Parliament and of the Council of 21 October 2002 amending Council Directives 90/425/EEC and 92/118/EEC as regards health requirements for animal by-products.

F3 Substituted by Council Directive 96/90/EC of 17 December 1996 amending Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.

F4 Inserted by Council Directive 96/90/EC of 17 December 1996 amending Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.

F5 Deleted by Council Directive 96/90/EC of 17 December 1996 amending Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC.

Article 11 U.K.

The procedure provided for in Article 18 shall be used to stipulate specific animal health requirements for imports into the Community and the nature and content of accompanying documents for products referred to in Annex I intended for experimental laboratories.

Article 12 U.K.

1 The principles and rules laid down in Directives 90/675/EEC and 91/496/EEC[(1)] shall apply, with particular reference to the organization of and follow-up to the inspections to be carried out by the Member States and the safeguard measures to be implemented.

However, for certain types of product of animal origin, derogations may be adopted in accordance with the procedure laid down in Article 18, from the physical check provided for in **[**[F6]Article 4(4)(b) of Directive 97/78/EC**]**.

[F7]2 . . . . . .

Textual Amendments

F6 Substituted by Council Directive 97/79/EC of 18 December 1997 amending Directives 71/118/EEC, 72/462/EEC, 85/73/EEC, 91/67/EEC, 91/492/EEC, 91/493/EEC, 92/45/EEC and 92/118/EEC as regards the organisation of veterinary checks on products entering the Community from third countries.

F7 Deleted by Council Directive 97/79/EC of 18 December 1997 amending Directives 71/118/EEC, 72/462/EEC, 85/73/EEC, 91/67/EEC, 91/492/EEC, 91/493/EEC, 92/45/EEC and 92/118/EEC as regards the organisation of veterinary checks on products entering the Community from third countries.

Article 13 U.K.

1 Member States may, by issuing an appropriate licence, permit the importation from third countries of products of animal origin referred to in **[**[F1]**[**[X1]Annex I**]]** in the form of trade samples.

2 The licence mentioned in paragraph 1 must accompany the consignment and contain full details of the specific conditions under which the consignment may be imported, including any derogations from the checks provided for by Directive 90/675/EEC.

3 Where the consignment enters one Member State for onward transmission to a second Member State, the first Member State shall ensure that the consignment is accompanied by the appropriate licence. Movement shall take place in accordance with the provisions of Article 11 (2) of Directive 90/675/EEC. The responsibility for ensuring that the consignment complies

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with the conditions of the licence (and whether entry into its territory should be permitted) shall rest with the Member State which issues the licence.

Editorial Information

X1 Substituted by Corrigendum to Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC (Official Journal of the European Union L 157 of 30 April 2004).

Textual Amendments

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(1) OJ No L 268, 24. 9. 1991, p. 56.