



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.2.2008
COM(2008) 99 final

2008/0037 (CNS)

Proposal for a

COUNCIL DIRECTIVE

concerning veterinary checks in intra-Community trade

(Codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bringing them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ Annex III, Part A, of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Directive 89/662/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex IV to the codified Directive.

↓ 89/662/EEC (adapted)

2008/0037 (CNS)

Proposal for a

COUNCIL DIRECTIVE

concerning veterinary checks in intra-Community trade

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament¹,

Having regard to the opinion of the European Economic and Social Committee²,

Whereas:

↓

- (1) Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market³ has been substantially amended several times⁴. In the interests of clarity and rationality the said Directive should be codified.

↓ 89/662/EEC (adapted)

- (2) The free movement of agricultural products is a fundamental feature of the common organisation of markets and should facilitate the rational development of agricultural production and the optimum use of the factors of production.

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33).

⁴ See Annex III, Part A.

- (3) In the veterinary field frontiers were previously used for carrying out checks aimed at safeguarding public health and animal health.
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↓ 89/662/EEC

- (4) The ultimate aim is to ensure that veterinary checks are carried out at the place of dispatch only. The attainment of this objective implies the harmonisation of the basic requirements relating to the safeguarding of public health and animal health.
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↓ 89/662/EEC (adapted)

- (5) For the purpose of the functioning of the internal market, the emphasis should be placed on the checks to be carried out at the place of dispatch and in organising those that could be carried out at the place of destination.
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↓ 89/662/EEC

- (6) This solution implies increased confidence in the veterinary checks carried out by the State of dispatch. The latter must ensure that such veterinary checks are carried out in an appropriate manner.
- (7) In the State of destination spot veterinary checks could be carried out at the place of destination. However, in the event of a serious presumption of irregularity, the veterinary check could be carried out while the goods are in transit.
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↓ 89/662/EEC (adapted)

- (8) It should be for the Member States to specify in a plan to be submitted the manner in which they intend to carry out the checks , and these plans should be the subject of Community approval.
- (9) Provision should be made for the action to be taken where a veterinary check discloses that the consignment is irregular. In such a situation three possible solutions may be singled out: the aim of the first would be to provide for the regularisation of incorrect documents, that of the second to avert any danger where it is found that there has been an outbreak of an epizootic disease, any new serious and contagious disease or other cause likely to constitute a serious hazard to animals or to human health, while the third would arise where the goods do not satisfy the requirements laid down for reasons other than those referred to above.
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↓ 89/662/EEC

- (10) Provision should be made for a procedure for resolving conflicts which could arise concerning consignments from an establishment, production centre or undertaking.

↓ 89/662/EEC (adapted)

- (11) Provision ☒ should ☒ be made for protective measures. In this area, especially for reasons of effectiveness, responsibility must rest firstly with the Member State of dispatch. The Commission ☒ should ☒ be able to act speedily, in particular by way of on-the-spot visits and adopting measures appropriate to the situation.
- (12) In order to be effective, the rules laid down by this Directive ☒ should ☒ cover all goods that are subject in the case of intra-Community trade to veterinary requirements.

↓ 89/662/EEC Recital 16
(adapted)

- (13) ☒ The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁵. ☒

↓

- (14) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex III, Part B,

↓ 89/662/EEC
→₁ 2004/41/EC Art. 6 pt. 1

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

General provisions

Article 1

Member States shall ensure that the veterinary checks to be carried out on →₁ products of animal origin covered by the acts referred to in Annex I ← or by Article 12 and which are intended for trade are no longer carried out, without prejudice to Article 6, at frontiers but are carried out in accordance with this Directive.

⁵ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

Article 2

For the purposes of this Directive:

- (1) ‘veterinary check’ means any physical check and/or administrative formality which applies to the products referred to in Article 1 and which is intended for the protection, direct or otherwise, of public or animal health;

↓ 89/662/EEC (adapted)

- (2) ‘trade’ means trade between Member States in goods within the meaning of Article 23 (2) of the Treaty;

↓ 89/662/EEC

- (3) ‘establishment’ means any undertaking which produces, stores or processes the products referred to in Article 1;
- (4) ‘competent authority’ means the central authority of a Member State competent to carry out veterinary checks or any authority to which it has delegated that competence;
- (5) ‘official veterinarian’ means the veterinarian appointed by the competent central authority of the Member State.

CHAPTER II

Checks at origin

Article 3

1. Member States shall ensure that the only products intended for trade are those referred to in Article 1 which have been obtained, checked, marked and labelled in accordance with Community rules for the destination in question and which are accompanied to the final consignee mentioned therein by a health certificate, animal-health certificate or by any other document provided for by Community veterinary rules.

The establishments of origin shall ensure, by constant self-supervision, that such products satisfy the requirements of the first subparagraph.

↓ 89/662/EEC (adapted)

Without prejudice to the monitoring duties assigned to the official veterinarian under Community legislation, the competent authority shall carry out regular checks on establishments in order to satisfy itself that products intended for trade comply with Community requirements or, in the cases referred to in paragraph 3 of this Article and ~~☒~~ in ~~☒~~ Article 12, with the requirements of the Member State of destination.

↓ 89/662/EEC

Where there are grounds for suspecting that requirements are not being met, the competent authority shall carry out the necessary checks and, if the suspicion is confirmed, take the appropriate measures, which may include withdrawing approval.

↓ 89/662/EEC (adapted)

2. Where the transport operation involves several places of destination, products ~~☒~~ shall ~~☒~~ be grouped together in as many batches as there are places of destination. Each batch ~~☒~~ shall ~~☒~~ be accompanied by the certificate or document ~~☒~~ referred to in paragraph 1 ~~☒~~.

Where the products referred to in Article 1 are intended for export to a third country, the transport operation ~~☒~~ shall ~~☒~~ remain under customs supervision up to the point of exit from Community territory.

↓ 89/662/EEC

3. Member States which make optional imports from certain third countries shall inform the Commission and the other Member States of the existence of such imports.

↓ 89/662/EEC (adapted)

Where products are brought into Community territory by a Member State other than those referred to ~~☒~~ in the first subparagraph ~~☒~~, that Member State shall carry out a documentary check on the origin and destination of the goods in accordance with Article 6(1).

↓ 89/662/EEC
→₁ 2004/41/EC Art. 6 pt. 1

Member States of destination shall prohibit the products concerned from being sent on from their territory unless they are bound for another Member State using the same option.

Article 4

1. Member States of dispatch shall take the necessary measures to ensure that operators comply with veterinary requirements at all stages of the production, storage, marketing and transport of the products referred to in Article 1.

In particular, they shall ensure that:

- (a) the →₁ products of animal origin covered by the acts referred to in Annex I ← are checked in the same way, from a veterinary viewpoint, whether they are intended for intra-Community trade or for the national market;

↓ 89/662/EEC (adapted)

- (b) the products covered by Annex II are not dispatched to the territory of another Member State if they cannot be marketed on their own territory for reasons justified by Article ☒ 30 ☒ of the Treaty.

↓ 89/662/EEC

2. Member States of dispatch shall take the appropriate administrative, legal or penal measures to penalise any infringement of veterinary legislation by natural or legal persons where it is found that Community rules have been infringed, in particular where it is found that the certificates or documents drawn up do not correspond to the actual state of the products or that public health stamps have been affixed to products which do not comply with those rules.

CHAPTER III

Checks on arrival at the destination

Article 5

1. Member States of destination shall implement the following measures:

- (a) The competent authority may, at the places of destination of goods, check by means of non-discriminatory veterinary spot-checks that the requirements of Article 3 have been complied with; it may take samples at the same time.

Furthermore, where the competent authority of the Member State of transit or of the Member State of destination has information leading it to suspect an infringement, checks may also be carried out during the transport of goods in its territory, including checks on compliance as regards the means of transport;

- (b) where the products referred to in Article 1 originating in another Member State are intended:

- (i) for an establishment placed under the responsibility of an official veterinarian, the latter must ensure that only products which meet the requirements of Article 3(1) with respect to marking and accompanying documents or, in the case of the products referred to in Annex II, which are accompanied by the document stipulated by the rules of the country of destination, are admitted to that establishment;

↓ 89/662/EEC (adapted)

- (ii) for an approved intermediary who divides up the batches or for a commercial undertaking with many branches, or any establishment not subject to permanent supervision, the latter must check, before the batch is divided up or marketed, that the marks, certificate or documents referred to in point (i) are present and notify the competent authority of any irregularity or anomaly;
- (iii) for other consignees, particularly where the batch is partially unloaded during transport, the batch must be accompanied, in accordance with Article 3(1), by the original of the certificate referred to in point (i) .

The guarantees which must be furnished by the consignees referred to in points (ii) and (iii) shall be specified in an agreement with the competent authority to be signed at the time of the prior registration provided for in paragraph 3. The competent authority shall carry out random checks to verify compliance with those guarantees.

2. Without prejudice to Article 4, where the Community standards laid down by Community rules have not been set and in the case provided for in Article 12, the Member State of destination may require that the establishment of origin apply the standards in force under the national rules of that Member State. The Member State of origin shall ensure that the product in question comply with those requirements.

↓ 89/662/EEC

3. Operators who have products delivered to them from another Member State or who completely divide up a batch of such products:

- (a) shall be subject, if so requested by the competent authority, to prior registration;
- (b) shall keep a register in which such deliveries are recorded;

↓ 89/662/EEC (adapted)

- (c) shall , if so requested by the competent authority, report the arrival of products from another Member State, to the extent necessary to carry out the checks referred to in paragraph 1;

(d) shall keep for a period of not less than six months to be specified by the competent authority, the health certificates or documents referred to in Article 3 for presentation to the competent authority should the latter so request.

4. The detailed rules for implementing this Article shall be adopted in accordance with the procedure referred to in Article 14(3) .

5. The Council, acting on the basis of a Commission report accompanied by any proposals for amendments, shall re-examine this Article before 1 July 1995 .

Article 6

90/675/EEC Art. 28 (adapted)

1. Member States shall ensure that, during the checks carried out at the places where products from a third country may be brought into the territories listed in Annex I to Council Directive 97/78/EC, ⁶ such as ports, airports and border inspection posts with third countries, the following measures are taken:

90/675/EEC Art. 28

(a) a documentary check is made on the products' origin;

90/675/EEC Art. 28 (adapted)

(b) products originating in the Community are subject to the rules on checks provided for in Article 5 of this Directive .

(c) products from third countries are subject to the rules laid down in Directive 97/78/EC .

89/662/EEC (adapted)

2. However, by way of derogation from paragraph 1, all products transported by regular, direct means of transport linking two geographical points of the Community shall be subject to the rules of inspection laid down in Article 5.

⁶ OJ L 24, 30.1.1998, p. 9.

Article 7

1. If, during a check carried out at the place of destination of a consignment or during transport, the competent authorities of a Member State establish the presence of agents responsible for a disease named in Council Directive 82/894/EEC⁷, a zoonosis or disease, or any cause likely to constitute a serious hazard to animals or humans, or that the products come from an area infected by an epizootic disease, they shall, except as regards animal-health aspects, in the case of products subject to one of the treatments referred to in Annex III to Council Directive 2002/99/EC⁸ and in Part 4 of Annex II to Commission Decision 2005/432/EC⁹ , order the batch to be destroyed or used in any other way laid down by Community rules.

Costs relating to the destruction of the batch shall be borne by the consignor or his representative.

The competent authorities of the Member State of destination shall immediately notify the competent authorities of the other Member States and the Commission by electronic means of the findings arrived at, the decisions taken and the reasons for such decisions.

The protective measures provided for in Article 9 may be applied.

In addition, at the request of a Member State and in accordance with the procedure referred to in Article 14(2) , the Commission may, in order to deal with situations not provided for by Community legislation, adopt any measure necessary to arrive at a concerted approach by the Member States.

2. If, during a check carried out at the place of destination of a consignment or during transport, the competent authorities of a Member State establish that the goods do not meet the conditions laid down by Community directives, or, in the absence of decisions on the Community standards provided for by the directives, by national standards, they may, provided that health and animal-health considerations so permit, give the consignor or his representative the choice of:

↓ 89/662/EEC

- (a) destroying the goods; or
- (b) using the goods for other purposes, including returning them with the authorisation of the competent authority of the country of the establishment of origin.

However, if the certificate or the documents are found to contain irregularities, the consignor must be granted a period of grace before recourse is had to this last possibility.

⁷ OJ L 378, 31.12.1982, p. 58.

⁸ OJ L 18, 23.1.2003, p. 11.

⁹ OJ L 151, 14.6.2005, p. 3.

↓ 89/662/EEC (adapted)

3. In accordance with the procedure referred to in Article 14(3), the Commission shall draw up a list of the agents and diseases referred to in paragraph 1 of this Article, and detailed rules for the application of this Article.

↓ 89/662/EEC

Article 8

1. In the cases provided for in Article 7, the competent authority of the Member State of destination shall contact the competent authorities of the Member State of dispatch without delay. The latter authorities shall take all necessary measures and notify the competent authority of the first Member State of the nature of the checks carried out, the decisions taken and the reasons for such decisions.

If the authority of the first Member State fears that such measures are inadequate, the competent authorities of the two Member States shall together seek ways and means of remedying the situation; if appropriate this may involve an on-the-spot inspection.

2. Where the checks provided for in Article 7 show repeated irregularities, the competent authority of the Member State of destination shall inform the Commission and the veterinary departments of the other Member States.

The Commission, at the request of the competent authority of the Member State of destination or on its own initiative, and taking into account the nature of the infringements established, may:

- (a) send a mission of inspection to the establishment concerned; or
- (b) instruct an official veterinarian, whose name shall be on a list to be prepared by the Commission at the suggestion of the Member States, and who is acceptable to the various parties concerned, to check the facts in the establishment concerned;
- (c) request the competent authority to intensify its sampling of the products of the establishment concerned.

It shall inform the Member States of its findings.

↓ 89/662/EEC (adapted)

Where those measures are taken to deal with repeated irregularities on the part of an establishment, the Commission shall charge any expenses occasioned by the application of points (a), (b) and (c) of the second subparagraph to the establishment involved.

Pending the Commission's findings, the Member State of dispatch must, at the request of the Member State of destination, intensify checks on products coming from the establishment in question and ☒, ☒ if there are serious animal health or public health grounds, suspend approval.

↓ 89/662/EEC

The Member State of destination may, for its part, intensify checks on products coming from the same establishment.

↓ 89/662/EEC (adapted)
→₁ 92/67/EEC Art. 1 pt. 2

3. At the request of one of the two Member States concerned — where the irregularities are confirmed by the expert's opinion — the Commission must, in accordance with the procedure ☒ referred to ☒ in Article ☒ 14(2) ☒, take the appropriate measures, which may go as far as authorising the Member States to prohibit provisionally the bringing into their territory of products coming from that establishment. Those measures must be confirmed or reviewed as soon as possible in accordance with the procedure ☒ referred to ☒ in Article ☒ 14(2) ☒.

4. The general rules for the application of this Article shall be adopted in accordance with the procedure ☒ referred to ☒ in Article ☒ 14(3) ☒.

5. Rights of appeal existing under the laws in force in the Member States against decisions by the competent authorities shall not be affected by this Directive →₁, except in ☒ the ☒ case covered by the fourth subparagraph ←.

↓ 89/662/EEC

Decisions taken by the competent authority of the State of destination and the reasons for such decisions shall be notified to the consignor or his representative and to the competent authority of the Member State of dispatch.

If the consignor or his representative so requests, the said decisions and reasons shall be forwarded to him in writing with details of the rights of appeal which are available to him under the law in force in the Member State of destination and of the procedure and time limits applicable.

However, in the event of a dispute, the two parties concerned may, if they so agree, within a maximum period of one month, submit the dispute for the assessment of an expert whose name appears on a list of Community experts to be drawn up by the Commission; the cost of consulting the expert shall be borne by the Community.

Such experts shall issue their opinions within not more than 72 hours. The parties shall abide by the expert's opinion, with due regard for Community veterinary legislation.

6. The costs of returning the consignment, storing the goods, putting them to other uses or destroying them shall be borne by the consignee.

CHAPTER IV

Common provisions

Article 9

1. Each Member State shall immediately notify the other Member States and the Commission of any outbreak in its territory, other than an outbreak of diseases referred to in Directive 82/894/EEC, of any zoonoses, diseases or other cause likely to constitute a serious hazard to animals or to human health.

The Member State of origin shall immediately implement the control or precautionary measures provided for in Community rules, in particular the determination of the buffer zones provided for in those rules, or adopt any other measure which it deems appropriate.

↓ 89/662/EEC (adapted)

The Member State of destination or transit which, in the course of a check referred to in Article 5, has established the existence of one of the diseases or causes referred to in the first subparagraph ☒ of this paragraph ☒ may, if necessary, take the precautionary measures provided for in Community rules.

↓ 89/662/EEC

Pending the measures to be taken in accordance with paragraph 4, the Member State of destination may, on serious public or animal-health grounds, take interim protective measures with regard to the establishments concerned or, in the case of an epizootic disease, with regard to the area of protection provided for in Community rules.

The measures taken by Member States shall be notified to the Commission and to the other Member States without delay.

2. At the request of the Member State referred to in the first subparagraph of paragraph 1 or on the initiative of the Commission, one or more Commission representatives may go at once to the place concerned to examine, in collaboration with the competent authorities, what measures have been taken, and shall issue an opinion on those measures.

↓ 89/662/EEC (adapted)

3. If the Commission has not been informed of the measures taken, or if it considers the measures taken to be inadequate, it may, in collaboration with the Member State concerned and pending the meeting of the Committee ☒ referred to in Article 14(1) ☒, take interim protective measures with regard to products from the region affected by the epizootic disease or from a given establishment. These measures shall be submitted to ☒ that ☒ Committee

as soon as possible to be confirmed, amended or cancelled in accordance with the procedure referred to in Article 14(2).

4. The Commission shall in all cases review the situation in the Committee referred to in Article 14(1) at the earliest opportunity. It shall adopt the necessary measures for the products referred to in Article 1 and, if the situation so requires, for the originating products or products derived from those products in accordance with the procedure referred to in Article 14(2). The Commission shall monitor the situation and, by the same procedure, shall amend or repeal the decisions taken, depending on how the situation develops.

5. Detailed rules for the application of this Article, and in particular the list of zoonoses or causes likely to constitute a serious hazard to human health, shall be adopted in accordance with the procedure referred to in Article 14(3).

↓ 89/662/EEC

Article 10

Each Member State and the Commission shall appoint the veterinary department or departments responsible for carrying out the veterinary checks and collaborating with the other Member States' inspection departments.

Article 11

The Member States shall also ensure that the officials of their veterinary departments, if appropriate in collaboration with the officials of other departments empowered to that end, are able in particular to:

- (a) carry out inspections of premises, offices, laboratories, installations, means of transport, plant and equipment, cleaning and maintenance products, procedures used for the production and processing of products and the marking and labelling and presentation of those products;

↓ 89/662/EEC (adapted)

- (b) carry out checks on whether staff comply with the requirements laid down in the acts referred to in Annex I;

↓ 89/662/EEC

- (c) take samples from products held with a view to being stored or sold, put on the market or transported;
- (d) examine documentary or computer material relevant to the checks carried out further to the measures taken pursuant to Article 3(1).

For this purpose, they must receive from the establishments being checked the cooperation necessary for the performance of their duties.

↓ 89/662/EEC (adapted)

Article 12

Trade in the products ☒ referred to ☒ in Annex II shall, pending the adoption of Community rules, be subject to the rules on control laid down by this Directive, in particular those laid down in Article 5(2).

↓ 92/67/EEC Art. 1 pt. 5

Member States shall notify the Commission and the other Member States of the conditions and procedures applicable to trade in the products referred to in the first subparagraph.

↓ 92/67/EEC Art. 1 pt. 6

Article 13

1. Member States shall submit to the Commission, in harmonised form, basic information on veterinary checks carried out under this Directive.

↓ 92/67/EEC Art. 1 pt. 6
(adapted)

2. The Commission shall examine the information referred to in paragraph 1 within the Committee ☒ referred to in Article 14(1) ☒; it may, in accordance with the procedure ☒ referred to ☒ in Article ☒ 14(3) ☒, adopt suitable measures.

3. Detailed rules for the application of this Article, in particular with regard to frequency of communication of information, the form in which it is to be given and its nature, shall be drawn up in accordance with the procedure ☒ referred to ☒ in Article ☒ 14(3) ☒.

↓ 806/2003 Art. 3 and Annex III,
point 6 (adapted)

Article 14

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up pursuant to Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council ¹⁰.

2. Where reference is made to this paragraph , Articles 5 and 7 of Decision 1999/468/EC shall apply.

↓ 806/2003 Art. 3 and Annex III,
point 6

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 15 days.

↓ 806/2003 Art. 3 and Annex III,
point 6 (adapted)

3. Where reference is made to this paragraph , Articles 5 and 7 of Decision 1999/468/EC shall apply.

↓ 806/2003 Art. 3 and Annex III,
point 6

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

↓ 806/2003 Art. 3 and Annex III,
point 6 (adapted)

4. The Committee shall adopt its Rules of Procedure.

¹⁰ OJ L 31, 1.2.2002, p. 1.

↓ 89/662/EEC (adapted) → ₁ 91/496/EEC Art. 27(1)(a)

CHAPTER V

Final Provisions

Article 15

Before →₁ 31 December 1996 ← the Council shall review the provisions of this Directive on the basis of a report from the Commission on the experience gained, accompanied by any relevant proposals, on which it will decide by a qualified majority.

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Article 16

Directive 89/662/EEC, as amended by the acts listed in Annex III, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex III, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

Article 17

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

↓ 89/662/EEC

Article 18

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

↓ 2004/41/EC Art. 6 pt. 2
(adapted)

ANNEX I

⊠ Part A ⊠

↓ 2004/41/EC Art. 6 pt. 2

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 consumption¹.

↓ 2004/41/EC Art. 6 pt. 2
(adapted)

Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin².

⊠ Part B ⊠

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/EEC³.

Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption⁴.

¹ OJ L 18, 23.1.2003, p. 11.

² OJ L 139, 30.4.2004, ⊠ p. 55. Regulation as last amended by Commission Regulation (EC) No 1243/2007 (OJ L 281, 25.10.2007, p. 8). ⊠

³ OJ L 62, 15.3.1993, p. 49. Directive as last amended by ⊠ Commission Regulation (EC) No 445/2004 (OJ L 72, 11.3.2004, p. 60). ⊠

⁴ OJ L 273, 10.10.2002, p. 1. Regulation ⊠ as last ⊠ amended by Commission Regulation (EC) No ⊠ 829/2007 (OJ L 191, 21.7.2007, p. 1). ⊠

↓ 92/118/EEC Art. 17(1) and Annex III (adapted)
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ANNEX II

PRODUCTS NOT SUBJECT TO COMMUNITY HARMONISATION, BUT TRADE IN WHICH WOULD BE SUBJECT TO THE CHECKS PROVIDED FOR BY THIS DIRECTIVE

⊗ Products ⊗ of animal origin ⊗ not ⊗ included in ⊗ Annexes A and B ⊗ to ⊗ Council ⊗ Directive 90/425/EEC ⊗¹ ⊗: those products ⊗ shall ⊗ be defined ⊗ in accordance with ⊗ the procedure ⊗ referred to ⊗ in Article ⊗ 14(3) of this Directive. ⊗

¹ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).



ANNEX III

Part A

Repealed Directive with list of its successive amendments (referred to in Article 16)

Council Directive 89/662/EEC (OJ L 395, 30.12.1989, p. 13)	
Council Directive 90/675/EEC (OJ L 373, 31.12.1990, p. 1)	only Article 28
Council Directive 91/67/EEC (OJ L 46, 19.2.1991, p. 1)	only Article 16(2)
Council Directive 91/492/EEC (OJ L 268, 24.9.1991, p. 1)	only Article 7(2)
Council Directive 91/493/EEC (OJ L 268, 24.9.1991, p. 15)	only Article 9(2)
Council Directive 91/494/EEC (OJ L 268, 24.9.1991, p. 35)	only Article 19(1)
Council Directive 91/495/EEC (OJ L 268, 24.9.1991, p. 41)	only Article 16(2)
Council Directive 91/496/EEC (OJ L 268, 24.9.1991, p. 56)	only Article 27
Council Directive 92/45/EEC (OJ L 268, 14.9.1992, p. 35)	only Article 14(2)
Council Directive 92/46/EEC (OJ L 268, 14.9.1992, p. 1)	only Article 30
Council Directive 92/67/EEC (OJ L 268, 14.9.1992, p. 73)	
Council Directive 92/118/EEC (OJ L 62, 15.3.1993, p. 49)	only as regards the reference to Directive 89/662/EEC in Article 17(1)
Council Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1)	only point 6 of Annex III
Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33)	only Article 6

Part B

List of time-limits for transposition into national law (referred to in Article 16)

Directive	Time-limit for transposition
89/662/EEC	1 July 1992
90/675/EEC	1 July 1992
91/67/EEC	31 December 1992
91/492/EEC	31 December 1992
91/493/EEC	31 December 1992
91/494/EEC	1 May 1992
91/495/EEC	1 January 1993
91/496/EEC	1 July 1992
92/45/EEC	31 December 1993
92/46/EEC	31 December 1993
92/67/EEC	30 June 1992
92/118/EEC	31 December 1993
2004/41/EC	1 January 2006

ANNEX IV

CORRELATION TABLE

Directive 89/662/EEC	This Directive
Articles 1, 2 and 3	Articles 1, 2 and 3
Article 4(1) first sentence	Article 4(1) first subparagraph
Article 4 second sentence	Article 4(1) second subparagraph, introductory words
Article 4(1), first indent	Article 4(1) second subparagraph, point (a)
Article 4(1), second indent	Article 4(1) second subparagraph, point (b)
Article 4(2)	Article 4(2)
Article 5(1) introductory words	Article 5(1) introductory words
Article 5(1)(a)	Article 5(1)(a)
Article 5(1)(b) introductory words	Article 5(1)(b) introductory words
Article 5(1)(b) first indent	Article 5(1)(b)(i)
Article 5(1)(b) second indent	Article 5(1)(b)(ii)
Article 5(1)(b) third indent	Article 5(1)(b)(iii)
Article 5(2) to (5)	Article 5(2) to (5)
Article 6	Article 6
Article 7(1)(a)	Article 7(1)
Article 7(1)(b) first subparagraph, introductory words	Article 7(2) first subparagraph, introductory words
Article 7(1)(b) first subparagraph, first indent	Article 7(2) first subparagraph, point (a)
Article 7(1)(b) first subparagraph, second indent	Article 7(2) first subparagraph, point (b)
Article 7(1)(b) second subparagraph	Article 7(2) second subparagraph
Article 7(2)	Article 7(3)
Article 8(1) first and second subparagraphs	Article 8(1) first and second subparagraphs

Article 8(1) third subparagraph	Article 8(2) first subparagraph
Article 8(1) fourth subparagraph, introductory words	Article 8(2) second subparagraph, introductory words
Article 8(1) fourth subparagraph, first indent	Article 8(2) second subparagraph, point (a)
Article 8(1) fourth subparagraph, second indent	Article 8(2) second subparagraph, point (b)
Article 8(1) fourth subparagraph, third indent	Article 8(2) second subparagraph, point (c)
Article 8(1) fifth subparagraph	Article 8(2) third subparagraph
Article 8(1) sixth subparagraph	Article 8(2) fourth subparagraph
Article 8(1) seventh subparagraph	Article 8(2) fifth subparagraph
Article 8(1) eighth subparagraph	Article 8(2) sixth subparagraph
Article 8(1) ninth subparagraph	Article 8(3)
Article 8(1) tenth subparagraph	Article 8(4)
Article 8(2)	Article 8(5)
Article 8(3)	Article 8(6)
Articles 9 and 10	Articles 9 and 10
Article 11 first paragraph, introductory words	Article 11 first paragraph, introductory words
Article 11 first paragraph, first indent	Article 11 first paragraph, point (a)
Article 11 first paragraph, second indent	Article 11 first paragraph, point (b)
Article 11 first paragraph, third indent	Article 11 first paragraph, point (c)
Article 11 first paragraph, fourth indent	Article 11 first paragraph, point (d)
Article 11 second paragraph	Article 11 second paragraph
Article 12	-
Article 13	-
Article 14	Article 12
Article 15	-
Article 16	Article 13
Article 17(1) and (2)	Article 14(1) and (2)

Article 17(3)	Article 14(4)
Article 18(1)	-
Article 18(2)	Article 14(3)
Article 19	Article 15
Article 20	-
Article 22	-
-	Article 16
-	Article 17
Article 23	Article 18
Annex A	Annex I
Annex B	Annex II
-	Annex III
-	Annex IV
