

EN

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.10.2009
COM(2009) 516 final

2009/0146 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

repealing Council Decision 79/542/EEC 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

EXPLANATORY MEMORANDUM

This Draft Proposal for a decision of the European Parliament and of the Council repeals 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 meat¹.

Decision 79/542/EEC establishes the veterinary conditions for the importation into the Community of certain live animals and the fresh meat of such animals and equidae, excluding meat preparations.

Due to fundamental changes in the regulatory framework in this area, and for reasons of clarity and legal security, all the provisions of Decision 79/542/EEC have been laid down in the Commission Regulation of [...] (EC) No XX/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the Community of certain animals and fresh meat and the veterinary certification requirements².

From the moment in which that Regulation will enter into force, Council Decision 79/542/EEC will be lapsed and no longer apply.

For the sake of clarity and transparency of Community legislation, Decision 79/542/EEC should be explicitly repealed with effect from that date.

¹ OJ L 146, 14.6.1979, p. 15.

² *Commission Regulation of [...] (EC) No XX/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the Community of certain animals and fresh meat and the veterinary certification requirements* is to be adopted by the Commission presumably in January 2010 (SANCO/4787/2009).

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

repealing Council Decision 79/542/EEC 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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 and Article 152(4)(b) thereof,

Having regard to the proposal from the Commission³,

Having regard to the opinion of the European Economic and Social Committee⁴,

Having regard to the opinion of the Committee of the Regions⁵,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁶,

Whereas:

- (1) Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁷ provided for a list to be drawn up of the countries or parts thereof from which Member States are to authorise the importation of certain live animals and fresh meat of certain animals.
- (2) Accordingly, 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 meat⁸ was adopted. That Decision establishes the sanitary conditions for the importation into the Community of live animals excluding equidae, and for the importation of fresh meat of such animals, including equidae, but excluding meat preparations. Annexes I and II to that Decision also set out lists of third countries or parts thereof from which certain live animals and their fresh meat may be imported into the Community as well as models of veterinary certificates.

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

⁵ OJ C [...], [...], p. [...].

⁶ OJ C [...], [...], p. [...].

⁷ OJ L 302, 31.12.1972, p. 28.

⁸ OJ L 146, 14.6.1979, p. 15.

- (3) Since the date of adoption of that Decision, a number of new animal health and public health requirements have been laid down in other Community acts, including 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 consumption⁹ and Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals¹⁰, as well as Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs¹¹, 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 origin¹², Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption¹³, and Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules¹⁴.
- (4) Those Community acts constitute a new regulatory framework in this area and Directive 72/462/EEC has also been repealed by Directive 2004/68/EC.
- (5) Article 20 of Directive 2004/68/EC provides that implementing rules established in accordance with decisions adopted for the import of live animals, meat and meat products pursuant to Directive 72/462/EEC, *inter alia* Decision 79/542/EEC, are to remain in force until replaced by measures adopted under the new regulatory framework.
- (6) In addition, Article 4(3) of 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 consumption¹⁵ provides that pending the adoption of the necessary provisions on the basis of Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004 or Directive 2002/99/EC, the implementing rules adopted on the basis of Directive 72/462/EEC are to continue to apply.
- (7) Commission Regulation of [...] (EC) No XX/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the Community of certain animals and fresh meat and the veterinary certification requirements¹⁶¹⁷ contains veterinary certification requirements and other provisions which take account of the new regulatory framework and replace those laid down in Decision

⁹ OJ L 18, 23.1.2003, p. 11.

¹⁰ OJ L 139, 30.4.2004, p. 321.

¹¹ OJ L 139, 30.4.2004, p. 1.

¹² OJ L 139, 30.4.2004, p. 55.

¹³ OJ L 139, 30.4.2004, p. 206.

¹⁴ OJ L 165, 30.4.2004, p. 1.

¹⁵ OJ L 157, 30.4.2004, p. 33.

¹⁶ OJ L [...], [...], p. [...].

¹⁷ *Commission Regulation of [...] (EC) No XX/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the Community of certain animals and fresh meat and the veterinary certification requirements* is to be adopted by the Commission presumably in January 2010 (SANCO/4787/2009).

79/542/EEC. From the moment in which that Regulation will enter into force, Council Decision 79/542/EEC will therefore be lapsed and no longer apply.

- (8) For the sake of clarity and transparency of Community legislation, Decision 79/542/EEC should be explicitly repealed with effect from that date,

HAVE ADOPTED THIS DECISION:

Article 1

Decision 79/542/EEC shall be repealed with effect from ... [To be completed with the date of publication of Commission Regulation of [...] (EC) No XX/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the Community of certain animals and fresh meat and the veterinary certification requirements¹⁸ + 20 days - ex art 254 EC. It has to be ensured that that Decision is repealed with effect from the date of entry into force of that Regulation.]

References to the repealed Decision shall be construed as references to Commission Regulation of [...] (EC) No XX/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the Community of certain animals and fresh meat and the veterinary certification requirements¹⁹.

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

¹⁸ *Commission Regulation of [...] (EC) No XX/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the Community of certain animals and fresh meat and the veterinary certification requirements is to be adopted by the Commission presumably in January 2010 (SANCO/4787/2009).*

¹⁹ *Commission Regulation of [...] (EC) No XX/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the Community of certain animals and fresh meat and the veterinary certification requirements is to be adopted by the Commission presumably in January 2010 (SANCO/4787/2009).*