



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 9.2.2004
COM(2004) 71 final

2004/0022 (CNS)

Proposal for a

COUNCIL DIRECTIVE

repealing Directive 72/462/EEC

(presented by the Commission)

EXPLANATORY MEMORANDUM

The animal health requirements for the importation of meat and meat products have been recast and updated by Council Directive 2002/99/EC which lays down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption¹. This must be formally implemented in Member States by 1 January 2005.

The public health requirements and official controls for meat and meat products have been recast and updated by Regulation (EC) yyyy/xxx laying down the specific hygiene rules for food of animal origin². This should be formally implemented in Member States by 1 January 2006.

The public health rules concerning those products referred to in 72/462/EEC are superseded by the above provisions with effect from 1 January 2006.

The remaining conditions concerning the import requirements for live animals are being recast by a proposal, already sent to the Council, for a Directive laying down animal health rules for the importation into the Community of certain live animals, and amending Directives 90/426/EEC and 92/65/EEC [COM (2003) 570]. Therefore it is necessary to complete the repeal of Directive 72/462/EEC with regard to the animal health conditions for live animals.

It is therefore appropriate to repeal Directive 72/462/EEC and some Decisions which are no longer relevant.

However, it is necessary, to provide for certain implementing rules to remain in force pending the taking of necessary measures under the new legal framework.

¹ OJ L 18, 23.1.2003, p. 11.

² COM(2002)377 final (OJ C 262 E, 29.10.2002, p. 449).

Proposal for a

COUNCIL DIRECTIVE

repealing Directive 72/462/EEC

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37 and 94 thereof,

Having regard to the proposal from the Commission³

Having regard to the opinion of the European Parliament⁴,

Having regard to the opinion of the European Economic and Social Committee⁵,

After consulting the Committee of the Regions⁶,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁷,

Whereas:

- (1) The animal health rules for the importation of meat and meat products laid down in 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 countries⁸ are to be replaced by rules laid down in 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.⁹ That Directive is to apply from 1 January 2005, at the latest.

³ OJ C , , p. .

⁴ OJ C , , p. .

⁵ OJ C , , p. .

⁶ OJ C , , p. .

⁷ Opinion of the European Parliament of 2003 (not yet published in the Official Journal), Council Common Position of (not yet published in the Official Journal) and Decision of the European Parliament of (not yet published in the Official Journal).

⁸ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36.).

⁹ OJ L 18, 23.1.2003, p. 11.

- (2) The rules on public health and official controls for meat and meat products laid down in Directive 72/462/EEC have been updated by Council Regulation (EC) No yyyy/xxx laying down the specific hygiene rules for food of animal origin,¹⁰ which is intended to apply from 1 January 2006, at the latest.
- (3) The provisions laid down in that Regulation are to supersede the public health rules concerning meat and meat products laid down in Directive 72/462/EEC with effect from 1 January 2006.
- (4) The remaining rules laid down in Directive 72/462/EEC concerning the import requirements for live animals are being replaced by Council Directive xxx/yyyy/EC¹¹ laying down animal health rules for the importation into the Community of certain live ungulate animals, and amending Directives 90/426/EEC and 92/65/EEC with effect from xx/mm/yyyy.
- (5) In the interest of clarity of Community rules, when Directives 2002/99/EC and .../.../EC⁹ and Regulation (EC) No...⁸ replacing the provisions laid down in Directive 72/462/EEC become applicable, that Directive should be repealed.
- (6) It is necessary however, in the interest of clarity of Community legislation, to repeal certain Decisions that are no longer applicable and at the same time to provide for certain implementing rules to remain in force pending the taking of necessary measures under the new legal framework.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 72/462/EEC is repealed with effect from:

- (a) 1 January 2005 as regard the animal health rules for the importation of meat and meat products,
- (b) 1 January 2006 as regard the rules on public health and official controls for meat and meat products, and
- (c) [insert date of application of Council Directive xxx/yyyy¹² expressed as day, month and year] as regard animal health rules for the importation of live animals.

Article 2

Implementing rules established under Decisions adopted for the import of live animals, meat and meat products under Directive 72/462/EEC, as listed in the Annex to this Directive, shall remain in force until replaced by measures adopted under the new regulatory framework.

¹⁰ COM(2002)377 final (OJ C 262 E, 29.10.2002, p. 449).

¹¹ COM(2003)570.

¹² Present proposal.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [insert the latest date mentioned under Article 1] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

Decisions 78/642/EEC, 80/354/EEC, 80/798/EEC, 80/1300/EEC, 82/813/EEC, 82/814/EEC, 82/923/EEC, 82/955/EEC, 83/234/EEC, 84/326/EEC, 89/282/EEC and 90/165/EEC are repealed.

Article 5

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 6

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

ANNEX

List of Decisions

2003/56/EC: Commission Decision of 24 January 2003 on health certificates for the importation of live animals and animal products from New Zealand (*Official Journal L 022, 25/01/2003, p. 0038-0060*)

2002/987/EC: Commission Decision of 13 December 2002 on the list of establishments in the Falkland Islands approved for the purpose of importing fresh meat into the Community (*Official Journal L 344, 19/12/2002, p. 0039-0040*)

2002/477/EC: Commission Decision of 20 June 2002 laying down public health requirements for fresh meat and fresh poultry meat imported from third countries, and amending Decision 94/984/EC (*Official Journal L 164, 22/06/2002, p. 0039-0040*)

2001/600/EC: Commission Decision of 17 July 2001 concerning protective measures with regard to imports of certain animals from Bulgaria due to an outbreak of bluetongue, repealing Decision 1999/542/EC, amending Decision 98/372/EC concerning the animal health conditions and veterinary certifications for import of live animals of bovine and swine species from certain European countries to take into account some aspects in relation with Bulgaria and amending Decision 97/232/EC drawing up lists of third countries from which Member States authorise imports of sheep and goats (*Official Journal L 210, 03/08/2001, p. 0051-0057*)

2000/159/EC: Commission Decision of 8 February 2000 on the provisional approval of residue plans of third countries according to Council Directive 96/23/EC (*Official Journal L 051, 24/02/2000, p 0030-0036*)

98/8/EC: Commission Decision of 16 December 1997 on the list of establishments in the Federal Republic of Yugoslavia approved for the purpose of importing fresh meat into the Community (*Official Journal L 002, 06/01/1998, p. 0012-0013*)

97/222/EC: Commission Decision of 28 February 1997 laying down the list of third countries from which the Member States authorize the importation of meat products (*Official Journal L 089, 04/04/1997, p. 0039-0046*)

97/221/EC: Commission Decision of 28 February 1997 laying down the animal health conditions and model veterinary certificates in respect of imports of meat products from third countries and revoking Decision 91/449/EEC (*Official Journal L 089, 04/04/1997, p. 0032-0038*)

95/427/EC: Commission Decision of 16 October 1995 on the list of establishments in the Republic of Namibia approved for the purpose of importing meat products into the Community (*Official Journal L 254, 24/10/1995, p. 0028-0029*)

95/45/EC: Commission Decision of 20 February 1995 on the list of establishments in the former Yugoslav Republic of Macedonia approved for the purpose of importing fresh meat into the Community (*Official Journal L 051, 08/03/1995, p. 0013-0014*)

94/465/EC: Commission Decision of 12 July 1994 on the list of establishments in Botswana approved for the purpose of importing meat products into the Community (*Official Journal L 190, 26/07/1994, p. 0025-0025*)

94/40/EC: Commission Decision of 25 January 1994 on the list of establishments in Zimbabwe approved for the purpose of importing meat products into the Community (*Official Journal L 022, 27/01/1994, p. 0050-0050*)

93/158/EEC: Council Decision of 26 October 1992 concerning the conclusion of an Agreement in the form of an exchange of letters between the European Economic Community and the United States of America concerning the application of the Community third country Directive, Council Directive 72/462/EEC, and the corresponding United States of America regulatory requirements with respect to trade in fresh bovine and porcine meat (*Official Journal L 068, 19/03/1993, p 0001-0002*)

93/26/EEC: Commission Decision of 11 December 1992 on the list of establishments in the Republic of Croatia approved for the purpose of importing fresh meat into the Community (*Official Journal L 016, 25/01/1993, p. 0024-0025*)

90/432/EEC: Commission Decision of 30 July 1990 on the list of establishments in Namibia approved for the purpose of importing fresh meat into the Community (*Official Journal L 223, 18/08/1990, p. 0019-0020*)

90/13/EEC: Commission Decision of 20 December 1989 on the procedure to be followed for amending or supplementing the lists of establishments approved in third countries for the import of fresh meat into the Community (*Official Journal L 008, 11/01/1990, p. 0070*)

87/431/EEC: Commission Decision of 28 July 1987 on the list of establishments in the Kingdom of Swaziland approved for the purpose of importing fresh meat into the Community (*Official Journal L 228, 15/08/1987, p. 0053*)

87/424/EEC: Commission Decision of 14 July 1987 on the list of establishments in the United Mexican States approved for the purpose of importing fresh meat into the Community (*Official Journal L 228, 15/08/1987, p. 0043-0044*)

87/258/EEC: Commission Decision of 28 April 1987 on the list of establishments in Canada approved for the purpose of importing fresh meat into the Community (*Official Journal L 121, 09/05/1987, p. 0050*)

87/257/EEC: Commission Decision of 28 April 1987 on the list of establishments in the United States of America approved for the purpose of importing fresh meat into the Community (*Official Journal L 121, 09/05/1987, p. 0046-0049*)

87/124/EEC: Commission Decision of 19 January 1987 on the list of establishments in Chile approved for the purpose of importing fresh meat into the Community (*Official Journal L 051, 20/02/1987, p. 0041-0042*)

86/474/EEC: Commission Decision 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 from non-member countries (*Official Journal L 279, 30/09/1986, p. 0055-0056*)

86/65/EEC: Commission Decision of 13 February 1986 on the list of establishments in Morocco approved for the purpose of importing fresh meat into the Community (*Official Journal L 072, 15/03/1986, p. 0040-0041*)

85/539/EEC: Commission Decision of 29 November 1985 on the list of establishments in Greenland approved for the purpose of importing fresh meat into the Community (*Official Journal L 334, 12/12/1985, p. 0025-0026*)

84/24/EEC: Commission Decision of 23 December 1983 on the list of establishments in Iceland approved for the purposes of importing fresh meat into the Community (*Official Journal L 020, 25/01/1984, p. 0021-0022*)

83/423/EEC: Commission Decision of 29 July 1983 on the list of establishments in the Republic of Paraguay approved for the purpose of importing fresh meat into the Community (*Official Journal L 238, 27/08/1983, p. 0039-0040*)

83/402/EEC: Commission Decision of 29 July 1983 on the list of establishments in New Zealand approved for the purposes of importing fresh meat into the Community (*Official Journal L 233, 24/08/1983, p. 0024-0028*)

83/384/EEC: Commission Decision of 29 July 1983 on the list of establishments in Australia approved for the purposes of importing fresh meat into the Community (*Official Journal L 222, 13/08/1983, p. 0036-0039*)

83/243/EEC: Commission Decision of 10 May 1983 on the list of establishments in the Republic of Botswana approved for the purposes of importing fresh meat into the Community (*Official Journal L 129, 19/05/1983, p. 0070-0071*)

83/218/EEC: Commission Decision of 22 April 1983 on the list of establishments in the Socialist Republic of Romania approved for the purpose of importing fresh meat into the Community (*Official Journal L 121, 07/05/1983, p. 0023-0025*)

82/923/EEC: Commission Decision of 17 December 1982 concerning the establishments in the Republic of Guatemala from which Member States may authorize the importation of fresh meat (*Official Journal L 381, 31/12/1982, p. 0040-0040*)

82/913/EEC: Commission Decision of 16 December 1982 on the list of establishments in the Republic of South Africa and Namibia approved for the purpose of importing fresh meat into the Community (*Official Journal L 381, 31/12/1982, p. 0028-0029*)

82/735/EEC: Council Decision of 18 October 1982 on the list of establishments in the People's Republic of Bulgaria approved for the purposes of exporting fresh meat to the Community (*Official Journal L 311, 08/11/1982, p. 0016-0017*)

82/734/EEC: Council Decision of 18 October 1982 on the list of establishments in the Swiss Confederation approved for the purposes of exporting fresh meat to the Community (*Official Journal L 311, 08/11/1982, p. 0013-0015*)

81/713/EEC: Commission Decision of 28 July 1981 on the list of establishments in the Federative Republic of Brazil approved for the purpose of importing fresh beef and veal and meat of domestic solipeds into the Community (*Official Journal L 257, 10/09/1981, p. 0028-0031*)

81/92/EEC: Commission Decision of 30 January 1981 on the list of establishments in the Republic of Uruguay approved for the purposes of the importation of fresh beef and veal, sheep meat and meat of domestic solipeds into the Community (*Official Journal L 058, 05/03/1981, p. 0043-0045*)

81/91/EEC: Commission Decision of 30 January 1981 on the list of establishments in the Argentine Republic approved for the purposes of the importation of fresh beef and veal, sheep meat and meat of domestic solipeds into the Community (*Official Journal L 058, 05/03/1981, p. 0039-0042*)

79/542/EEC: Council Decision of 21 December 1976 drawing up a list of third countries or parts of third countries, and laying down the animal and public health, and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat. (*Official Journal L 146, 14/06/1979, p. 0015-0017*)

78/685/EEC: Commission Decision of 26 July 1978 establishing a list of epizootic diseases in accordance with Directive 72/462/EEC (*Official Journal L 227, 18/08/1978, p. 0032-0033*).