



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 3.11.2003
COM(2003) 652 final

Proposal for a

COUNCIL DECISION

amending Decision 95/408/EC on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs, as regards the extension of its validity

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Decision 95/408/EC, on the conditions for drawing up, for an interim period, provisional lists of third countries establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs¹, expires on 31 December 2003.

The Commission proposal for a Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption², proposes a new procedure for drawing up the list of third countries and third countries establishments. This proposal is currently at the stage of common position but it is not scheduled to be adopted until mid-1994, at the earliest. The problem, therefore, is to bridge the gap between 31 December 2003 and the adoption and entry into force of the mentioned proposal. This is the intention of the proposal.

To illustrate the importance of Decision 95/408 and the need to extend its validity until the adoption and entering into force of the new provisions, we note that this Decision;

- is the legal basis regulating the imports of a total of 19 products of animal origin,
- affects the imports from around 120 third countries,
- concerns the authorisation of import from more than 16 000 establishments and vessels.

The provisions to replace Decision 95/408 are contained in the Chapter III of the draft Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption. In particular:

- Art 11 proposes the procedure for the listing of third countries.
- Art 12 proposes the procedure for the listing of establishments, and
- Arts 13 and 15 propose the particular requirements to authorise the imports of bivalve molluscs and fishery products, respectively.

¹ OJ L 243, 11.10.1995, p. 17. Decision as last amended by Regulation (EC) N° 806/2003 (OJ L 122, 16.5.2003, p.1)

² OJ C 262 E, 29.10.2002, p. 449.

To avoid a possible overlap of the provision of Dec 95/408 with those of the future regulation on controls, the Commission has presented to the Council a proposal³ for a Directive repealing certain Directives and amending Decision 95/408/EC. This proposal is also at the stage of common position and is scheduled to be adopted at the same time that the proposal on controls. Article 6 proposes the end of Decision 95/408 at the same date of application of Regulation on control.

³ Commission proposal for a Directive of the European Parliament and of the Council 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 Directives 89/662/EEC and 92/118/EEC and Decision 95/408/EC. OJ C 365 E, 19.12.2000, p. 43

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs⁴, and in particular Article 9 thereof,

Having regard to the proposal from the Commission⁵,

Whereas:

- (1) Decision 95/408/EC expires on 31 December 2003.
- (2) The Commission proposal for a Regulation of the European Parliament and of the Council laying down detailed rules for the organisation of official controls on products of animal origin intended for human consumption⁶ (“the Regulation for the organization of official controls”) provides for a new procedure for drawing up lists of establishments in third countries intended to replace the rules laid down in Decision 95/408/EC.
- (3) The validity of Decision 95/408/EC should be extended to bridge the gap between the expiry of that Decision and the entry into force of the Regulation for the organisation of official controls.
- (4) Decision 95/408/EC should therefore be amended accordingly.

HAS ADOPTED THIS DECISION:

Article 1

In Article 9 of Decision 95/408/EC the date “31 December 2003” shall be replaced by that of “31 December 2005”.

⁴ OJ L 243, 11.10.1995, p. 17, as last amended by Regulation (EC) N° 806/2003 (OJ L 122, 16.5.2003, p.1).

⁵ OJ C , , p. .

⁶ COM (2002) 377 final – OJ C 262 E, 29.10.2002, p. 449.

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*