

Commission Regulation (EU) No 28/2012 of 11 January 2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No 1162/2009 (Text with EEA relevance)

Article 1

Subject matter

This Regulation lays down rules on the certification of consignments of certain composite products introduced into the Union from third countries.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 2 of Decision 2007/275/EC shall apply.

Article 3

Imports of certain composite products

1 Consignments of the following composite products introduced into the Union shall come from a third country or part thereof authorised for the introduction into the Union of consignments of the products of animal origin contained in those composite products and the products of animal origin used for the production of such composite products shall originate from establishments in compliance with Article 6.1(b) of Regulation (EC) No 853/2004:

- a composite products containing processed meat products, as referred to in Article 4(a) of Decision 2007/275/EC;
- b composite products containing processed milk products and covered by Article 4(b) and (c) of Decision 2007/275/EC;
- c composite products containing half or more of their substance of processed fishery or egg products and covered by Article 4(b) of Decision 2007/275/EC.

2 Consignments of composite products referred to in paragraph 1 shall be accompanied by a health certificate in accordance with the model health certificate set out in Annex I and comply with the conditions established in such certificates.

3 Consignments of composite products containing half or more of their substance of products of animal origin other than those referred to in paragraph 1 shall come from a third country or part thereof authorised for the introduction into the Union of consignments of the products of animal origin contained in those composite products and shall be accompanied at introduction into the Union by the relevant certificate laid down in Union legislation for those products of animal origin or by a commercial document where there is no certificate so required.

Status: Point in time view as at 11/01/2012.

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 28/2012. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

Article 4

Transit and storage of certain composite products

The introduction into the Union of consignments of composite products referred to in Article 3(1)(a) and (b) not intended for importation into the Union but destined for a third country either by immediate transit or after storage in the Union, in accordance with Articles 11, 12 or 13 of Council Directive 97/78/EC, shall only be authorised if the consignments comply with the following conditions:

- (a) they come from a third country or part thereof authorised for the introduction into the Union of consignments of the products of animal origin contained in those composite products and comply with the appropriate treatment conditions for such products, as provided for in Commission Decision 2007/777/EC⁽¹⁾ and Commission Regulation (EU) No 605/2010⁽²⁾ for the product of animal origin concerned;
- (b) they are accompanied by a health certificate drawn up in accordance with the model health certificate set out in Annex II;
- (c) they comply with the specific animal health requirements for the importation into the Union of the products of animal origin contained in the composite products concerned, as set out in the animal health attestation in the model health certificate referred to in point (b);
- (d) they are certified as acceptable for transit, including for storage as appropriate, on the common veterinary entry document referred to in Article 2(1) of Commission Regulation (EC) No 136/2004⁽³⁾, signed by the official veterinarian of the border inspection post of introduction into the Union.

Article 5

Derogation for transit of consignments coming from and destined to Russia

1 By way of derogation from Article 4, the transit by road or by rail through the Union, between designated border inspection posts in Latvia, Lithuania and Poland, listed in Commission Decision 2009/821/EC⁽⁴⁾, of consignments of composite products referred to Article 3 coming from and destined to Russia directly or via another third country shall be authorised provided that the following conditions are complied with:

- a the consignment is sealed with a serially numbered seal at the border inspection post of introduction into the Union by the veterinary services of the competent authority;
- b the documents accompanying the consignment and referred to in Article 7 of Directive 97/78/EC are stamped 'ONLY FOR TRANSIT TO RUSSIA VIA THE EU' on each page by the official veterinarian of the competent authority responsible for the border inspection post of introduction into the Union;
- c the procedural requirements provided for in Article 11 of Directive 97/78/EC are complied with;
- d the consignment is certified as acceptable for transit on the common veterinary entry document by the official veterinarian of the border inspection post of introduction into the Union.

2 Unloading or storage, as defined in Article 12(4) or in Article 13 of Directive 97/78/EC, of such consignments on Union territory shall not be allowed.

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3 Regular audits shall be made by the competent authority to ensure that the number of consignments and the quantities of products leaving the Union territory matches the number and quantities entering the Union.

Article 6

Amendment to Decision 2007/275/EC

Article 5 of Decision 2007/275/EC is deleted.

Article 7

Amendment to Regulation (EC) No 1162/2009

In Regulation (EC) No 1162/2009, the first subparagraph of Article 3(2) is replaced by the following:

2. By way of derogation from Article 6(4) of Regulation (EC) No 853/2004, food business operators importing food containing both products of plant origin and processed products of animal origin, other than those referred to in Article 3(1) of Regulation (EU) No 28/2012⁽⁶⁾, shall be exempt from the obligation provided for in that Article.

Article 8

Transitional provision

For a transitional period until 30 September 2012, consignments of composite products in respect of which the relevant certificates have been issued in accordance with Article 5 of Decision 2007/275/EC before 1 March 2012 may continue to be introduced into the Union.

Article 9

Entry into force and application

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

It shall apply from 1 March 2012.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 January 2012.

For the Commission

The President

José Manuel BARROSO

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- (1) OJ L 312, 30.11.2007, p. 49.
- (2) OJ L 175, 10.7.2010, p. 1.
- (3) OJ L 21, 28.1.2004, p. 11.
- (4) OJ L 296, 12.11.2009, p. 1.
- (5) OJ L 12, 14.1.2012, p. 1.'

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