

Commission Decision of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC (notified under document number C(2007) 1547) (Text with EEA relevance) (2007/275/EC)

COMMISSION DECISION

of 17 April 2007

concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC

(notified under document number C(2007) 1547)

(Text with EEA relevance)

(2007/275/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC<sup>(1)</sup>, and in particular Article 4(5) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(2)</sup>, and in particular Article 3(5) thereof,

Having regard to 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<sup>(3)</sup>, and in particular Article 8(5) thereof,

Whereas:

- (1) Directive 91/496/EEC provides for veterinary checks in respect of animals from third countries entering the Community to be carried out by the Member States in accordance with that Directive.
- (2) Directive 97/78/EC provides for veterinary checks on certain products of animal origin and certain plant products introduced into the Community from third countries.
- (3) Commission Decision 2002/349/EC of 26 April 2002 laying down the list of products to be examined at border inspection posts under Council Directive 97/78/EC<sup>(4)</sup> provides that the products of animal origin listed in that Decision are to be subject to veterinary checks at border inspection posts in accordance with Directive 97/78/EC.
- (4) As veterinary checks at border inspections posts are carried out in close cooperation with customs officials, it is appropriate to use a list of products that refer to the

Combined Nomenclature (CN) provided for in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(5)</sup> as a first basis for selection of consignments. The lists of products in Decision 2002/349/EC should therefore be replaced by the list in Annex I to this Decision.

- (5) In the interests of rationality of Community legislation, it is appropriate that the list in Annex I to this Decision also covers animals entering the Community from third countries.
- (6) In order to facilitate controls by the competent authorities at border inspection posts, the list in Annex I to this Decision should provide as precise a description as possible of the animals and products to be subjected to veterinary checks under Directive 97/78/EC. In addition, for certain CN codes, this Decision only provides for a small part of the products falling under the relevant Chapter or heading to be subjected to veterinary checks. In such cases, Column 3 of Annex I to this Decision, should refer to the applicable CN code and give details of the products which should be subject to those veterinary checks.
- (7) Decision 2002/349/EC provides that composite food products containing only a limited percentage of products of animal origin are to continue to be subject to national rules.
- (8) However, in order to avoid differences in interpretation between Member States, leading to distortions in trade and to potential animal health risks, rules should now be laid down at Community level concerning the composite products that may be exempted from veterinary checks under Directive 97/78/EC.
- (9) 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 origin<sup>(6)</sup> contains definitions of certain products. In the interests of consistency of Community legislation, it is appropriate to have regard to those definitions in this Decision.
- (10) There are differences in the animal health risk associated with imports of different types of animal products into the Community. Accordingly, this Decision should provide that all composite products containing meat products should be subject to veterinary checks, while different criteria should be applied to composite products containing other animal products based upon the need to have harmonised rules at Community level.
- (11) Certain composite products receive treatment during manufacture which reduces the potential animal health risk present in such products. The appearance, shelf stability, and physical characteristics should therefore be used as recognisable distinguishing features for competent authorities that have to make a decision on the necessity of subjecting composite products to veterinary checks.
- (12) In the interests of consistency of veterinary checks at border inspection posts on composite products being introduced into the Community, it is appropriate to establish also a list of certain foodstuffs and composite products that may be exempted from the veterinary checks provided for in Directive 97/78/EC.
- (13) In the interests of coherence of Community legislation, it is appropriate to repeal Decision 2002/349/EC and replace it by this Decision.

- (14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

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*Status: This is the original version (as it was originally adopted).*

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- (1) [OJ L 268, 24.9.1991, p. 56](#). Directive as last amended by Directive 2006/104/EC ([OJ L 363, 20.12.2006, p. 352](#)).
- (2) [OJ L 24, 30.1.1998, p. 9](#). Directive as last amended by Directive 2006/104/EC.
- (3) [OJ L 18, 23.1.2003, p. 11](#).
- (4) [OJ L 121, 8.5.2002, p. 6](#).
- (5) [OJ L 256, 7.9.1987, p. 1](#). Regulation as last amended by Regulation (EC) No 301/2007 ([OJ L 81, 22.3.2007, p. 11](#)).
- (6) [OJ L 139, 30.4.2004, p. 55](#), corrected by [OJ L 226, 25.6.2004, p. 22](#). Regulation as last amended by Council Regulation (EC) No 1791/2006 ([OJ L 363, 20.12.2006, p. 1](#)).