

Commission Implementing Decision of 21 December 2011 amending Annex I to Decision 2007/275/EC concerning the 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 C(2011) 9517) (Text with EEA relevance) (2012/31/EU)

COMMISSION IMPLEMENTING DECISION

of 21 December 2011

amending Annex I to Decision 2007/275/EC concerning the 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 C(2011) 9517)

(Text with EEA relevance)

(2012/31/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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⁽¹⁾, 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⁽²⁾, and in particular Article 3(5) thereof,

Whereas:

- (1) Directive 91/496/EEC provides for veterinary checks in respect of animals from third countries entering the Union 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 Union from third countries.
- (3) Those Directives provide that the customs authorities of the Member States are not to allow the importation into the Union of the animals and products concerned unless those veterinary checks have been carried out with satisfactory results at border inspection posts.
- (4) Commission Decision 2007/275/EC⁽³⁾ provides that the animals and products of animal origin listed in Annex I thereto are to be subjected to veterinary checks at border inspection posts in accordance with Directives 91/496/EEC and 97/78/EC (the veterinary checks).

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 21 December 2011 amending Annex I to Decision 2007/275/EC concerning the 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 C(2011) 9517) (Text with EEA relevance) (2012/31/EU), Introductory Text. (See end of Document for details)

- (5) The animals and products required to undergo the veterinary checks should be clearly identifiable. Accordingly, the list set out in Annex I to Decision 2007/275/EC should be brought into line with the terminology and references laid down in Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)⁽⁴⁾ and Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive⁽⁵⁾.
- (6) The list set out in Annex I to Decision 2007/275/EC sets out animals and products according to the Combined Nomenclature (CN), as 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⁽⁶⁾, as a first reference to select consignments that are to be submitted to the veterinary checks.
- (7) The CN codes laid down in that Regulation have been updated several times since the date of adoption of Decision 2007/275/EC. Considerable changes were introduced to CN codes for products of animal origin. In addition, Annex I to Regulation (EEC) No 2658/87, as amended by Commission Regulation (EU) No 1228/2010⁽⁷⁾ introduced CN codes for the movements of specific goods, such as for ship supply. As those CN codes might concern products of animal origin, they should be added to the list set out in Annex I to Decision 2007/275/EC.
- (8) The Union's Trade Control and Expert System (Traces) set up by Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC⁽⁸⁾ initially identified animals and products of animal origin with the four digit headings of the CN. Traces has subsequently been updated and certain animals and products of animal origin can be identified by their six or eight digit subheadings of the CN codes to avoid misclassification of goods. Relevant references in the list set out in Annex I to Decision 2007/275/EC should be amended accordingly.
- (9) For certain CN codes, Decision 2007/275/EC is only concerned with a fraction of the scope of the relevant Chapter or heading of the CN. In such cases, column 3 of the list set out in Annex I to that Decision refers to the applicable Union veterinary legislation and provides details of the animals and products which are to be subjected to veterinary checks. Taking account of the terminology and references now provided for in Regulation (EC) No 1069/2009 and in Regulation (EU) No 142/2011, those references in Decision 2007/275/EC should be updated to take account of current Union legislation.
- (10) In the interest of consistency of Union legislation, the list set out in Annex I to Decision 2007/275/EC should be updated to take account of the recent amendments to the CN codes and to the necessary references in column 3 of the list.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision of 21 December 2011 amending Annex I to Decision 2007/275/EC concerning the 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 C(2011) 9517) (Text with EEA relevance) (2012/31/EU), Introductory Text. (See end of Document for details)*

- (11) The list set out in Annex I to Decision 2007/275/EC should therefore be replaced by the list in the Annex to this Decision. Decision 2007/275/EC should therefore be amended accordingly.
- (12) 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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- (1) OJ L 268, 24.9.1991, p. 56.
- (2) OJ L 24, 30.1.1998, p. 9.
- (3) OJ L 116, 4.5.2007, p. 9.
- (4) OJ L 300, 14.11.2009, p. 1.
- (5) OJ L 54, 26.2.2011, p. 1.
- (6) OJ L 256, 7.9.1987, p. 1.
- (7) OJ L 336, 21.12.2010, p. 17.
- (8) OJ L 94, 31.3.2004, p. 63.

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