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the principles governing the organisation of veterinary checks on products entering the Community from third countries (repealed)

CHAPTER I

ORGANISATION AND EFFECTS OF CHECKS

Article 10

1 At the request of a Member State, accompanied by the requisite supporting information, or acting on its own initiative, the Commission may, in accordance with the procedure laid down in Article 29, determine that physical checks are to be less frequent, under certain conditions and in particular in the light of the results of previous checks, on products for which import conditions are harmonised, i.e. products which meet the following three conditions:

a they originate in third countries or regions of third countries offering satisfactory health guarantees as regards checks at the point of origin on products intended for import into one of the Community territories listed in Annex I;

b insofar as is required under Community legislation they come from establishments on a list drawn up in accordance with Community rules **[**F1or, in the case of establishments approved in accordance with 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 molluscs, from an establishment which has undergone either a Community or a national inspection**]**;

c import certificates have been issued for the products concerned.

2 Before submitting a proposal for granting such derogations in respect of products from a given third country, the Commission shall submit a report to the Standing Veterinary Committee on that third country taking account of the following:

a the guarantees offered by the third country in question for all or part of its territory with respect to compliance with Community requirements, including those for residue checks;

b the health situation of animals in the third country concerned;

c information on the general health situation in the country;

d nature of the measures applied by the third country for monitoring and combating disease;

e structures, skills, independence and qualifications of the veterinary service or other competent services;

f compliance with the minimum standards laid down by Community law with regard to production hygiene;

g type of product or products and its/their potential health risk;

h rules on the authorisation of certain substances and compliance with the requirements set out in Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β-agonists[(1)] and in Directive 96/23/EC;

i outcome of the Community inspection or national inspection visits;

j outcome of the import checks carried out;

k an analysis of the risk involved owing to the nature of the products to be imported, their presentation or mode of transport used.

3 Without prejudice to paragraph 1 reductions in the frequency of checks may also be negotiated under a veterinary equivalence agreement concluded between the Community and a third country on a reciprocal basis.

Such reductions must be adopted according to the procedure laid down in Article 29.

4 Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 29.

Textual Amendments

F1 Deleted by Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

(**1**) OJ L 125, 23.5.1996, p. 3.