

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the principles governing the organisation of veterinary checks on products entering the Community from third countries (repealed)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 11

[^{F11} A Member State shall, on behalf of all Member States through which transit is due to take place, only authorise the transit of consignments from one third country to another third country or to the same third country if:]

- a such consignments come from a third country whose products are not prohibited entry on to the territories listed in Annex I and are intended for another third country. The competent authority may waive this requirement for transshipments carried out in accordance with Article 9(1)(a) of consignments from one aircraft to another or from one vessel to another within the customs area of the same port or airport for the purpose of redispach without further stop on the territories listed in Annex I following general criteria to be fixed in accordance with paragraph 4;
- b such transit has been previously authorised by the official veterinarian of the border inspection post of the Member State where the consignment first arrives in one of the territories listed in Annex I;
- c the person responsible for the load undertakes beforehand to repossess the consignment if the products concerned are rejected and to dispose of it in accordance with Article 17.

2 The authorisation referred to in paragraph 1 shall be subject to compliance with the following conditions:

- a consignments presented for transit at the border inspection post shall be accompanied by the documents referred to in Article 7(1) together, if necessary, with authenticated translations of such documents;
- b the consignment of products must be presented at the said border inspection post in order to undergo the documentary check and identity check.

Derogation from the documentary and identity checks may be granted by the competent veterinary authority for sea and air transport where the consignment:

- is not unloaded. In this case, and without prejudice to Article 20, documentary checks will be confined to examination of the on-board manifest,
- is transhipped as described in Article 9(1)(a) from one aircraft to another or from one vessel to another within the customs area of the same port or airport.

In exceptional cases which may present a public health or animal health risk or when irregularities are suspected, additional physical checks must be carried out;

- c in the case of passage by road, rail or by waterway through the territories listed in Annex I, such a consignment shall:
 - be sent under customs supervision, in accordance with the T1 procedure laid down in Regulation (EEC) No 2913/92 to the point of exit from the Community, together with the document required under 2(a) and the certificate referred to in Article 5(1) certifying the border inspection post where the consignment will leave the Community,

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- be transported, without the products being unloaded or split after leaving the border inspection post of arrival, in vehicles or containers sealed by the authorities. No handling shall be authorised during transport,
 - leave the Community via a border inspection post within a maximum of 30 days following departure from the border inspection post of entry, except where a general exemption is granted in accordance with the procedure laid down in paragraph 4 to take account of duly substantiated cases of geographical remoteness;
- d the official veterinarian who authorises the transport shall inform the official veterinarian of the border inspection post of exit via the ANIMO network;
- e the official veterinarian of the border inspection post of exit shall declare on the certificate referred to in Article 5(1) that the consignments concerned have left the Community and shall send a copy of the document to the border inspection post of entry by fax or any other means.

Should the official veterinarian of the border inspection post of entry not have been informed of the exit of the products from the Community within the period specified in the third indent of 2(c), he shall refer the matter to the competent custom authority, which shall investigate as necessary to determine the actual destination of the products.

3 All expenditure incurred pursuant to this Article shall be chargeable to the person responsible for the load or his representative, without indemnification by the Member State, in accordance with the principles deriving from Article 1 of Directive 85/73/EEC.

4 Detailed rules for the application of this Article, in particular the exchange of information between the border inspection posts of entry and of exit, shall be adopted in accordance with the procedure laid down in Article 29.

Textual Amendments

- F1** Substituted by [Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.](#)