

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performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (repealed)

TITLE VI

COMMUNITY ACTIVITIES

CHAPTER II:

IMPORT CONDITIONS

Article 47

General import conditions

1 The Commission shall be responsible for requesting third countries intending to export goods to the Community to provide the following accurate and up-to-date information on the general organisation and management of sanitary control systems:

- a any sanitary or phytosanitary regulations adopted or proposed within its territory;
- b any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures operated within its territory;
- c risk assessment procedures, factors taken into consideration, as well as the determination of the appropriate level of sanitary or phytosanitary protection;
- d where appropriate, the follow-up given to the recommendations made pursuant to controls referred to in Article 46.

2 The information referred to in paragraph 1 shall be proportionate to the nature of the goods and may take account of the specific situation and structure of the third country and the nature of the products exported to the Community. Its scope shall cover at least the goods intended to be exported to the Community.

3 The information referred to in paragraphs 1 and 2 may also relate to:

- a results of the national controls carried out on goods intended to be exported to the Community;
- b important changes which have been made to the structure and functioning of the relevant control systems, in particular to meet Community requirements or recommendations.

4 Where a third country does not provide such information or where such information is inadequate, specific import conditions may be fixed in accordance with the procedure referred to in Article 62(3) on a case by case and strictly temporary basis following consultations with the third country concerned.

5 Guidelines, specifying how the information referred to in paragraphs 1, 2 and 3 shall be drawn up and presented to the Commission, as well as transitional measures allowing time for third countries to prepare this information shall be established in accordance with the procedure referred to in Article 62(2).

Article 48

Specific import conditions

1 To the extent that the conditions and detailed procedures to be respected when importing goods from third countries or their regions are not provided for by Community law and in particular by Regulation (EC) No .../2004⁽¹⁾, they shall, if necessary, be laid down in accordance with the procedure referred to in Article 62(3).

2 The conditions and detailed procedures referred to in paragraph 1 may include:

- a the establishment of a list of third countries from which specific products may be imported into one of the territories referred to in Annex I;
- b the establishment of models of certificates accompanying consignments;
- c special import conditions, depending on the type of product or animal and the possible risks associated therewith.

3 Third countries shall appear on the lists referred to in paragraph 2(a) only if their competent authorities provide appropriate guarantees as regards compliance or equivalence with Community feed and food law and animal health rules.

4 When drawing up or updating lists, particular account shall be taken of the following criteria:

- a the third country's legislation in the sector concerned;
- b the structure and organisation of the competent authority of the third country and its control services, as well as the powers available to it/them and the guarantees that can be provided with regard to the implementation of the legislation concerned;
- c the existence of adequate official controls;
- d the regularity and rapidity of information supplied by the third country on the presence of hazards in feed and food, and in live animals;
- e the guarantees given by a third country that:
 - (i) conditions applied to the establishments from which feed and food may be imported in the Community comply with or are equivalent to the requirements in Community feed and food law;
 - (ii) a list of such establishments is drawn up and kept up-to-date;
 - (iii) the list of establishments and its updated versions are communicated to the Commission without delay;
 - (iv) the establishments are the subject of regular and effective controls by the competent authority of the third country.

5 When adopting the special import conditions referred to in paragraph 2(c), account shall be taken of information that the third countries concerned have provided and, where necessary, the results of Community controls carried out in such third countries. Special import conditions may be established for a single product or for a group of products. They may apply to a single third country, to regions of a third country, or to a group of third countries.

Article 49

Equivalence

1 Following the implementation of an equivalence agreement, or a satisfactory audit, a decision may be taken, in accordance with the procedure referred to in Article 62(3), recognising that measures that third countries or their regions apply in specific areas offer guarantees equivalent to those applied in the Community, if the third countries supply objective proof in this respect.

2 The decision referred to in paragraph 1 shall set out the conditions governing the imports from that third country or region of a third country.

The conditions may include:

- a the nature and content of the certificates that must accompany the products;
- b specific requirements applicable to importation into the Community;
- c where necessary, procedures for drawing up and amending lists of regions or establishments from which imports are permitted.

3 The decision referred to in paragraph 1 shall be repealed in accordance with the same procedure and without delay where any of the conditions for recognition of equivalence established at the time of its adoption cease to be fulfilled.

Article 50

Support for developing countries

1 In accordance with the procedure referred to in Article 62(3) the following measures may be adopted and maintained so long as they have a demonstrable effect in ensuring that developing countries are able to comply with the provisions of this Regulation:

- a a phased introduction of the requirements referred to in Article 47 and Article 48 for products exported to the Community. Progress in meeting these requirements shall be evaluated and taken into account in determining the need for specified time-limited exemptions in whole or in part from the requirements. The phased introduction shall also take into account the progress in building the institutional capacity referred to in paragraph 2;
- b assistance with providing the information referred to in Article 47, if necessary by Community experts;
- c the promotion of joint projects between developing countries and Member States;
- d the development of guidelines to assist developing countries in organising official controls on products exported to the Community;
- e sending Community experts to developing countries so as to assist in the organisation of official controls;
- f the participation of control staff from developing countries in the training courses referred to in Article 51.

2 In the context of the Community's Development Cooperation Policy, the Commission shall promote support to developing countries with regard to feed and food safety in general and compliance with feed and food standards in particular, in order to build the institutional capacity required to meet the requirements referred to in Articles 5, 12, 47 and 48.

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

- (1) OJ: Please insert reference to Regulation, as in Recital 45 (between footnotes 2 and 3).