

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performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (repealed)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

ADAPTATION OF COMMUNITY LEGISLATION

Article 57

Amendment of Directive 96/23/EC

Directive 96/23/EC is hereby amended as follows:

- 1) In Article 14, paragraph 2 shall be replaced by the following:
2. The Community reference laboratories shall be those referred to in the relevant part of Annex VII of Regulation (EC) No .../2004 of the European Parliament and of the Council of on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽¹⁾;
- 2) In Article 30, the part of paragraph 1 beginning "Where such additional checks demonstrate ..." and ending "... or to use it for other purposes authorised by Community legislation, without indemnity or compensation", shall be replaced by the following:

Where checks demonstrate the presence of unauthorised substances or products or when maximum limits have been exceeded, the provisions of Articles 19 to 22 of Regulation (EC) No .../2004⁽²⁾ shall apply.;
- 3) Annex V shall be deleted.

Article 58

Amendment of Directive 97/78/EC

Directive 97/78/EC is hereby amended as follows:

- 1) Article 1 shall be replaced by the following:

Veterinary checks on products from third countries introduced into one of the territories listed in Annex I shall be carried out by Member States in accordance with this Directive and with Regulation (EC) No .../2004 of the European Parliament and of the Council of on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽³⁾;

".
- 2) In Article 2, paragraph 2(a) shall be replaced by the following:
 - (a) "products" means the products of animal origin referred to in Directives 89/662/EEC and 90/425/EEC, in Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying

down health rules concerning animal by-products not intended for human consumption⁽⁴⁾, in 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⁽⁵⁾ and in Regulation (EC) No .../... of the European Parliament and of the Council of laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽⁶⁾; it also includes the plant products referred to in Article 19;

- 3) In Article 7(3), the words "inspection fees referred to in Council Directive 85/73/EEC of 29 January 1985 on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC (amended and consolidated)" shall be replaced by the following:

inspection fees referred to in Regulation (EC) No .../2004⁽⁷⁾

- 4) In Article 10, paragraph 1 (b), the following phrase shall be deleted: "or, 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";
- 5) In Article 12, paragraph 9 shall be deleted;
- 6) In Article 15, paragraph 5 shall be deleted;
- 7) In Article 16, the following paragraph shall be inserted:
4. Detailed rules for the introduction of products of animal origin for the supply of the crew and passengers of international means of transport, and for products of animal origin ordered remotely (for example, by mail, by telephone or via the internet) and delivered to the consumer, shall be laid down in accordance with Article 25 of Regulation (EC) No .../...⁽⁸⁾
- 8) Article 21 shall be deleted;
- 9) Article 23 shall be deleted;
- 10) In Article 24, paragraph 1, second indent, the words "in accordance with Article 17(2) (a) and (b)" shall be replaced by the words "in accordance with Article 17".

Article 59

Amendment of Directive 2000/29/EC

The following Article shall be inserted in Directive 2000/29/EC:

Article 27a

For the purpose of this Directive and without prejudice of Article 21 thereof, Articles 41 to 46 of Regulation (EC) No .../... of the European Parliament and of the Council of ...on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽⁹⁾ shall apply, as appropriate.

*Article 60***Amendment of Regulation (EC) .../...⁽¹⁰⁾**

Regulation (EC) .../...⁽¹⁰⁾ is hereby amended as follows:

- 1) In Article 1, the following paragraph shall be added:
 - 1a. This Regulation shall apply in addition to Regulation (EC) No .../... of the European Parliament and of the Council of on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽¹¹⁾.
- 2) In Article 2:
 - (a) in paragraph 1, subparagraphs (a), (b), (d) and (e) shall be deleted; and
 - (b) the following subparagraph shall be added to paragraph 2:
 - (ba) Regulation (EC) No .../...⁽¹²⁾
- 3) In Article 3:
 - (a) paragraph 1 shall be replaced by the following:
 1. The competent authorities shall approve establishments when, and in the manner, specified in Article 31(2) of Regulation (EC) No .../...⁽¹³⁾
 - (b) paragraphs 4(a) and (b) and paragraph 6 shall be deleted.
- 4) Article 9 shall be deleted.
- 5) Article 10 shall be replaced with the following:

Article 10

To ensure the uniform application of the principles and conditions laid down in Article 11 of Regulation (EC) No 178/2002 and Title VI, Chapter II, of Regulation (EC) No .../...⁽¹³⁾ the procedures laid down in this Chapter shall apply..
- 6) In Article 11:
 - (a) paragraph 2 shall be replaced by the following:
 2. A third country shall appear on such lists only if a Community control in that country has taken place and demonstrates that the competent authority provides appropriate guarantees as specified in Article 48(3) of Regulation (EC) No .../...⁽¹⁴⁾. However, a third country may appear on such lists without a Community control having taken place if:
 - a the risk determined in accordance with Article 46(3)(a) of Regulation (EC) No .../...⁽¹⁴⁾ does not warrant it; and
 - b it is determined, when deciding to add a particular third country to a list in accordance with paragraph 1, that other information indicates that the competent authority provides the necessary guarantees.;
 - (b) in paragraph 4, the introduction shall be replaced by the following:

4. When drawing up or updating lists, particular account shall be taken of the criteria listed in Articles 46 and 48(3) of Regulation (EC) No .../...⁽¹⁴⁾. Regard shall also be had to; and
- (c) subparagraphs (b) to (h) of paragraph 4 shall be deleted.
- 7) Article 14(2)(b) shall be replaced by the following:
- (b) any specific import conditions established in accordance with Article 48 of Regulation (EC) No .../...⁽¹⁵⁾
- 8) In Article 18, points (17) to (20) shall be deleted.

Article 61

Repeal of Community acts

1 Directives 70/373/EEC, 85/591/EEC, 89/397/EEC, 93/99/EEC and 95/53/EC and Decisions 93/383/EEC, 98/728/EC and 1999/313/EC are hereby repealed with effect from 1 January 2006. Directive 85/73/EEC is hereby repealed with effect from 1 January 2008.

2 However, the implementing rules adopted on the basis of those acts, in particular those referred to in Annex VIII, shall remain in force insofar as they are not in contradiction with this Regulation, pending the adoption of the necessary provisions on the basis of this Regulation.

3 Reference to the repealed acts shall be construed as references to this Regulation.

- (1) OJ L (Note to OJ. Insert details of No and date of present Regulation at publication in OJ)";
- (2) Note to OJ. Insert No of present Regulation.
- (3) OJ L (Note to OJ. Insert No and date of present Regulation at publication in OJ).";
- (4) [OJ L 273, 10.10.2002, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 808/2003 ([OJ L 117, 13.5.2003, p. 1](#)).
- (5) [OJ L 18, 23.1.2003, p. 11](#).
- (6) OJ L ... (Note to OJ: Insert No and Date of Regulation).";
- (7) Note to OJ. Insert No of present Regulation.
- (8) Note to OJ. Insert No of present Regulation.
- (9) OJ L (Note to OJ. Insert No and date of present Regulation at publication in OJ)."
- (10) Note to OJ: insert reference to the relevant Regulation cited in Recital 45 (between footnotes 2 and 3).
- (11) OJ L (Note to OJ. Insert No and date of present Regulation at publication in OJ)."
- (12) Note to OJ. Insert No of present Regulation.
- (13) Note to OJ. Insert No of present Regulation.
- (14) Note to OJ. Insert No of present Regulation.
- (15) Note to OJ. Insert No of present Regulation.