

Corrigendum to Commission Decision 2004/436/EC of 29 April 2004 amending Decision 94/984/EC as regards the animal health conditions and veterinary certification for fresh poultrymeat transiting or being temporarily stored in the Community

(Official Journal of the European Union L 154 of 30 April 2004)

Decision 2004/436/EC should read as follows:

COMMISSION DECISION

of 29 April 2004

amending Commission Decision 94/984/EC as regards the animal health conditions and veterinary certification for fresh poultrymeat transiting or being temporarily stored in the Community

(notified under document number C(2004) 1650)

(Text with EEA relevance)

(2004/436/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, in particular Article 8(5), third indent, and Article 9(2)(b) and (4)(c),

Whereas:

- (1) Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat⁽²⁾ lays down the general animal health conditions for imports into the Community from third countries.
- (2) Commission Decision 94/984/EC⁽³⁾ lays down animal health conditions and veterinary certificates for the importation of fresh poultrymeat from certain third countries.
- (3) Council Directive 97/78/EC⁽⁴⁾ lays down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽⁵⁾ and certain provisions for transit are already provided for in Article 11 such as the use of ANIMO messages and of the common veterinary entry document.

⁽¹⁾ OJ L 18, 23.1.2002, p. 11.

⁽²⁾ OJ L 268, 24.9.1991, p. 35. Directive as last amended by Directive 1999/89/EC (OJ L 300, 23.11.1999, p. 17).

⁽³⁾ OJ L 378, 31.12.1994, p. 11. Decision as last amended by Decision 2004/118/EC (OJ L 36, 7.2.2004, p. 34).

⁽⁴⁾ OJ L 24, 30.1.1998, p. 9. Directive as last amended by the Act concerning the conditions of Accession (OJ L 236, 23.9.2003, p. 381).

⁽⁵⁾ OJ L 146, 14.6.1979, p. 15. Decision as last amended by Decision 2004/372/EC (OJ L 118, 23.4.2004, p. 45).

- (4) However, it is necessary in order to safeguard the disease situation in the Community to further ensure that consignments of fresh poultrymeat transiting through the Community, comply with the animal health import conditions applicable for authorised countries in regard to the relevant species concerned.

- (5) Council Decision 79/542/EEC of 21 December 1979 drawing up a list of third countries or parts of third countries, and laying down animal and public health, and veterinary certification conditions for the importation into the Community of certain live animals and their fresh meat⁽⁶⁾, has recently been amended to include transit conditions and a derogation for transit between Russia with a reference to the specific border inspection posts designated for this latter purpose.

- (6) In the light of experience, it appears that the presentation to the border inspection post, pursuant to Article 7 of Directive 97/78/EC, of the original veterinary documents established in the exporting third country to fulfil the regulatory requirement of the third country of destination, is not sufficient to ensure that the animal health conditions required for the safe introduction into the territory of the Community of the products concerned are effectively satisfied. It is therefore appropriate to establish a specific model of animal health certificate to be used in transit situations for the products concerned.

⁽⁶⁾ OJ L 326, 11.12.2001, p. 44. Decision as last amended by Commission Decision 2004/273/EC (OJ L 86, 24.3.2004, p. 21).

- (7) It is further appropriate to clarify the implementation of the condition laid down in Article 11 of Directive 97/78/EC, that transit is only allowed from third countries whose products are not prohibited for introduction in the territory of the Community, by making reference to the list of third countries annexed to Decision 94/984/EC.
- (8) However specific conditions for transits via the Community of consignments to and from Russia should be foreseen due to the geographical situation of Kaliningrad and taking into account climatic problems impeding the use of some ports at certain times of the year.
- (9) Commission Decision 2001/881/EC draws up a list of border inspection posts agreed for veterinary checks on animals and animal products from third countries and it is appropriate to specify the border inspection posts designated for the control of such transits taking into account this Decision.
- (10) Decision 94/984/EC should be amended accordingly.
- (11) 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:

Article 1

Commission Decision 94/984/EC is amended as follows:

1. the following Article 1a is inserted:

'Article 1a

Member States shall ensure that consignments of poultry meat for human consumption, introduced onto the territory of the Community and which are destined for a third country either by transit immediately or after storage in accordance with Articles 12 (4) or 13 of Directive 97/78/EC, and not intended for importation into the EC shall comply with the following requirements:

- (a) they shall come from the territory of a third country or a part thereof listed in Annex I of this Decision for the import of fresh poultry meat.
- (b) they shall meet the specific animal health conditions set out in the animal health attestation part of the model certificate, part A or B, drawn up under Annex II part 2.

- (c) they shall be accompanied by an animal health certificate established in accordance with the model C laid down in Annex II part 2, signed by an official veterinarian of the competent veterinary services of the third country concerned.
- (d) they are certified as acceptable for transit or storage (as appropriate) on the Common Veterinary Entry Document by the Official Veterinarian of the Border Inspection Post of introduction.'

2. The following Article 1b is inserted:

'Article 1b

1. By way of derogation from Article 1a Member States shall authorise the transit by road or by rail through the Community, between designated Community border inspection posts listed in the Annex to Decision 2001/881/EC, of consignments coming from and destined to Russia directly or via another third country provided that the following conditions are met:

- (a) the consignment shall be sealed with a serially numbered seal at the border inspection post of entry to the EC by the veterinary services of the competent authority;
- (b) the documents accompanying the consignment and referred to in Article 7 of Directive 97/78/EC shall be stamped "ONLY FOR TRANSIT TO RUSSIA VIA THE EC" on each page by the official veterinarian of the competent authority responsible for the BIP;
- (c) the procedural requirements provided for in Article 11 of Directive 97/78/EC shall be complied with;
- (d) the consignment is certified as acceptable for transit on the Common Veterinary Entry Document by the Official Veterinarian of the Border Inspection Post of introduction.

2. Unloading or storage, as defined in Article 12 (4) or Article 13 of Directive 97/78/EC, on EC territory of such consignments shall not be allowed.

3. Regular audits shall be made by the competent authority to ensure that the number of consignments and the quantities of products leaving the EC territory matches the number and quantities entering.'

3. The Annexes are amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 1 May 2004.

Article 1 point 1 and the Annex shall only apply from 1 January 2005.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 April 2004.

For the Commission
David BYRNE
Member of the Commission

ANNEX

Annex II part 2 to Decision 94/984/EC is amended as follows:

The following Model C certificate is added:

Model TRANSIT/STORAGE

<p>1. Consignor (name and address in full) </p>	<p>VETERINARY CERTIFICATE for fresh poultrymeat ⁽¹⁾, for [transit] [storage] ⁽²⁾ ⁽⁷⁾ in the ⁽²⁾ ⁽⁷⁾ European Community</p> <p>No ⁽³⁾ ORIGINAL</p>																																																																										
<p>2. Consignee (name and address in full) </p>	<p>3. Origin of the meat ⁽⁴⁾ 3.1. Country name and ISO code: 3.2. Code of territory:</p>																																																																										
<p>5. Intended [transit]/[storage] ⁽⁷⁾ destination of the meat 5.1. Storage in: EU Member State: Name and address of the establishment ⁽⁵⁾ ⁽¹⁰⁾: 5.2. Transit final third country destination ⁽¹⁰⁾: Exit Community BIP name and address ⁽¹⁰⁾: </p>	<p>4. Competent authority 4.1. Ministry: 4.2. Service: 4.3. Local/regional level:</p>																																																																										
<p>7. Means of transport and consignment identification ⁽⁶⁾ 7.1. [Lorry][rail-wagon][ship][aircraft] ⁽⁷⁾ 7.2. Registration number(s), ship name or flight number: </p>	<p>6. Place of loading for exportation 7.3. Consignment identification details ⁽⁸⁾: </p>																																																																										
<p>8. Identification of the meat 8.1. Meat from:(animal species) 8.2. Temperature conditions of the poultry meat included in this consignment : chilled/frozen ⁽⁹⁾ 8.3. Individual identification of the poultry meat included in this consignment:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Nature of cuts ⁽⁸⁾</th> <th colspan="2">Number of the establishment(s)</th> <th rowspan="2">Cold store</th> <th rowspan="2">Number of packages/pieces</th> <th rowspan="2">Net weight(kg).</th> </tr> <tr> <th>Slaught-terhouse</th> <th>Cutting/manufacturing</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td colspan="3" style="text-align: right;">Total</td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Nature of cuts ⁽⁸⁾	Number of the establishment(s)		Cold store	Number of packages/pieces	Net weight(kg).	Slaught-terhouse	Cutting/manufacturing																																																													Total					
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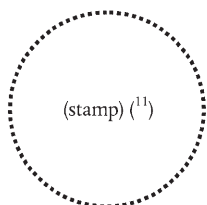
9. Animal health attestation

I, the undersigned official veterinarian, hereby certify, that the fresh poultrymeat described above:

- 9.1. comes from a country or region authorized for imports into the EC as laid down in Annex I to Decision 94/984/EC at the time of slaughter and
- 9.2. complies with the relevant animal health conditions as laid down in the animal health attestation in the model certificate A/B ⁽⁷⁾ in Annex II part 2 to Decision 94/984/EC and
- 9.3. is derived from poultry which were slaughtered and processed on or between..... ⁽⁸⁾.

10. Official stamp and signature

Done at on



.....
(signature of official veterinarian) ⁽¹¹⁾

.....
(name in capital letters, qualifications and title)

Notes

- ⁽¹⁾ Fresh poultrymeat means any parts of domestic fowl, turkeys, guinea fowl, geese and ducks which are fit for human consumption and which have not undergone any treatment other than cold treatment to ensure its preservation: vacuum-wrapped meat or meat wrapped in a controlled atmosphere must also be accompanied by a certificate according to this model.
- ⁽²⁾ In accordance with Article 12 (4) or Article 13 of Council Directive 97/78/EC.
- ⁽³⁾ Issued by the competent authority.
- ⁽⁴⁾ Country and description of territory as appearing the Annex to Commission Decision 94/984/EC (as last amended).
- ⁽⁵⁾ Address (and approval number if known) of the warehouse in a free zone, free warehouse, customs warehouse or ship chandler shall be included.
- ⁽⁶⁾ The registration number(s) of rail-wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft.
In case of transport in containers or boxes, the total number, their registration and seal numbers, if present, should be indicated under point 7.3.
- ⁽⁷⁾ Keep as appropriate.
- ⁽⁸⁾ Complete if appropriate.
- ⁽⁹⁾ Date or dates of slaughter. Imports of this meat shall not be allowed when obtained from animals slaughtered either prior to the date of authorisation for exportation to the European Community of the territory mentioned in footnote (4), or during a period where restrictive measures have been adopted by the European Community against imports of this meat from this territory.
- ⁽¹⁰⁾ Complete as appropriate.
- ⁽¹¹⁾ The colour of the signature shall be different to that of the printing. The same rule applies to stamps other than those embossed or watermark.