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COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 1204 final

Brussels, 25 July 1974

Proposal for a

COUNCIL DECISION

drawing up a list of the countries from which
the Member States authorise importation of bovine animals,
swine and fresh meat

(submitted to the Council by the Commission)

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

- I. Under Article 3 (1) of the Council Directive of 12 December 1972¹, the Council must prepare, on a proposal from the Commission, a list of the countries or parts of countries from which Member States authorize the importation of bovine animals and swine and fresh meat (bovine animals, swine, sheep and goats and domestic solipeds) or of one or several of these categories of animals and products, account being taken of the health situation in these countries or parts of countries.

At present, the animals and meat referred to above are subject to rules which govern only intra-Community trade. Imports from third countries are therefore effected under conditions which still form part of national provisions, although these are not necessarily more favourable than those governing intra-Community trade.

In various Working Parties, the Commission has examined the case of each of those third countries which usually export to one or several Member States. It was clearly evident, on completion of this work, that, although some third countries had no particular problems, many others would have to overcome a number of difficulties. These difficulties arise from two main sources:

- the importation of animals and fresh meat is subject to different conditions in Member States with differing health situations;
- each Member State has, traditionally, certain particular sources of supply, or sources which it does not share with all the other Member States.

1. With regard to the first source of difficulties, it should be pointed out that Denmark, the United Kingdom and Ireland obtained, through the Treaty of Accession and also through the Council Directive of 12 December 1972 on health problems affecting intra-Community trade in fresh meat (OJ L 302, 31 December 72, p24), certain derogations allowing them to retain, for intra-Community

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¹Council Directive of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries (OJ No L 302, 31 December 1972, p 28).

trade and within certain limits, their national laws relating to the importation of animals and protection against swine fever and foot-and-mouth disease. It is evident that the special arrangements granted to the three new Member States for a specific period should be extended for the same period under the arrangements governing imports from third countries. Only when uniform trade conditions have been laid down in the Community will it be possible to apply uniform conditions to imports into the Community. This is, furthermore, what is meant by Article 33 (2) of the "third countries" Directive.

In the meantime, the new Member States are justified in demanding, for these imports, safeguards related to the derogations granted to them.

2. Although some third countries are approved by all the States of the Community, others are approved by only certain Member States. It has also been noted that in some instances, although several Member States import from the same third country, it is not always the same products which are imported (e.g. one Member State accepts animals and meat without restrictions; another limits imports to meat; a third imports only boned meat, etc.). Likewise, in a third country certain premises (slaughter-houses, cutting plants and cold stores) may be approved by one Member State but not by the others. It is possible, finally, that the entire territory of a country may be approved in one instance and only a clearly defined geographical area in another.

It is clear that the Member States are not properly co-ordinated in their attitude towards a number of third countries. Attention should be drawn to this fact, but it should not be regarded as a sign of far-reaching differences; instead, it should be recognised that the Member States have strongly differing conceptions of what is meant by equivalence between the conditions applicable to imports on the one hand and the conditions applicable to intra-Community trade on the other. If a third country can export certain products to a particular Member State, it is because this Member State considers that it has health safeguards at

least equivalent to those laid down in the Council Directives for intra-Community trade. If this is so, and the Commission has no reason to doubt it, the third country under consideration should also be able to export under the same conditions to the other Member States. The reason for the differences which divide the countries of the Community in this way lies in the fact that, for various motives, each of them has established relations with certain third countries on a basis of mutual requirements and of what was possible. Although the parties associated in this way are sometimes different, the Commission sees no reason, on grounds of health, for doubting that the conditions of their trade are equivalent.

II The aim of the "third countries" Directive is to harmonise all those national laws which on a health basis at present govern imports from third countries by adopting Community arrangements in their stead. This harmonisation should be completed following a series of Council or Commission acts adopted pursuant to the Directive of 12 December 1972; the most important of these is, without question, the list which forms the subject of the attached proposal.

1. The criteria which should be taken into account in establishing this list are given in Article 3 of the Directive; to ensure that they have been observed, the Commission has invited the Member States to forward all the information at their disposal¹. In certain cases this information should undoubtedly be expanded or updated, some of it being several years old. Mention should be made in this context of the importance of the criteria relating to the speed and regularity with which third countries must agree to supply information on the presence in their territory of contagious animal diseases. It cannot be said that this requirement is fully observed at present, since the information is often not received for several weeks or several months; nor is the

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¹This information was communicated to the Commission at the end of April 1974.

Commission fully informed on what is being done in the campaign against contagious diseases in all non-member countries.

These reasons do not appear sufficient, however, for excluding any of the third countries from the list . The introduction of Community import arrangements constitutes an entirely new instrument which, owing to its complexity, requires a period of adjustment in order to function properly. It is therefore impossible to decide suddenly that a given country may no longer export to the Community simply because it cannot comply fully with provisions of which it has only just been informed. Far more important is that such a country should be in a position to comply in the future, when the directive is actually applied, but it must be clear that effective compliance is obligatory; in the event of non-compliance, this country should not be put on the list or, if already there, it should be deleted. This would happen if this country did not give a very firm undertaking to supply regular information on its health situation. The Commission draws the Council's attention to the fact that it is continuing to gather all the information it can find to supplement the information it has already obtained. To this end, it has established contact with some third countries which, at the present time, have not yet answered the requests for information. If, from this information, it appeared that a country named in the attached draft was not able, or did not recognise the need, to comply with Article 3 of the Directive of 12 December 1972, the Commission would inform the Council immediately.

This line of action, which is evidence of the will to open up to third countries, is based, in the Commission's opinion, upon factors which prove how well it is justified.

.../...

So far each Member State has decided for itself, upon its sources of supply (which were not always the same as those chosen by its fellow Members), and it must be clear that it did so on terms which would safeguard the health of human beings and animals against any risk which might endanger them. This is so not only because this State is naturally anxious to protect itself from the dangers which could directly threaten it and which would be the result of authorising imports without sufficient care, but also because an outbreak of epizootic disease in this country could trigger off a defence mechanism in the other Member States, a mechanism which would probably lead to the closing of frontiers; it would therefore be affected both on its own territory and in its trade relations with other countries.

The Commission is certain that all the Member States have, sometimes by different means, pursued the same aim, namely the avoidance of such risks.

The best proof of this is the fact that, in recent years the health situation in the Community has not been endangered by imports from third countries - in other words the sources of supply, although different, have been chosen with sufficient care. It also proves that the health inspections are carried out with the required vigilance both in the third countries and when the imports reach Community territory¹.

For this reason the Commission, as it sees no reason for excluding this or that country, is proposing to the Council that all third countries which at present export to one or more Member States should, be included in the list.

.../...

(1) This does not, of course, include fraudulent imports.

It is obvious that, for the reasons set out above, the compilation of this list in no way prejudices the solutions which have yet to be found for the individual problems of Denmark, the United Kingdom and Ireland, and for which these countries have been granted certain derogations.

2. Under Article 3 of the Directive of 12 December 1972, the list could include, if necessary, details concerning the parts of countries authorised to export to the Community or concerning the categories of animals or meat which may be imported into the EEC. The Commission considers that such specifications should not be introduced for the present, not because they serve no purpose, but because it is not the right moment.

The compilation of a common list of approved countries represents, of course, a considerable change in approach, which has hitherto been exclusively national. It is preferable to wait until this first - and most important - step has been taken before going on to the next stage of determining exactly which product may be imported from what region. This second step, furthermore, would simply be carrying further the intention which lay behind the first step; for, in the opinion of the Commission, it is obvious that inclusion of a country in the list means in principle that this country can export to the Community. All that remains is to determine what it can actually export, and under what conditions.

The decision to be taken in this respect will be closely linked with the provisions concerning health inspection which will have to be drafted for each third country. These provisions are formulated on the basis of the health situation in the country under consideration, a situation which is itself the determining factor in the choice of animals or meat which may be exported to the Community.

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The Commission therefore considers it preferable, in view of the technical considerations on which possible specifications concerning regions, animals or meat would be based, to submit this question for the procedure of the Standing Veterinary Committee, when it expresses its opinion, pursuant to Articles 8 (1) and 16 of the Directive on the above-mentioned health conditions.

The Commission will then refer back to the topics dealt with under point II. 1. above. agreed by the Council.

III. The Commission therefore proposes that the Council adopt the attached draft decision.

Proposal for a
COUNCIL DECISION

drawing up a list of the countries from
which the Member States authorise importation
of bovine animals, swine and fresh meat.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

- Having regard to the Treaty establishing the European Economic Community,
- Having regard to Council Directive of 12th December 1972⁽¹⁾ concerning health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries, as last amended by Council Directive of 19th November 1973⁽²⁾, and in particular article 3 paragraph 1 thereof,
- Having regard to the proposal of the Commission
- Whereas the past experiences of importation from the traditional sources of supply seem not to have given rise to serious disease problems, when being submitted to adequate veterinary control measures,
- Whereas the list of third countries should include countries which have been traditional suppliers of live animals and meat to the Member States, and on which the necessary information is available,
- Whereas the details of the commodities which may be exported from the countries on the list and the specific veterinary conditions under which the exportation may take place, will be subject to further decisions,

HAS ADOPTED THIS DECISION :

ARTICLE 1

Taking into account the provisions of art. 3 paragraph 2 of the Council directive of 12th December 1972 and without prejudice to the other provisions laid down in the said directive, the Member States authorise importation of

(1) OJ No L 302, 31.12.1972, p 28

(2) CJ No L 326, 27.11.1973, p. 17

.../...

bovine animals, swine and fresh meat of bovine animals, swine, sheep, and goats and solipeds from the following countries :

Albania, Argentine, Australia, Austria, Botswana, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cuba, Czechoslovakia, El Salvador, Finland, German Democratic Republic, Greece, Guatemala, Honduras, Hungary, Iceland, Israel, Madagascar, Malta, Marocco, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, People's Republic of China, Poland, Portugal, Rumania, South Africa, Spain, Swaziland, Sweden, Switzerland, Turkey, Uruguay, United States of America, Union of Soviet Socialist Republics, Yugoslavia.

Article 2

This decision is addressed to the Member States.

Done at Brussels,

For the Council

The President