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2013/0041 (NLE)

Proposal for a

COUNCIL DIRECTIVE

adapting certain directives in the field of food safety, veterinary and phytosanitary policy, by reason of the accession of Croatia

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The proposal for a Council Directive adapting certain directives in the field of food safety, veterinary and phytosanitary policy is necessitated by the upcoming accession of the Republic of Croatia to the European Union.

The Treaty concerning the accession of the Republic of Croatia to the European Union[1] was signed by all Member States of the European Union and the Republic of Croatia at Brussels on 9 December 2011.

Article 3 (3) of the Treaty of Accession stipulates that it shall enter into force on 1 July 2013 provided that all the instruments of ratification have been deposited before that date.

Article 3(4) of the Treaty of Accession enables the institutions of the Union to adopt before accession measures referred to, inter alia, in Article 50 of the Act concerning the conditions of accession of the Republic of Croatia[2]. These measures shall enter into force only subject to and on the date of the entry into force of the Treaty of Accession.

Article 50 of the Act of Accession provides that where acts of the institutions adopted prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Act or its Annexes, the Council or the Commission (if the original acts were adopted by the Commission) shall adopt the necessary acts.

Point 2 of the Final Act[3] refers to the political agreement on a set of adaptations to be adopted by the institutions which was reached between the Member States and Croatia in the context of the approval of the Treaty of Accession; the High Contracting Parties of the Treaty of Accession invited the Council and the Commission to adopt these adaptations before accession in accordance with Article 50 of the Act of Accession, completed and updated where necessary to take account of the evolution of the law of the Union.

The present proposal for a Council Directive covers the technical adaptations to all Council directives as well as to European Parliament and Council directives which require technical adaptation by reason of the accession of Croatia in the field of food safety, veterinary and phytosanitary policy – corresponding to negotiation chapter 12.

This proposal is part of a series of proposals for Council directives by the Commission to the Council which regroup the technical adaptations to Council directives as well as to European Parliament and Council directives corresponding to negotiation chapters into separate proposals for different Council directives. This

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1 OJ L 112, 24.4.2012, p. 10.
2 OJ L 112, 24.4.2012, p. 21.
3 OJ L 112, 24.4.2012, p. 95.

structure is designed to facilitate the transposition of the directives concerned by Member States into their respective legal orders. The package of proposals for legal acts which the Commission has transmitted to the Council is composed of this series of proposals for Council directives on the one hand, as well as of a proposal for a single Council regulation which covers the relevant European Parliament and Council regulations and decisions as well as the relevant Council regulations and decisions on the other hand. This is in line with the approach which was taken in the past in view of the accession of Bulgaria and Romania[4].

It is foreseen that all the legal acts included in this package will be published in the *Official Journal of the European Union* at the same date.

The present proposal and the other proposals included in this package will take into account technical adaptations to the *acquis* which were published in the Official Journal of the European Union until 1 September 2012. The reasons for this are to provide sufficient time for the legislative processes involved on the one hand, and for the fulfilment of the ensuing transposition and notification obligations by Member States as regards directives on the other hand. Adaptations which may be necessary to the *acquis* published in the Official Journal of the European Union after 1 September 2012 will be foreseen in the relevant acts themselves or done at a later stage through the appropriate procedure. In addition, the Commission intends to informally provide a list of such legislation to Member States in early July 2013.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

As this proposal is of a purely technical nature and does not involve any political choices, consultations with interested parties or impact assessments would not have made sense.

[4] OJ L 363, 20.12.2006, p. 1.

3. LEGAL ELEMENTS OF THE PROPOSAL

The legal basis for the proposal is Article 50 of the Act concerning the conditions of accession of the Republic of Croatia.

The principles of subsidiarity and proportionality are fully respected. The action of the Union is necessary under the principle of subsidiarity (Article 5 (3) TEU) because it concerns technical adaptations to legal acts which were enacted by the Union. The proposal respects the principle of proportionality (Article 5 (4) TEU) because it does not go beyond what is necessary to reach the objective pursued.

4. BUDGETARY IMPLICATION

The proposal has no budgetary implications.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty of Accession of the Republic of Croatia, and in particular Article 3(4) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 50 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Pursuant to Article 50 of the Act of Accession, where acts which remain valid beyond 1 July 2013 require adaptation by reason of accession, and the necessary adaptations have not been provided for in the Act of Accession or its Annexes, the necessary adaptations are to be adopted by the Council, unless the original act was adopted by the Commission.

(2) The Final Act of the Conference which drew up the Treaty of Accession indicated that the High Contracting Parties had reached political agreement on a set of adaptations to acts adopted by the institutions required by reason of accession and invited the Council and the Commission to adopt these adaptations before accession, completed and updated where necessary to take account of the evolution of the law of the Union.

(3) Directives 64/432/EEC[1], 89/108/EEC[2], 91/68/EEC[3], 96/23/EC[4], 97/78/EC[5], 2000/13/EC[6], 2000/75/EC[7], 2002/99/EC[8], 2003/85/EC[9], 2003/99/EC[10] and 2009/156/EC[11] should therefore be amended accordingly,

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1 OJ 121, 29.7.1964, p. 1977.
2 OJ L 40, 11.2.1989, p. 34.
3 OJ L 46, 19.2.1991, p. 19.
4 OJ L 125, 23.5.1996, p. 10.
5 OJ L 24, 30.1.1998, p. 9.
6 OJ L 109, 6.5.2000, p. 29.
7 OJ L 327, 22.12.2000, p. 74.
8 OJ L 18, 23.1.2003, p. 11.
9 OJ L 306, 22.11.2003, p. 1.
10 OJ L 325, 12.12.2003, p. 31.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directives 64/432/EEC, 89/108/EEC, 91/68/EEC, 96/23/EC, 97/78/EC, 2000/13/EC, 2000/75/EC, 2002/99/EC, 2003/85/EC, 2003/99/EC and 2009/156/EC shall be amended as set out in the Annex.

Article 2

1. Member States shall adopt and publish, by the date of accession of the Republic of Croatia to the European Union at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

   They shall apply those provisions from the date of accession of the Republic of Croatia to the European Union.

   When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force subject to, and as from the date of the entry into force of the Treaty of Accession of the Republic of Croatia.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

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[11] OJ L 192, 23.7.2010, p. 1.

ANNEX

FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY

I. FOOD SAFETY LEGISLATION

1. 31989 L 0108: Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption (OJ L 40, 11.2.1989, p. 34):

   The following is added to Article 8(1)(a):

   – 'in Croatian: "brzo smrznuto".'

2. 32000 L 0013: Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the member States relating to the labelling, presentation and advertising of foodstuffs (OJ L 109, 6.5.2000, p. 29):

   (a) In Article 5(3) second subparagraph, the list starting with ‘in Bulgarian’ and ending with ‘bestrålad’ or ‘behandlad med joniserande strålning’ is replaced by the following :

   – 'in Bulgarian:

   'облъчено' or 'обработено с йонизиращо лъчение',

   – in Spanish:

   'irradiado' or 'tratado con radiación ionizante',

   – in Czech:

   'ozářeno' or 'ošetřeno ionizujícím zářením',

   – in Danish:

   'bestrålet/…' or 'strålekonserveret' or 'behandlet med ioniserende stråling' or 'konserveret med ioniserende stråling',

   – in German:

   'bestrahlt' or 'mit ionisierenden Strahlen behandelt',

   – in Estonian:

   'kiiritatud' or 'töödeldud ioniseeriva kiirgusega',

   – in Greek:

   'επεξεργασμένο με ιονίζουσα ακτινοβολία' or 'ακτινοβολημένο',

   – in English:

   'irradiated' or 'treated with ionising radiation',

– in French:

'traité par rayonnements ionisants' or 'traité par ionisation',

– in Croatian:

'konzervirano zračenjem' or 'podvrgnuto ionizirajućem zračenju',

– in Italian:

'irradiato' or 'trattato con radiazioni ionizzanti',

– in Latvian:

'apstarots' or 'apstrādāts ar jonizējošo starojumu',

– in Lithuanian:

'apšvitinta' or 'apdorota jonizuojančiąja spinduliuote',

– in Hungarian:

'sugárkezelt'or 'ionizáló energiával kezelt',

– in Maltese:

'ittrattat bir-radjazzjoni' or 'ittrattat b'radjazzjoni jonizzanti',

– in Dutch:

'doorstraald' or 'door bestraling behandeld' oder 'met ioniserende stralen behandeld',

– in Polish:

'napromieniony' or 'poddany działaniu promieniowania jonizującego',

– in Portuguese:

'irradiado' or 'tratado por irradiação' or 'tratado por radiação ionizante',

– in Romanian:

'iradiate' or 'tratate cu radiaţii ionizate',

– in Slovak:

'ošetrené ionizujúcim žiarením',

– in Slovenian:

'obsevano' or 'obdelano z ionizirajočim sevanjem',

— in Finnish:

'säteilytetty' or 'käsitelty ionisoivalla säteilyllä',

– in Swedish:

'bestrålad' or 'behandlad med joniserande strålning'.'

(b) In Article 10(2) the list starting with 'in Bulgarian' and ending with 'sista förbrukningsdag' is replaced by the following:

– 'in Bulgarian: 'използвай преди',

– in Spanish: 'fecha de caducidad',

– in Czech: 'spotřebujte do',

– in Danish: 'sidste anvendelsesdato',

– in German: 'verbrauchen bis',

– in Estonian: 'kõlblik kuni',

– in Greek: 'ανάλωση μέχρι',

– in English: 'use by',

– in French: 'à consommer jusqu'au',

– in Croatian: 'upotrijebiti do',

– in Italian: 'da consumare entro',

– in Latvian: 'izlietot līdz',

– in Lithuanian: 'tinka vartoti iki',

– in Hungarian: 'fogyasztható',

– in Maltese: 'uża sa',

– in Dutch: 'te gebruiken tot',

– in Polish: 'należy spożyć do',

– in Portuguese: 'a consumir até',

– in Romanian: 'expiră la data de',

– in Slovak: 'spotrebujte do',

– in Slovenian: 'porabiti do',

– in Finnish: 'viimeinen käyttöajankohta',

– in Swedish: 'sista förbrukningsdag'.'

II. VETERINARY LEGISLATION

1. 31964 L 0432: Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ L 121, 29.7.1964, p. 1977):

In Article 2 (2), point (p) the following is added:

– 'Croatia: županija;'.

2. 31991 L 0068: Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals (OJ L 46, 19.2.1991, p. 19):

In Article 2(b), the list in point 14 starting with 'Belgium' and ending with 'județ' is replaced by the following: '

– Belgium: province —provincie

– Germany: Regierungsbezirk

– Denmark: amt or island

– France: département

– Italy: provincia

– Luxemburg —

– Netherlands: rrv-kring

– United Kingdom: England, Wales and Northern Ireland: county Scotland: district or island area

– Ireland: county

– Greece: νομός

– Spain: provincia

– Portugal: continente: distrito, and other parts of Portugal's territory: região autónoma

– Austria: Bezirk

– Sweden: län

– Finland: lääni/län

– Czech Republic: kraj

– Estonia: maakond

– Cyprus: επαρχία (district)

– Latvia: rajons

– Lithuania: apskritis

– Hungary: megye

– Malta: —

– Poland:powiat

– Slovenia: območje

– Slovakia: kraj

– Bulgaria: област

– Romania: județ;

– 'Croatia: županija'.

3. 31996 L 0023: Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L 125, 23.5.1996, p. 10):

In Article 8(3), the following subparagraph is inserted after the third subparagraph:

'Croatia shall, for the first time by 31 March 2014, forward to the Commission the results of their residue and substance detection plans and of their control measures.'

4. 31997 L 0078: 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 (OJ L 24, 30.1.1998, p. 9):

Annex I is replaced by the following:

'ANNEX I

TERRITORIES LISTED IN ARTICLE 1

1. The territory of the Kingdom of Belgium.

2. The territory of the Republic of Bulgaria.

3. The territory of the Czech Republic.

4. The territory of the Kingdom of Denmark with the exception of the Faroe Islands and Greenland.

5. The territory of the Federal Republic of Germany.

6. The territory of the Republic of Estonia.

7. The territory of the Hellenic Republic.

8. The territory of the Kingdom of Spain with the exception of Ceuta and Melilla.

9. The territory of the French Republic.

10. The territory of the Republic of Croatia.

11. The territory of Ireland.

12. The territory of the Italian Republic.

13. The territory of the Republic of Cyprus.

14. The territory of the Republic of Latvia.

15. The territory of the Republic of Lithuania.

16. The territory of the Grand Duchy of Luxembourg.

17. The territory of the Republic of Hungary.

18. The territory of the Republic of Malta.

19. The territory of the Kingdom of the Netherlands in Europe.

20. The territory of the Republic of Austria.

21. The territory of the Republic of Poland.

22. The territory of the Portuguese Republic.

23. The territory of Romania.

24. The territory of the Republic of Slovenia.

25. The territory of the Slovak Republic.

26. The territory of the Republic of Finland.

27. The territory of the Kingdom of Sweden.

28. The territory of the United Kingdom of Great Britain and Northern Ireland.'

5. 32000 L 0075: Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue (OJ L 327, 22.12.2000, p. 74):

The title of Annex II is replaced by the following:

'ANNEX II

A. LABORATORIO COMUNITARIO DE REFERENCIA DE LA FIEBRE CATARRAL OVINA
EF-REFERENCELABORATORIUM FOR BLUETONGUE
GEMEINSCHAFTLICHES REFERENZLABORATORIUM FÜR DIE BLAUZUNGENKRANKHEIT
ΚΟΙΝΟΤΙΚΟ ΕΡΓΑΣΤΗΡΙΟ ΑΝΑΦΟΡΑΣ ΓΙΑ ΤΟΝ ΚΑΤΑΡΡΟΪΚΟ ΠΥΡΕΤΟ ΤΟΥ ΠΡΟΒΑΤΟΥ
COMMUNITY REFERENCE LABORATORY FOR BLUETONGUE
LABORATOIRE COMMUNAUTAIRE DE RÉFÉRENCE POUR LA FIÈVRE CATARRHALE DU MOUTON
REFERENTNI LABORATORIJ ZAJEDNICE ZA BOLEST PLAVOG JEZIKA
LABORATORIO COMUNITARIO DI RIFERIMENTO PER LA FEBBRE CATARRALE DEGLI OVINI
COMMUNAUTAIR REFERENTIELABORATORIUM VOOR BLUETONGUE
LABORATÓRIO COMUNITÁRIO DE REFERÊNCIA EM RELAÇÃO À FEBRE CATARRAL OVINA
LAMPAAN BLUETONGUE-TAUTIA VARTEN NIMETTY YHTEISÖN VERTAILULABORATORIO
GEMENSKAPENS REFERENSLABORATORIUM FÖR BLUETONGUE'.

6. 32002 L 0099: 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 (OJ L 18, 23.1.2003, p. 11):

Annex II is amended as follows:

(a) the first indent of point 2 is replaced by the following:

– 'on the upper part, the name or ISO code of the Member State in capitals: AT, BE, DE, DK, ES, FI, FR, GR, HR, IE, IT, LU, NL, PT, SE and UK,'.

(b) the third indent of point 2 is replaced by the following:

– 'on the lower part, one of the following sets of initials CE, EC, EF, EG, EK, EZ or EY,'.

7. 32003 L 0085: Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC (OJ L 306, 22.11.2003, p. 1):

In Part A of Annex XI, the following is inserted after the entry for France:

'HR	Croatia	Hrvatski veterinarski institut Savska cesta 143	Croatia'

		10 000 Zagreb	

8. 32003 L 0099: Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC (OJ L 325, 12.12.2003, p. 31):

In Article 9(1), the second subparagraph is replaced by the following:

'Each Member State shall transmit to the Commission every year by the end of May, and for Croatia, for the first time, by the end of May 2014, a report on trends and sources of zoonoses, zoonotic agents and antimicrobial resistance, covering the data collected pursuant to Articles 4, 7, and 8 during the previous year. Reports, and any summaries of them, shall be made publicly available.'

9. 32009 L 0156: Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae (OJ L 192, 23.7.2010, p. 1):

In Article 4(6), the introductory sentence of the first subparagraph is replaced by the following:

'Where a Member State draws up or has drawn up a voluntary or compulsory control programme for a disease to which equidae are susceptible, it may present the programme to the Commission, within six months from 4 July 1990 for Belgium, Denmark, Germany, Ireland, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom, from 1 January 1995 for Austria, Finland and Sweden, from 1 May 2004 for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, from 1 January 2007 for Bulgaria and Romania and from 1 July 2013 for Croatia, outlining in particular:'