ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2008 OF THE EC-FAEROE ISLANDS JOINT COMMITTEE

of 17 June 2008

amending Decision No 1/2001 laying down provisions to implement the Protocol on veterinary matters supplementing the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part

(2009/74/EC)

THE EC-FAEROE ISLANDS JOINT COMMITTEE,

Having regard to the Agreement in the form of an Exchange of Letters, between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part [1],

Having regard to the Protocol on veterinary matters supplementing the Agreement [2], and in particular its Article 2, first sentence thereof,

Whereas:

(1) At the meeting of the veterinary subgroup of the EC-Faeroe Islands Joint Committee on 26 September 2005 in Brussels two requests from the Faeroe Islands were discussed. The first was to allow the import of registered equidae directly from Iceland, rather than via a border inspection post approved for that purpose in a Member State in accordance with Article 6 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries [3]. The second was to allow the movement of registered equidae between the Faeroe Islands and the Member States in accordance with intra-Community movement rules.

(2) In accordance with Article 9 of Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae [4], the rules laid down in Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market [5] shall apply.

(3) The Faeroe Islands commited themselves to transpose and apply the Community provisions set out in the Annex to this Decision and to establish at the approved border inspection post located at Tórshavn an inspection centre suitable for handling registered equidae, imported directly from Iceland in accordance with the construction and animal welfare requirements laid down in the Annex A to Directive 91/496/EEC before the date of adoption of this Decision.

(4) The Commission representatives and Member States experts agreed that the animal health situation in Faeroe Islands permitted the proposed amendment of Decision No 1/2001 of the EC-Faeroe Islands Joint Committee [6].

(5) Article 27 of 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 [7], sets down new principles for the collection of fees or charges to cover the costs occasioned by official controls.

Consequently, it appears appropriate to update references to the fees concerned within the Community in Decision No 1/2001.

(6) A new system of notification concerning imports of live animals and products of animal origin into the European Union and intra-Community movements of live animals named Traces has been introduced replacing ANIMO. Traces allows the electronic exchanges of data concerning import and intra-Community trade of live animals and products of animal origin between the competent authorities in charge of animal and public health control.

Consequently, it appears appropriate to update references to the information systems in Decision No 1/2001.

[1] OJ L 305, 30.11.1999, p. 25.
[2] OJ L 305, 30.11.1999, p. 26.
[3] OJ L 268, 24.9.1991, p. 56.
[4] OJ L 224, 18.8.1990, p. 42.
[5] OJ L 224, 18.8.1990, p. 29.
[6] OJ L 46, 16.2.2001, p. 24.
[7] OL L 165, 30.4.2004, p. 1. Corrected by OJ L 191, 28.5.2004, p. 1.

(7) The veterinary subgroup therefore recommended that Decision No 1/2001 be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Decision No 1/2001 is amended as follows:

1. Article 3 shall be replaced by the following:

'*Article 3*

Checks on live animals coming from third countries

1. Checks on live animals coming from third countries and destined for the Faeroe Islands shall be carried out at border inspection posts in Member States by their veterinary services in the name and on behalf of the Faeroe Islands authorities.

2. In the cases provided for, the integrated computerised veterinary system (Traces) shall be used for all relevant notifications.

3. All imports of live animals into the Faeroe Islands shall be subject to veterinary checks as laid down in Council Directive 91/496/EEC (*), and its rules of application fixed in the relevant Commission Decisions.

If the results of the checks referred to in the first paragraph are satisfactory, the veterinary services shall issue a Common Veterinary Entry Document (CVED) for each consignment.

The Customs services shall ensure that the necessary sanitary fees as set down in Regulation (EC) No 882/2004 of the European Parliament and of the Council (**) are paid before the customs transit operations start.

(*) OJ L 268, 24.9.1991, p. 56.
(**) OJ L 165, 30.4.2004, p. 1. Corrected by OJ L 191, 28.5.2004, p. 1.';

2. Article 5 is replaced by the following:

'*Article 5*

Financing of checks

The Faeroe Islands undertake to apply the provisions of Article 27 of Regulation (EC) No 882/2004 as regards fees for the following areas:

— In Annex IV, Chapter V for fishery products covered by Regulation (EC) No 853/2004 of the European Parliament and of the Council (*),

— In Annex IV, Chapter V to ensure that the controls provided for in Council Directive 96/23/EC (**) on aquaculture animals are carried out;

— In Annex V Chapters I (meat), II (fish) and III (other animal products) for animal products imported from third countries;

— In Annex V Chapter V for live animals imported from third countries;

— In Annex VI to cover the checks for the aquaculture animals, products of animal origin and live registered equidae covered by Directive 90/425/EEC.

(*) OJ L 139, 30.4.2004, p. 55.
(**) OJ L 125, 23.5.1996, p. 10.';

3. Article 7 shall be replaced by the following:

'*Article 7*

Information systems

1. The Faeroe Islands shall use the integrated computerised veterinary system (Traces) to notify Member States of movements and trade of live animals or products of animal origin, where required under the Community provisions.

The practical arrangements for the Faeroe Islands participation in this system shall be settled between Commission and Faeroese officials.

2. The Faeroe Islands shall implement Council Directive 82/894/EEC (*) and they shall take part in the Animal Disease Notification System (ADNS).

The practical arrangements for the participation of the Faeroe Islands shall be settled between Commission and Faeroe Islands officials.

(*) OJ L 378, 31.12.1982, p. 58.';

4. The following Article shall be inserted:

'Article 12a

Imports and movements of registered equidae

1. The Faeroe Islands undertake to establish at the approved border inspection post located at Tórshavn an inspection centre suitable for handling registered equidae, imported directly from Iceland. The facilities at the inspection centre shall meet the construction and animal welfare requirements for approval laid down in Annex A to Directive 91/496/EEC.

Prior to constructing the premises, the competent authorities of the Faeroe Islands shall submit to the European Commission the draft plan of this centre for consideration and comment.

Once the agreed facility is constructed, the Faeroe Islands shall inform the Commission.

2. By way of derogation from Article 3(1), the checks of registered equidae imported directly from Iceland shall be carried out in accordance with Directive 91/496/EEC and its rules of application laid down in Commission Decision 97/794/EC (*) by the veterinary services of the Faeroe Islands at the inspection centre referred to in paragraph 1.

3. The movements of registered equidae between the Faeroe Islands and the Member States shall be carried out on the basis of the rules laid down in Chapter II of Council Directive 90/426/EEC (**) and following the checks carried out in accordance with Directive 90/425/EEC.

(*) OJ L 323, 26.11.1997, p. 31.
(**) OJ L 224, 18.8.1990, p. 42.';

5. In Article 15, the following paragraph shall be added:

'4. The Faeroe Islands shall apply the Community provisions set out in the Annex to this Decision before 17 June 2008.

The Faeroe Islands shall inform the Commission by 11 February 2009 that they have taken the necessary steps to implement those provisions.';

6. The text appearing in the Annex to this Decision shall be added as Annex.

Article 2

Entry into force

This Decision shall enter into force on the date of its adoption.

Done at Tórshavn, 17 June 2008.

For the Joint Committee
The President
Herluf SIGVALDSSON

ANNEX

'ANNEX

Community provisions as referred to in Article 15(4):

(1) Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market (OJ L 224, 18.8.1990, p. 29);

(2) Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae (OJ L 224, 18.8.1990, p. 42);

(3) Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.8.1990, p. 55);

(4) Commission Decision 92/260/EEC of 10 April 1992 on animal health conditions and veterinary certification for temporary admission of registered horses (OJ L 130, 15.5.1992, p. 67);

(5) Commission Decision 93/195/EEC of 2 February 1993 on animal health conditions and veterinary certification for the re-entry of registered horses for racing, competition and cultural events after temporary export (OJ L 86, 6.4.1993, p. 1);

(6) Commission Decision 93/196/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of equidae for slaughter (OJ L 86, 6.4.1993, p. 7);

(7) Commission Decision 93/197/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production (OJ L 86, 6.4.1993, p. 16);

(8) Commission Decision 93/623/EEC of 20 October 1993 establishing the identification document (passport) accompanying registered equidae (OJ L 298, 3.12.1993, p. 45);

(9) Commission Decision 2000/68/EC of 22 December 1999 amending Commission Decision 93/623/EEC and establishing the identification of equidae for breeding and production (OJ L 23, 28.1.2000, p. 72);

(10) Commission Decision 2004/211/EC of 6 January 2004 establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species, and amending Decisions 93/195/EEC and 94/63/EC (OJ L 73, 11.3.2004, p. 1);

(11) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).'