Commission Implementing Regulation (EU) 2015/329 of 2 March 2015 derogating from Union provisions on animal and public health as regards the introduction into the European Union of food of animal origin destined for EXPO Milano 2015 in Milan (Italy) (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2015/329

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derogating from Union provisions on animal and public health as regards the introduction into the European Union of food of animal origin destined for EXPO Milano 2015 in Milan (Italy)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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)], and in particular the third indent of Article 8(5), Article 9(2)(b) and Article 9(4) thereof,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin[(2)], and in particular the second paragraph of Article 9 thereof,

Having regard to 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[(3)], and in particular the fourth subparagraph of Article 29(1) thereof,

Whereas:

(1) Italy will host the universal exhibition named ‘EXPO Milano 2015’ which will take place in Milan from 1 May to 31 October 2015. The central theme of this exhibition is ‘Feeding the planet — Energy for life’. It is planned that about 150 countries will participate in the ‘EXPO Milano 2015’ and, in relation with the theme, it is expected that food products, including products of animal origin, will have to be introduced into the Union from third countries.

(2) The authorisation to export products of animal origin to the Union is granted to third countries based on a number of requirements laid down in the Union legislation, which take into account animal and public health concerns. However, not all the countries taking part in ‘EXPO Milano 2015’ are fully authorised to export products of animal origin to the Union. It is therefore opportune to establish certain derogations to the current import health requirements in order to authorise the introduction of those products exclusively for the purpose of their use in ‘EXPO Milano 2015’.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/329. (See end of Document for details)*

(3) As regards the animal health aspects, the products of animal origin that give rise to a risk of introduction of animal diseases into the Union, such as fresh meat and meat products, milk and dairy products and other products of animal origin, are only allowed to be imported into the Union if all the relevant animal health guarantees provided for in the Union import legislation are fulfilled. The same applies to products of animal origin in transit through the Union on the condition that they are transported into a third country. To be authorised to be imported or transit through the Union the products of animal origin are to originate from third countries specifically listed in the relevant animal health import legislation and have undergone the specific treatments provided for in such legislation.

(4) Therefore, in order to protect the animal health status of the Union, only products of animal origin which fulfil the Union animal health import or transit requirements should be authorised to enter the Union for the purpose of their use in 'EXPO Milano 2015'.

(5) Considering the risks involved with the introduction into the Union of products of animal origin not in conformity with the Union public health requirements and, at the same time, the need to protect public health, it is necessary to ensure that those products are in conformity with the public health requirements of the third country of origin and that they are fit for human consumption in that country. This would result in the same risk travellers from the Union would face while travelling and consuming such goods in the relevant third country. In addition, the competent Italian authorities have provided guarantees aimed at avoiding that the abovementioned risks can affect human health within the Union in a negative way.

(6) Therefore, the Italian Authorities shall ensure that not any of the non-conform products are consumed and marketed outside 'EXPO Milano 2015'.

(7) Considering the important public health risks linked to bivalve molluscs, the introduction into the Union of bivalve molluscs in any form destined for 'EXPO Milano 2015' should only be allowed if those products fulfil the public health import requirements laid down in the relevant Union legislation. For that reason, those products should be exempted from the scope of this Regulation.

(8) Taking into account the animal and public health risks represented by products of animal origin from third countries for which special protection or safeguard measures have been or will be adopted due to animal and public health concerns in accordance with Article 22 of Council Directive 97/78/EC[(4)], it is opportune to exempt those products from the scope of this Regulation.

(9) In order to reduce the risks linked to the introduction into the Union of products of animal origin that do not fulfil all the animal and public health requirements of the Union, those products should be subject to strict control measures and be traceable in all stages of transport, storage, delivery and disposal of their remainder or waste and be used only for the purposes of 'EXPO Milano 2015', preventing their marketing in the Union.

(10) In order to allow that those products may enter the Union while preventing at the same time their placing on the Union market, they should be placed under the

temporary importation procedure in accordance with Article 576(1) of Regulation (EEC) No 2454/93[(5)] until they are consumed on the spot at 'EXPO Milano 2015' or any remainders of those products disposed of in accordance with the provisions of Regulation (EC) No 1069/2009 of the European Parliament and of the Council[(6)] as category 1 material or re-exported. Where necessary such products should be moved under the external transit procedure referred to in Article 91(1) of Regulation (EEC) No 2913/92[(7)] from the point where they entered the Union to Italy before they are placed under temporary importation. The consumption or destruction of such products is to be considered as re-exportation in accordance with Article 582(2) of Regulation (EEC) No 2454/93.

(11) In addition, to ensure that those non-conform products are not placed on the Union market, they should only be transported directly to 'EXPO Milano 2015' or, if necessary for logistic reasons, to specifically approved customs warehouses as provided for by Articles 12 and 13 of Directive 97/78/EC for intermediate storage before their final delivery to 'EXPO Milano 2015'.

(12) In order to ensure the traceability of the non-conforming products of animal origin, the competent authorities should use the integrated computerised veterinary system (Traces) introduced by Commission Decision 2004/292/EC[(8)] (hereinafter referred to as 'the Traces system') for recording the relevant data pertaining to the products from the moment of their introduction into the Union until they are consumed on the 'EXPO Milano 2015' exhibition site or disposed of after the end of the event.

(13) In order to inform the visitors and staff of 'EXPO Milano 2015' of the possible risk for consumption of any non-conform products and to ensure that those products are not consumed and marketed outside the 'EXPO Milano 2015' site due to the public health risk they may pose, the Italian authorities should provide information that certain products of animal origin originating from third countries do not comply with Union public health standards but only with those of the relevant third countries of origin and that the consumption and marketing of those products is prohibited outside the 'EXPO Milano 2015' exhibition site.

(14) As the 'EXPO Milano 2015' will be a temporary event, the provisions laid down in this Regulation should only apply for a limited period of time.

(15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation provides for a derogation from Union provisions on animal and public health rules governing the introduction of products of animal origin or food containing those products into the Union and destined to the exhibition site of EXPO Milano 2015 as described in point 1 of Annex I ('Exhibition site of EXPO Milano 2015').

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/329. (See end of Document for details)*

This Regulation does not apply to bivalve molluscs referred to in point 2.1 of Annex I to Regulation (EC) No 853/2004 or to food derived from those animals.

This Regulation applies without prejudice to the safeguard measures adopted in accordance with Article 22 of Directive 97/78/EC and in force during the period of application of this Regulation.

Article 2

Requirements for the products destined to the exhibition site of EXPO Milano 2015

Member States shall authorise the introduction of consignments of products of animal origin or food containing those products from third countries or establishments from which imports of those products or food containing those products to the Union is not permitted pursuant to Union law, only for the purpose of their use in the exhibition site of EXPO Milano 2015 and if they:

(a) come from a third country taking officially part in the EXPO Milano 2015 and are destined to the exhibition stand of that third country in the exhibition site of EXPO Milano 2015; and

(b) are packaged in sealed containers or packages that do not allow any leakage of the content and are marked with the words ‘for exclusive destination EXPO Milano 2015’ in red and white and in a readable size proportionate to the dimension of those containers or packages; and

(c) if listed in Annex II, comply with all of the following conditions:

  (i) they are authorised for transiting through the Union in accordance with the requirements for transit through the Union laid down in the legal acts referred to in Annex II for each product which shall apply by way of analogy,

  (ii) they are accompanied by the veterinary certificate for transit or storage set out in the provisions referred to in Annex II for each listed product which shall apply by way of analogy,

  (iii) they are accompanied by the veterinary certificate set out in Annex III,

  (iv) they are placed under the temporary importation procedure in accordance with Article 576(1) of Regulation (EEC) No 2454/93,

  (v) where they are intended to be moved from a border inspection post, which is listed in Annex I to Commission Decision 2009/821/EC[9] or in any relevant agreement between the Union and third countries, outside Italy to Italy, they are placed for that purpose, under the external transit procedure referred to in Article 91(1) of Regulation (EEC) No 2913/92 before being placed under the temporary importation procedure in accordance with Article 576(1) of Regulation (EEC) No 2454/93 in Italy;

(d) if not listed in Annex II, comply with the all of the following conditions:

  (i) they are accompanied by the veterinary certificate set out in Annex III,

  (ii) they comply with the conditions listed in point (iv) and (v) of paragraph (c) of this Article.

Article 3

Introduction of the products

The consignments of products referred to in Article 2 shall comply with the following conditions:

(a) they are introduced in the Union through a border inspection post listed in Annex I to Decision 2009/821/EC or in any relevant agreement between the Union and third countries, and

(b) they are notified to the border inspection post of entry at least two working days before their arrival.

Article 4

Tasks of the border inspection post of entry and of the competent customs authorities

1 The border inspection post of entry shall:

a carry out a documentary and identity check as provided for in Article 4 of Directive 97/78/EC;

b check whether the consignments of products referred to in Article 2 originating from one of the third countries participating in the EXPO Milano 2015 are destined to the exhibition stand of that third country in the exhibition site of EXPO Milano 2015; and

c issue a Common Veterinary Entry Document (CVED) with the Traces system, destined for the Traces local veterinary unit Milano Città IT03603 referred to in Annex II to Decision 2009/821/EC ('local veterinary unit Milano Città IT03603') or, in case the products are first sent to a customs warehouse referred to in point 2 of Annex I, to the Traces unit responsible for the relevant customs warehouse;

d ensure that the consignments are sent directly to the exhibition site of EXPO Milano 2015 or to a customs warehouse referred to in point 2 of Annex I;

e permit the transiting of the consignments not covered by the Annex to Commission Decision 2011/163/EU[(10)] provided that they are sent directly to the exhibition site of EXPO Milano 2015 or to a customs warehouse referred to in point 2 of Annex I;

f reject or destroy products which do not comply with the requirements of Article 2.

2 The border inspection post of entry and the competent customs authorities shall ensure the following:

a the products are placed under the temporary importation procedure in accordance with Article 576(1) of Regulation (EEC) No 2454/93 until they are consumed at the exhibition site of EXPO Milano 2015 or destroyed as provided for in points 10 and 11 of Article 7;

b where necessary, the products are moved under the external transit procedure referred to in Article 91(1) of Regulation (EEC) No 2913/92 from the entry point into the Union to Italy before they are placed under temporary importation.