COMMISSION REGULATION (EC) No 812/2003

of 12 May 2003

on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the importation and transit of certain products from third countries

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1774/2002 of 3 October 2002 of the European Parliament and of the Council laying down health rules concerning animal-by-products not intended for human consumption [1], as amended by Commission Regulation (EC) No 808/2003 [2], and in particular Article 32(1) thereof,

Whereas:

(1) Regulation (EC) No 1774/2002 provides for a complete revision of Community rules concerning animal by-products not intended for human consumption, including the introduction of a number of strict requirements. In addition, it provides that appropriate transitional measures may be adopted.

(2) Regulation (EC) No 1774/2002 provides that certain processed products that may be used as feed material and petfood, dogchew and technical products may be imported or transited through the Community provided that they comply with the relevant requirements of that Regulation. In addition, Regulation (EC) No 1774/2002 provides for the establishment of lists of third countries or parts of third countries and plants from which those products may be imported. Regulation (EC) No 1774/2002 also provides for the establishment of model health certificates certifying that the products meet the relevant conditions set out in that Regulation. Those lists and model certificates have not yet been adopted.

(3) Regulation (EC) No 1774/2002 provides that pending the adoption of those lists and model certificates, Member States may maintain for products which were not yet harmonised at Community level the controls provided for in 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 [3], and the certificates provided for under existing national rules.

(4) It is necessary to provide for transitional measures for third countries, pending implementation of Article 29(6) and the update of the model of certificates in Annex X to that Regulation. Accordingly, Member States should continue to authorise the importation and transit through the Community of the concerned products subject to compliance with the controls set out in Directive 97/78/EC and also subject to the rules and certification requirements provided for in existing Commission Decisions, or in the case of products not covered by a Commission Decision, under existing national rules.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Derogation regarding the importation from third countries

1. By way of derogation from Article 29(3), (4), (5) and (6) of Regulation (EC) No 1774/2002, Member States shall continue to authorise until 31 December 2003 the importation and transit through the Community of the products referred to in Annexes VII and VIII to that Regulation, subject to compliance with the certification requirements, and to the presentation of a valid certificate in accordance with the models, provided for in:

(a) the Commission Decisions set out in the Annex to this Regulation for those products covered by those Decisions;

(b) existing national rules for those products not covered by the Commission Decisions set out in the Annex to this Regulation.

2. The Commission shall propose detailed transitional rules for products for which adequate justification has been provided.

Article 2

Entry into force

This Regulation shall enter into force on the third day following that of its publication in *Official Journal of the European Union*.

It shall apply from 1 May 2003 to 31 December 2003.

[1] OJ L 273, 10.10.2002, p. 1.
[2] See page 1 of this Official Journal.
[3] OJ L 24, 30.1.1998, p. 9.