DIRECTIVE 2000/77/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 2000

amending Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 152(4) thereof,

Having regard to the proposal from the Commission [1],

Having regard to the Opinion of the Economic and Social Committee [2],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty [3], in the light of the joint text approved on 11 October 2000 by the Conciliation Committee,

Whereas:

(1) Council Directive 95/53/EC of 25 October 1995 [4] lays down the principles in accordance with which official inspections must be carried out in the field of animal nutrition. Experience has shown that, where appropriate, there should be the possibility of defining those principles more precisely at Community level in order to establish a reliable harmonised procedure and to introduce the new inspection system for products from third countries used in animal nutrition.

(2) In order to adequately protect human and animal health and the environment, Commission and Member State experts should be able to carry out on-the-spot inspections not only in the Community but also in third countries, in particular following the appearance in a third country of any problem likely to affect the health of animal feedingstuffs put into circulation in the Community.

(3) The Commission should furthermore be given the possibility of, where necessary, sending experts to carry out on-the-spot inspections in the Community to check that Community rules are being applied and, where appropriate, adopting Community measures.

(4) For the same reason, a system of protective measures should be laid down. Under that system the Commission must be able to act by adopting measures appropriate to the situation.

(5) By Directive 95/53/EC, the Council laid down the principle of organising annual, coordinated Community inspection programmes based on a recommendation from the Commission.

(6) In particular cases justified on human or animal health grounds, the inspections carried out by and in the Member States should be stepped up. To ensure that the inspections and checks are uniformly and effectively applied across the Community in such cases, the Commission should be given responsibility for adopting specific coordinated inspection programmes.

(7) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [5].

(8) Council Directive 95/53/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 95/53/EC is hereby amended as follows:

1. the following paragraph shall be added to Article 5:

   'Where appropriate, detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.'

2. the following paragraph shall be added to Article 7:

   'Where appropriate, detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 23.'

3. the following Articles shall be inserted:

   '*Article 9a*

   1. Where a problem likely to pose a serious risk to human or animal health or the environment appears or spreads on the territory of a third country, the Commission, on its own initiative or at the request of a Member State, shall immediately depending on the gravity of the situation take the following measures, in accordance with the procedure laid down in Article 23a:

   — suspend imports of products from all or part of the third country concerned or from one or more specific production establishments and, where appropriate, any third country of transit and/or

[1] OJ C 346, 14.11.1998, p. 9.
[2] OJ C 138, 18.5.1999, p. 17.
[3] Opinion of the European Parliament of 16 December 1998 (OJ C 98, 9.4.1999, p. 150), Council Common Position of 15 November 1999 (OJ C 17, 20.1.2000, p. 8) and Decision of the European Parliament of 11 April 2000 (not yet published in the Official Journal). Decision of the Council of 20 November 2000 and Decision of the European Parliament of 14 December 2000.
[4] OJ L 265, 8.11.1995, p. 17. Directive as amended by Council Directive 1999/20/EC (OJ L 80, 25.3.1999, p. 20).
[5] OJ L 184, 17.7.1999, p. 23.