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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.12.2008
COM(2008) 873 final

2008/0253 (CNS)

Proposal for a

COUNCIL DIRECTIVE

**laying down the principles governing the organisation of veterinary checks on animals
entering the Community from third countries**

(codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bringing them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ Annex III, Part A of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Directive 91/496/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex IV to the codified Directive.

↓ 91/496/EEC (adapted)

2008/0253 (CNS)

Proposal for a

COUNCIL DIRECTIVE

laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries (codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁵,

Whereas:



- (1) Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁶ has been substantially amended several times⁷. In the interests of clarity and rationality the said Directive should be codified.

↓ 91/496/EEC Recital 1

- (2) Live animals are included in the list in Annex I to the Treaty.

↓ 91/496/EEC Recital 2

- (3) Laying down principles at Community level on the organisation of veterinary checks on animals coming from third countries helps to safeguard supplies and ensure market

⁵ OJ C [...], [...], p. [...].

⁶ OJ L 268, 24.9.1991, p. 56.

⁷ See Annex III, Part A.

stability while also harmonising the measures necessary to ensure the protection of animal health.

↓ 91/496/EEC

- (4) Each consignment of animals from third countries should be subjected to documentary and identity checks upon entry into the territory of the Community.
 - (5) Principles valid throughout the Community should be fixed concerning the organisation and follow-up of physical checks to be carried out by the competent veterinary authorities.
 - (6) Provision should be made for safeguard arrangements. In this context, the Commission should be able to act, particularly by visiting the places concerned and adopting measures appropriate to the circumstances.
 - (7) If the checking system is to function smoothly there should be an approval procedure and border inspection posts should be inspected. Furthermore, there should be exchanges of officials empowered to carry out checks on live animals coming from third countries.
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↓ 91/496/EEC (adapted)

- (8) The laying down of common principles at Community level is necessary given that, with the completion of the internal market, internal border controls have been abolished.
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↓ 91/496/EEC Recital 11
(adapted)

- (9) 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 Commission⁸.
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- (10) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex III, Part B,

⁸ OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS DIRECTIVE:

⊠ CHAPTER I ⊠

⊠ Scope and definitions ⊠

Article 1

1. Veterinary checks in respect of animals from third countries entering the Community shall be carried out by the Member States in accordance with this Directive.
2. This Directive shall not apply to veterinary checks on family pets accompanying travellers for non-commercial purposes, other than *equidae*.

Article 2

For the purposes of this Directive, the definitions in Article 2 of Council Directive 90/425/EEC⁹ shall apply.

The following definitions shall also apply:

- (a) 'documentary check' means verification of the veterinary certificates or documents accompanying an animal;
- (b) 'identity check' means verification, by visual inspection only, for consistency between the documents or certificates and the animals and for the presence and conformity of the marks which must appear on the animals;
- (c) 'physical check' means a check of the animal itself, possibly including sampling and laboratory testing and, where appropriate, additional checks during quarantine;
- (d) 'importer' means any natural or legal person who presents animals for importation into the Community;
- (e) 'consignment' means a quantity of animals of the same species, covered by the same veterinary certificate or document, conveyed by the same means of transport and coming from the same third country or same part of such country;

⁹ OJ L 224, 18.8.1990, p. 29.

↓ 91/496/EEC (adapted)

- (f) 'border inspection post' means any inspection post located in the immediate vicinity of the external border of one of the territories referred to in Annex I to Council Directive 97/78/EC¹⁰ and designated and approved in accordance with Article 6 of the present Directive .

↓ 91/496/EEC

CHAPTER II

Organisation and follow-up of checks

Article 3

1. Member States shall ensure that:

- (a) importers are obliged to give one working day's notice to the veterinary staff of the border inspection post where the animals are to be presented specifying the number, nature and estimated time of arrival of the animals;
- (b) the animals are conveyed directly, under official supervision, to the border inspection post referred to in Article 6 or, where applicable, to a quarantine centre as provided for in point (b) of the first subparagraph of Article 10(1);
- (c) the animals may not leave such post or centre unless, without prejudice to the special provisions to be adopted in accordance with the procedure referred to in Article 22(3), proof has been supplied:
 - (i) in the form of the certificate provided for in Article 7(1)(b) or in Article 8, that the veterinary checks have been carried out on the animals in question in accordance with Article 4(1), and Article 4(2)(a), (b) and (d) and Articles 8 and 9 to the satisfaction of the competent authority;

↓ 91/496/EEC (adapted)

- (ii) that the veterinary checks have been paid for, and that, where relevant, a deposit covering any cost provided for in Article 10(6) and Article 12(4) has been lodged;
- (d) the customs authority does not authorise release for free circulation in the territories referred to in Annex I to Directive 97/78/EC unless, without prejudice to the specific

¹⁰ OJ L 24, 30.1.1998, p. 9.

provisions to be adopted in accordance with the procedure referred to in Article 22(3) ~~of~~ of this Directive ~~of~~, proof has been supplied that the requirements in (c) of this paragraph have been fulfilled.

↓ 91/496/EEC

2. Detailed rules for implementing paragraph 1 shall be adopted, as the need arises, in accordance with the procedure referred to in Article 22(3).

Article 4

1. Member States shall ensure that, irrespective of the customs destination of the animals, each consignment of animals from a third country is subjected by the veterinary authority to a documentary check and identity check at one of the border inspection posts situated in one of the territories referred to in Annex I to Directive 97/78/EC and approved for that purpose, in order to verify:

- (a) their origin;
 - (b) their subsequent destination, particularly in the case of transit or in the case of animals, trade in which has not been harmonised at Community level or which are subject to specific requirements recognised by a Community decision in respect of the Member State of destination;
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↓ 91/496/CEE

- (c) that the particulars which appear on the certificates or documents afford the guarantees required by Community rules or, in the case of animals, trade in which has not been harmonised at Community level, the guarantees required under the national rules applicable in the various cases covered by this Directive;
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↓ 92/438/EEC Art. 9 pt. 1

- (d) that no indication of rejection of the consignment has been given through the procedure specified in the first indent of Article 1(1) of Council Decision 92/438/EEC¹¹.
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↓ 91/496/EEC

2. Without prejudice to the exemptions pursuant to Article 8, the official veterinarian must carry out a physical check on animals presented at the border inspection post. That check must include, in particular:

¹¹ OJ L 243, 25.8.1992, p. 27.

- (a) a clinical examination of the animals in order to ensure that they conform to the information provided in the accompanying certificate or document and that they are clinically healthy;
- (b) any laboratory tests which are thought necessary or which are provided for by Community rules;
- (c) possible official samples to be examined for residues and analysed as soon as possible;

↓ 91/628/EEC Art. 11(3)

- (d) verification of compliance with the requirements of Council Regulation (EC) No 1/2005¹².

↓ 91/496/EEC

For the purposes of a subsequent check on transport and, where appropriate, on compliance with the additional requirements of the holding of destination, the official veterinarian shall communicate the necessary information to the competent authorities of the Member State of destination by means of the information exchange system provided for in Article 20 of Directive 90/425/EEC.

The official veterinarian may be assisted in certain of these tasks by qualified staff with special training, working under his direction.

↓ 92/438/EEC Art. 9 pt. 2

The check must be made after reference to the data bases specified in the second indent of Article 1(1) of Decision 92/438/EEC.

↓ 91/496/EEC

3. By way of derogation from paragraphs 1 and 2, for animals entering a port or an airport in one of the territories defined in Annex I to Directive 97/78/EC, the identity check and the physical check may be carried out at such port or airport of destination, provided that such port or airport has a border inspection post as referred to in Article 6 of this Directive, and that the animals continue their journey, as the case may be, by sea or by air in the same vessel or in the same aircraft. In such cases, the competent authority which carried out the documentary check shall, either directly or through the local veterinary authority, inform the official veterinarian of the inspection post of the Member State of destination by means of the information exchange system referred to in Article 20 of Directive 90/425/EEC that the animals have passed through.

¹² OJ L 3, 5.1.2005, p. 1.

4. All expenditure incurred by the application of this Article shall be chargeable to the consignor, the consignee or their agent, without reimbursement by the Member State.

↓ 91/496/EEC Art. 4(2)(a),
second subparagraph (adapted)

5. In accordance with the procedure referred to in Article 22(3), derogations may be made, subject to certain conditions and in accordance with rules to be established under the same procedure, from the principle of individual clinical examination, ☒ as referred to in paragraph 2(a) of this Article, ☒ in respect of certain categories and species of animals.

↓ 91/496/EEC
→₁ 92/438/EEC Art. 9 pt. 3

6. The detailed rules for applying paragraphs 1 to 5, including those relating to the training and qualification of assistants, shall be adopted, as the need arises, in accordance with the procedure referred to in Article 22(3).

Article 5

Entry into one of the territories defined in Annex I to Directive 97/78/EC shall be prohibited where the checks show that:

- (a) animals of species in respect of which import rules have been harmonised at Community level come, without prejudice to the special conditions provided for in Article 19(ii) of Council Directive [90/426/EEC]¹³, from a territory or part of a territory of a third country not included in the lists drawn up in accordance with Community rules for the species concerned or from which imports are prohibited pursuant to a Community decision;
- (b) animals other than those referred to in (a) do not comply with the requirements provided for in the national rules corresponding to the various cases covered by this Directive;
- (c) the animals are suffering from or are suspected to be suffering from or infected by a contagious disease or a disease presenting a risk for public health or animal health, or any other reason provided for in Community rules;
- (d) the exporting third country has not complied with the requirements provided for in Community rules;
- (e) the animals are not in a fit state to continue their journey;
- (f) the veterinary certificate or document accompanying animals does not meet the conditions set pursuant to Community rules or, where rules have not been

¹³ OJ L 224, 18.8.1990, p. 42.

harmonised, the requirements provided for in the national rules corresponding to the various cases covered by this Directive.

The detailed rules for applying this Article shall be adopted in accordance with the procedure referred to in Article 22(3).

Article 6

1. Border inspection posts must satisfy the requirements of this Article.

2. Border inspection posts must be:

(a) located at the point of entry into one of the territories referred to in Annex I to Directive 97/78/EC;

However, where necessitated by geographical constraints (such as unloading wharf, railway station, passes) and provided that in such a case the inspection post is located far from holdings or places where animals likely to be infected by contagious diseases are kept, siting of an inspection post at a certain distance from the point of entry may be tolerated;

(b) located in a customs area enabling other administrative formalities to be carried out, including customs formalities relating to importation;

(c) designated and approved in accordance with paragraph 3;

(d) placed under the authority of an official veterinarian, who shall be effectively responsible for the checks. The official veterinarian may be assisted by specially trained auxiliary staff working under his direction. →₁ The official veterinarian shall ensure that all updating of the data bases indicated in the third indent of Article 1(1) of Decision 92/438/EEC is carried out. ←

↓ 91/496/EEC (adapted)

3. Once border ☒ inspection ☒ posts have been short-listed by national authorities, acting in conjunction with the Commission departments ☒ for the purposes of verifying ☒ their compliance with the minimum requirements set out in Annex I, Member States shall submit to the Commission the list of border inspection posts responsible for carrying out veterinary checks on animals, and shall provide the following information:

↓ 91/496/EEC

(a) the nature of the border inspection post:

(i) port;

(ii) airport;

(iii) road checkpoint;

- (iv) rail checkpoint;
- (b) the nature of the animals which could be checked at the border inspection post in question given the equipment and veterinary staff available, indicating any animals that cannot be checked at those border inspection posts and for registered equidae the operating hours of a specially approved border inspection post;
- (c) the staff assigned to veterinary checks:
 - (i) number of official veterinarians with at least one official veterinarian on duty at all times that the border inspection post is open;
 - (ii) number of specially qualified auxiliary staff or assistants;
- (d) the description of the equipment and premises available for carrying out:
 - (i) the documentary check;
 - (ii) the physical check;
 - (iii) sampling;
 - (iv) the general tests laid down in Article 4(2)(b);
 - (v) the specific tests ordered by the official veterinarian;
- (e) the capacity of the premises available to house animals where necessary pending the test results;
- (f) the nature of the equipment allowing a rapid exchange of information, particularly with other border inspection posts;
- (g) the volume of trade (types and quantities of animals passing through this border inspection post).

4. Acting in conjunction with the competent national authorities, the Commission shall inspect the border inspection posts designated in accordance with paragraph 3 in order to satisfy itself that there is uniform application of the rules on veterinary checks and that the various border inspection posts in fact possess the necessary infrastructures and meet the minimum requirements laid down in Annex I.

↓ 91/496/EEC (adapted)

The Commission shall submit to the Committee referred to in Article 22(1) a report on the outcome of the inspections referred to in the first subparagraph of this Article, together with proposals taking into account the conclusions of the report, with a view to establishing a Community list of border inspection posts. That list shall be approved and subsequently updated in accordance with the procedure referred to in Article 22(2).

The Commission shall publish the ☒ Community ☒ list of approved border inspection posts, and any subsequent updates, in the *Official Journal of the European Union*.

↓ 91/496/EEC

5. As the need arises, the Commission shall adopt any detailed rules required for implementing paragraphs 1 to 4 in accordance with the procedure referred to in Article 22(3).

Article 7

1. Where animals of species for which import rules have been harmonised at Community level are not to be placed on the market in the territory of the Member State which carried out the checks referred to in Article 4, the official veterinarian of the border inspection post shall, without prejudice to the specific requirements applicable to *equidae* registered and accompanied by the identification document provided for by Council Directive 90/427/EEC¹⁴:

- (a) provide the person concerned with a copy or, if the consignment of animals is split, several individually authenticated copies of the original certificates relating to the animals; the period of validity of such copies shall be no more than 10 days;

↓ 91/496/EEC (adapted)

- (b) issue a certificate in conformity with the model to be drawn up by the Commission in accordance with the procedure referred to in Article 22(3) attesting that the checks referred to in Article 4(1) and Article 4(2)(a), (b) and (d) have been carried out to the satisfaction of the official veterinarian, and specifying the nature of the samples that have been taken and the results of any laboratory tests, or when those results are expected;

↓ 91/496/EEC

- (c) keep the original certificate or certificates accompanying the animals.

2. Detailed rules for the application of paragraph 1 shall be adopted in accordance with the procedure referred to in Article 22(3).

3. Once animals have passed through border inspection posts, trade in the animals referred to in paragraph 1 and allowed into the territories referred to in Annex I to Directive 97/78/EC, shall be conducted in accordance with the rules for veterinary checks laid down in Directive 90/425/EEC.

¹⁴ OJ L 224, 18.8.1990, p. 55.

↓ Corrigendum 91/496/EEC
(OJ L 141, 31.5.2008, p. 22)

In particular, the information to the competent authority of the place of destination given by means of the information exchange system provided for in Article 20 of Directive 90/425/EEC, shall specify whether:

↓ 91/496/EEC

- (a) animals are intended for a Member State or an area having specific requirements;
- (b) samples have been taken but the results are not known when the means of transport leaves the border inspection post.

Article 8

1. Member States shall ensure that veterinary checks on imports of animals of species not covered by Annex A to Directive 90/425/EEC are carried out in accordance with the following provisions:

- (a) where animals are presented directly at one of the border posts of the Member State which intends to import them, they shall undergo at that post all the checks provided for in Article 4;
- (b) where animals are presented at a border inspection post situated in another Member State, with the latter's prior agreement, either:
 - (i) all the checks referred to in Article 4 shall be carried out at that post on behalf of the Member State of destination in order, in particular, to ensure that the latter's animal health requirements have been complied with; or
 - (ii) in the event of agreement between the competent central authorities of the two Member States and, where appropriate, those of the Member State or Member States of transit, only the checks provided for in Article 4(1) shall be carried out at that post, in which case the checks provided for in Article 4(2) shall be carried out in the Member State of destination.

In the latter case, however, animals may leave the border inspection post where the documentary check and identity check have been carried out only in sealed vehicles and only after the official veterinarian:

- has indicated on the copy, or, where the consignment is split, on the copies, of the original certificates that the animals have passed through and that the check has been carried out,
- has informed, by means of the information exchange system provided for in Article 20 of Directive 90/425/EEC, the veterinary authority of the place of destination or, where appropriate, of the Member State or Member States of transit, that the animals have passed through,

- notwithstanding Article 3(1)(c), has given a discharge to the competent customs authority of the border inspection post in respect of the animals presented.

In the case of animals intended for slaughter, Member States may have recourse only to the solution set out in (i).

Member States shall inform the Commission and the representatives of the other Member States meeting in the Committee referred to in Article 22(1), of cases of recourse to the solution set out in (ii).

2. Member States shall ensure that, pending adoption of the specific decisions provided for under Community rules, animals the trade in which has been harmonised at Community level but which come from a third country for which uniform animal health conditions have not yet been established shall be imported subject to the following conditions:

- (a) they must have remained in the third country of dispatch at least during the periods provided for in Article 7(c) of Council Directive 2004/68/EC¹⁵;
- (b) they must undergo the checks provided for in Article 4;
- (c) they may not leave the border inspection post or the quarantine centre unless such checks show that the animal or consignment of animals either:
 - (i) without prejudice to specific requirements applicable to the third countries concerned in respect of diseases foreign to the Community, complies with the animal health requirements applicable in trade in the species concerned as laid down in the Directives referred to in Annex A to Directive 90/425/EEC or with the animal health requirements laid down in Directive 2004/68/EC; or
 - (ii) in respect of one or more specific diseases, fulfils the conditions of equivalence recognised, in accordance with the procedure referred to in Article 22(3), on the basis of reciprocity, between the requirements of the third country and those of the Community;
- (d) if they are intended for a Member State benefiting from the additional guarantees provided for in Article 3(1)(e)(iii) and (iv) of Directive 90/425/EEC, they must satisfy the relevant requirements laid down in respect of intra-Community trade;
- (e) after they have passed through the border inspection post, they must, in the case of animals for slaughter, be conveyed to the slaughterhouse of destination, or, in the case of animals for breeding and production or aquaculture animals, be conveyed to the holding of destination.

3. Member States shall ensure that, if the checks provided for in paragraphs 1 and 2 show that the animal or the consignment of animals does not comply with the requirements laid down therein, the animal or consignment may not leave the border inspection post or quarantine centre. Article 12 shall apply.

¹⁵ OJ L 139, 30.4.2004, p. 321. .

4. Member States shall ensure that, where the animals referred to in paragraph 1 are not intended to be placed on the market in the territory of the Member State which has carried out the veterinary checks, the provisions of Article 7, and in particular those relating to the issue of the certificate, shall apply.

5. Member States shall ensure that at the place of destination, animals for breeding and production shall remain under the official supervision of the competent veterinary authorities. After an observation period to be determined in accordance with the procedure referred to in Article 22(3), the animals may enter intra-Community trade under the conditions laid down in Directive 90/425/EEC.

Animals for slaughter shall be subject, in the slaughterhouse of destination, to the Community rules relating to the slaughter of the species concerned.

6. Detailed rules for the application of paragraphs 1 to 5 shall be adopted, as the need arises, in accordance with the procedure referred to in Article 22(3).

Article 9

↓ 2003 Act of Accession Art. 20
and Annex II p. 389

1. Member States shall authorise the transit of animals from one third country to another third country or to the same third country provided that:

↓ 91/496/EEC

- (a) such transit has been previously authorised by the official veterinarian of the border inspection post of the Member State in the territory of which the animals must be presented in order to undergo there the checks provided for in Article 4 and, where appropriate, by the competent central authority of the Member State or Member States of transit;
- (b) the party concerned supplies proof that the first third country to which the animals are being sent, after transit through one of the territories referred to in Annex I to Directive 97/78/EC, undertakes under no circumstances to reject or to send back the animals, the importation or transit of which it has authorised and undertakes to comply, in the territories referred to in Annex I to Directive 97/78/EC, with Community rules on protection during transport;

↓ 91/496/EEC (adapted)

- (c) the checks referred to in Article 4 show to the satisfaction of the veterinarian, if applicable after the animals have passed through a quarantine centre, that the animals fulfil the requirements of this Directive or, in the case of animals referred to in Annex A to Directive 90/425/EEC, afford health guarantees recognised in

accordance with the procedure referred to in Article 22(3) as being at least equivalent to those requirements;

↓ 91/496/EEC
→₁ 92/438/EEC Art. 9 pt. 4

- (d) the competent authority of the border inspection post notifies the fact that the animals have passed through to the competent authorities of the Member State or Member States of transit and of the border post of exit, by means of the information exchange system →₁ referred to in Article 20 of Directive 90/425/EEC ←;

↓ 91/496/EEC (adapted)

- (e) in the case of passage through one of the territories referred to in Annex I to Directive 97/78/EC, such transit is carried out under the Community transit procedure (external transit) or under any other customs transit procedure provided for in Community rules; the only handling authorised during transit shall be that carried out at the point of entry into or exit from one of the territories referred to in Annex I ☒ to Directive 97/78/EC ☒ and operations to ensure the animals' welfare.

↓ 91/496/EEC

2. All expenditure incurred pursuant to this Article shall be chargeable to the consignor, the consignee or their representative without compensation by the Member State.

Article 10

↓ 91/496/EEC (adapted)

1. In cases where Community rules or the national rules of the place of destination, in areas which have not been harmonised, provide for live animals to be placed in quarantine or isolation, such quarantine or isolation may take place:

↓ 91/496/EEC

- (a) for diseases other than foot-and-mouth disease, rabies and Newcastle disease, at a quarantine centre situated in the third country of origin, provided that it has been approved by the procedure referred to in Article 22(2) and is regularly inspected by the Commission's veterinary experts;
- (b) at a quarantine centre situated within Community territory which meets the requirements laid down in Annex II;
- (c) on the holding of destination.

Special safeguards to be complied with during transport between the quarantine centre, farms of origin and of destination and border inspection posts and in the quarantine centres referred to in the point (a) of the first subparagraph may be laid down in accordance with the procedure referred to in Article 22(3).

2. If the official veterinarian responsible for the border inspection post orders placing in quarantine, that quarantine must take place, depending on the hazard diagnosed by the official veterinarian, either:

- (a) at the border inspection post itself or in its immediate vicinity; or
- (b) on the holding of destination; or
- (c) at a quarantine centre situated in the vicinity of the holding of destination.

3. The general conditions to be fulfilled for the quarantine centres referred to in paragraph 1(a) and (b) are laid down in Annex II.

The special approval conditions applicable to the different animal species shall be adopted in accordance with the procedure referred to in Article 22(3).

↓ 2008/73/EC Art. 13

4. The procedure referred to in Article 22(2) shall be followed for the approval and subsequent updating of the list of quarantine centres referred to in paragraph 1(a) of this Article. The Commission shall publish the list of these quarantine centres and any subsequent updates in the Official Journal of the European Union.

Quarantine centres referred to in paragraph 1(b) and paragraph 2(a) of this Article that fulfil the conditions laid down in Annex II shall be approved by the Member States, each centre being given an approval number. Each Member State shall draw up and keep up-to-date a list of approved quarantine centres and their approval numbers and make it available to the other Member States and to the public. Quarantine centres shall be subject to the inspection provided for in Article 19.

Detailed rules for the uniform application of the second subparagraph may be adopted in accordance with the procedure referred to in Article 22(2).

↓ 91/496/EEC

5. The second subparagraph of paragraph 1 and paragraphs 3 and 4 shall not apply to quarantine centres which are solely for the animals referred to in Article 8(1).

6. All expenditure incurred pursuant to this Article shall be chargeable to the consignor, the consignee or their representative without compensation by the Member State.

7. Before 1 January 1996, the Commission shall submit to the Council a report, possibly accompanied by proposals, on the need for Community quarantine centres and financial assistance from the Community for their operation.

Article 11

↓ 91/496/EEC (adapted)

1. Without prejudice to the other provisions of this Chapter, the official veterinarian or the competent authority shall, where it is suspected that veterinary legislation has not been complied with or there is doubt as to the identity of an animal, carry out any veterinary checks he or it deems appropriate.

↓ 91/496/EEC

2. Member States shall take the appropriate administrative or penal measures to penalise any infringement of veterinary legislation by natural or legal persons where it is found that Community rules have been infringed, in particular where it is found that the certificates or documents drawn up do not correspond to the actual state of the animals, that identification marks do not comply with those rules or that the animals were not presented for inspection at a border post or that the animals have not been sent to the destination originally intended.

Article 12

1. Where the checks referred to in this Directive show that an animal does not satisfy the requirements laid down in Community rules or, on matters not yet harmonised, in national rules, or where such checks reveal an irregularity, the competent authority, after consultation with the importer or his representative, shall decide either:

- (a) to shelter, feed and water and, if necessary, treat the animals; or
- (b) as the case may be, to place them in quarantine or to isolate the consignment;
- (c) to re-dispatch, within a time limit to be set by the competent national authority, the consignment of animals outside the territories referred to in Annex I to Directive 97/78/EC where animal health or animal welfare requirements so allow.

2. In the case of re-dispatch referred to in paragraph 1(c), the official veterinarian of the border inspection post shall:

↓ 92/438/EEC Art. 9 pt. 5

- (a) activate the information procedure provided for in the first indent of Article 1(1) of Decision 92/438/EEC;

↓ 91/496/EEC

- (b) under arrangements to be defined in accordance with the procedure referred to in Article 22(3), cancel the veterinary certificate or document accompanying the rejected consignment.

3. If re-dispatch is impossible, in particular for reasons of the welfare of the animals, the official veterinarian:

- (a) may, after agreement by the competent authority and after ante-mortem inspection, authorise the slaughter of the animals for human consumption under the condition laid down by Community rules;
- (b) must, otherwise, order the slaughter of the animals for purposes other than human consumption or order the destruction of the carcasses, specifying the conditions regarding control of the use of the products obtained.

The competent central authority shall inform the Commission of cases where recourse is had to these derogations in accordance with paragraph 6. The Commission shall keep the Committee referred to in Article 22(1) regularly informed of such cases.

↓ 91/496/EEC (adapted)

4. The importer or his representative shall be liable for the costs incurred in the measures provided for in paragraphs 1, ~~2~~ and ~~3~~, ~~including~~ the process of destroying the consignment or using the meat for other purposes.

↓ 91/496/EEC

The yield of the sale of the products referred to in the first subparagraph of paragraph 3 shall revert to the owner of the animals or his representative, after deduction of the above costs.

5. Detailed rules for the application of this Article shall be adopted, as the need arises, in accordance with the procedure referred to in Article 22(3).

↓ 92/438/EEC Art. 9 pt. 7

6. The provisions of Decision 92/438/EEC shall apply.

↓ 91/496/EEC

7. The competent authorities shall, where appropriate, communicate any information at their disposal in accordance with Council Directive 89/608/EEC¹⁶.

¹⁶ OJ L 351, 2.12.1989, p. 34.

Article 13

↓ 91/496/EEC (adapted)

In accordance with the procedure referred to in Article 22(3), the Commission shall, on the basis of the plans referred to in the second paragraph ☒ of this Article ☒, adopt the rules applicable to imports of animals for slaughter intended for local consumption and of breeding or production animals in certain parts of the territories referred to in Annex I to Directive 97/78/EC to take account of the natural constraints specific to these territories, including their remoteness from the mainland part of Community territory.

↓ 91/496/EEC

To that end, by 31 December 1991 at the latest, Member States shall submit a plan to the Commission setting out the procedures for carrying out checks on imports, into the regions referred to in the first paragraph, of animals from third countries. These plans must specify the checks carried out to prevent animals introduced into the territories concerned or products obtained from those animals being dispatched under any circumstances to other parts of Community territory.

Article 14

For the purposes of carrying out the checks referred to in Article 7(3) of this Directive, the identification and registration provided for in Article 3(1)(c) of Directive 90/425/EEC must, except in the case of animals for slaughter and registered *equidae*, be carried out at the place of destination of the animals, where appropriate after the observation period provided for in Article 8(5) of this Directive.

The procedures for identifying or marking animals for slaughter shall be determined in accordance with the procedure referred to in Article 22(3).

↓ 96/43/EC Art. 2(2)

Article 15

Member States shall collect a fee for veterinary and health checks when the animals referred to in this Directive are imported, in accordance with Council Directive 96/23/EC¹⁷.

¹⁷ OJ L 125, 23.5.1996, p. 10.

Article 16

Under the procedure referred to in Article 22(3) and on a reciprocal basis, less frequent identity checks and/or physical checks may, without prejudice to controls to see that the welfare requirements during transport are being complied with, be applied under certain conditions.

The Commission shall take into account the following criteria for granting derogations of this nature:

- (a) the guarantees offered by the third country in question with respect to compliance with Community requirements, particularly those of Directives 2004/68/EC and [90/426/EEC];
- (b) the health situation of animals in the third country concerned;
- (c) information on the health situation in the third country;
- (d) the nature of the measures to monitor and to combat disease applied by the third country;
- (e) the structures and powers of the veterinary service;
- (f) the rules on the authorisation of certain substances and compliance with the requirements set out in Article 29 of Directive 96/23/EC ;
- (g) the outcome of the Community inspection visits;
- (h) the outcome of the import controls carried out.

Article 17

Rights of appeal existing under the laws in force in the Member States against decisions by the competent authorities shall not be affected by this Directive.

Decisions taken by the competent authority of the Member State of destination and the reasons for such decision shall be notified to the importer concerned by such decisions or his representative.

If the importer concerned or his representative so requests, those decisions and reasons shall be forwarded to him in writing with details of the rights of appeal which are available to him under the law in force in the Member State in which the frontier inspection post is situated, and of the procedure and time limits applicable.

CHAPTER III

Safeguard provisions

Article 18

1. If a disease referred to in Council Directive 82/894/EEC¹⁸, a zoonosis or other disease or phenomenon liable to present a serious threat to animal or human health occurs or spreads in the territory of a third country, or if any other serious animal health reason so warrants, in particular in the light of the findings of its veterinary experts, the Commission may, acting on its own initiative or at the request of a Member State, adopt one of the following measures without delay and depending on the gravity of the situation:

- (a) suspend imports coming from all or part of the third country concerned, and where appropriate from the third country of transit;
- (b) set special conditions in respect of animals coming from all or part of the third country concerned.

2. If one of the checks provided for in this Directive indicates that a consignment of animals is likely to constitute a danger for animal or human health, the competent veterinary authority shall immediately take the following measures:

- (a) seize and destroy the consignment;
- (b) immediately inform the other border inspection posts and the Commission of the findings and of the origin of the animals, in accordance with Decision 92/438/EEC.

3. In the case provided for in paragraph 1, the Commission may take interim protective measures in respect of animals covered by Article 9.

4. Representatives of the Commission may make an immediate visit to the third country concerned.

5. In the case where a Member State informs the Commission officially of the need to take safeguard measures and the Commission has not invoked paragraphs 1 and 3 or made a referral to the Committee referred to in Article 22(1) in accordance with paragraph 6 of this Article, that Member State may take interim protective measures in respect of the animals in question.

Where a Member State takes interim protective measures in respect of a third country under the terms of this paragraph, it shall inform the other Member States and the Commission in accordance with Directive 89/608/EEC.

¹⁸ OJ L 378, 31.12.1982, p. 58.

↓ 91/496/EEC (adapted)

6. Within 10 working days, the Committee referred to in Article 22(1) shall have the matter referred to it with a view to deciding on the extension, amendment or repeal of the measures provided for in paragraphs 1, 3 and 5 of this Article , in accordance with the procedure referred to in Article 22(2).

↓ 91/496/EEC

7. Decisions to extend, amend or repeal measures decided on pursuant to paragraphs 1, 2, 3 and 6 shall be taken in accordance with the procedure referred to in Article 22(2).

8. Detailed rules for the application of this Chapter shall be adopted, where the need arises, in accordance with the procedure referred to in Article 22(3).

CHAPTER IV

Inspection

Article 19

1. Veterinary experts from the Commission may, in conjunction with the competent national authorities and to the extent necessary for uniform application of the requirements of this Directive, verify that the border inspection posts approved in accordance with Article 6 and the quarantine centres approved in accordance with Article 10 satisfy the criteria listed respectively in Annexes I and II.

2. Veterinary experts from the Commission may, in conjunction with the competent authorities, make on-the-spot checks.

3. A Member State in whose territory an inspection is made shall provide the veterinary experts from the Commission with any assistance they may require in the performance of their tasks.

4. The Commission shall inform the Member States of the outcome of the checks.

5. Where the Commission deems that the outcome of checks so justifies, it shall review the situation within the Committee referred to in Article 22(1). It may adopt the necessary decisions in accordance with the procedure referred to in Article 22(2).

↓ 91/496/EEC (adapted)

6. The Commission shall monitor developments. In the light of such developments and in accordance with the procedure referred to in Article 22(2), it may amend or repeal the decisions referred to in paragraph 5 of this Article .

7. Detailed rules for the application of paragraphs 1 to 6 shall be adopted, where the need arises, in accordance with the procedure referred to in Article 22(3).

Article 20

Where, on the basis of the checks carried out at the point where the animals are marketed, a competent authority of a Member State considers that this Directive is not being complied with at a border inspection post of another Member State, it shall contact the competent national authority of that Member State without delay.

The latter shall take all the necessary measures and inform the competent authority of the first Member State of the nature of the checks made, the decisions taken and the reasons for such decisions.

If the competent authority of the first Member State believes the measures are insufficient it shall examine, with the competent authority of the Member State in question, the ways and means in which the situation could be remedied, where necessary by visiting the Member State in question.

Where the checks referred to in the first paragraph show repeated non-compliance with this Directive, the competent authority of the Member State of destination shall inform the Commission and the competent authorities of the other Member States.

The Commission shall, at the request of the competent authority of the Member State of destination or on its own initiative, send an inspection team to the Member State in question in conjunction with the competent national authorities. Depending on the type of infringement observed, that team may remain in the Member State in question until the decisions referred to in the eighth paragraph have been taken.

Pending the Commission's findings, the Member State in question shall, at the request of the Member State of destination, step up checks at the border inspection post or quarantine centre concerned.

The Member State of destination may, for its part, intensify checks on animals coming from these sources.

At the request of one of the two Member States concerned, and in accordance with the procedure referred to in Article 22(2), the Commission shall, where the irregularities are confirmed by the inspection referred to in the fifth paragraph of this Article, take the appropriate measures. These measures shall be confirmed or reviewed as soon as possible in accordance with the same procedure.

Article 21

1. Each Member State shall draw up a programme for the exchange of staff designated to carry out the veterinary checks on animals coming from third countries.

2. The Commission and the Member States shall coordinate the programmes referred to in paragraph 1 within the Committee referred to in Article 22(1).
3. Member States shall take all the measures necessary to allow implementation of the programmes resulting from the coordination referred to in paragraph 2.
4. Each year the implementation of programmes shall be reviewed in the Committee referred to in Article 22(1) on the basis of reports drawn up by the Member States.
5. Member States shall take into account the experience gained, in order to improve and develop the exchange programmes.
6. A financial contribution from the Community may be granted in order to promote the efficient development of exchange programmes. Detailed rules for such contribution and the estimated amount to be charged to the general budget of the European Communities are laid down in Council Decision [90/424/EEC]¹⁹.
7. Detailed rules for the application of paragraphs 1, 4 and 5 shall be adopted, where the need arises, in accordance with the procedure referred to in Article 22(3).

CHAPTER V

General provisions

↓ 91/496/EEC (adapted)

⊠ Article 22 ⊠

- ⊠ 1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up pursuant to Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council²⁰, hereinafter referred to as “the Committee”. ⊠
- ⊠ 2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply. ⊠
- ⊠ The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 15 days. ⊠
- ⊠ 3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply. ⊠
- ⊠ The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months. ⊠

¹⁹ OJ L 224, 18.8.1990, p. 19.

²⁰ OJ L 31, 1.2.2002, p. 1.

↓ 91/496/EEC

Article 23

The Annexes shall, where the need arises, be amended in accordance with the procedure referred to in Article 22(3).

Article 24

This Directive shall be without prejudice to obligations arising from customs rules.

↓ 91/496/EEC (adapted)

Article 25

Member States may make use of the Community financial assistance provided for in Article 38 of Decision [90/424/EEC] for the implementation of this Directive, in particular for setting up networks for exchanges of information between veterinary services and border posts.

↓

Article 26

Directive 91/496/EEC, as amended by the acts listed in Annex III, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives set out in Annex III, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

Article 27

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

It shall apply from 2 January 2010.

Article 28

This Directive is addressed to the Member States.

Done at Brussels, [...]

*For the Council
The President
[...]*

ANNEX I

General conditions for the approval of border inspection posts

In order to obtain Community approval, border inspection posts must have:

- (1) a dedicated access lane for the transport of live animals so that the animals are spared unnecessary waiting;
- (2) facilities (which must be easy to clean and disinfect) for loading and unloading the different means of transport, inspection, feeding, watering and treatment of the animals, with adequate space, lighting and ventilation for the number of animals to be inspected;
- (3) sufficient numbers, in relation to the numbers of animals dealt with by the border inspection post, of veterinary and auxiliary staff specially trained to carry out checks on the accompanying documents and the clinical checks referred to in Articles 4, 5, 8 and 9;
- (4) sufficiently large premises at the disposal of the staff responsible for carrying out veterinary checks, including changing rooms, showers and toilets;
- (5) appropriate premises and facilities for taking and processing the samples for the routine checks laid down in Community rules;
- (6) the services of a specialised laboratory able to carry out special tests on the samples taken at the post;
- (7) the services of an undertaking in the immediate vicinity which has the facilities and equipment to house, feed, water, treat and, if necessary, slaughter the animals;
- (8) where such posts serve as stopping or transfer points for animals during transport, suitable facilities for the animals to be unloaded, watered, fed, housed properly where necessary and given the requisite treatment or if necessary to be slaughtered on the spot in a way which spares them unnecessary suffering;
- (9) appropriate equipment permitting the rapid exchange of information with other border inspection posts and the competent veterinary authorities referred to in Article 20 of Directive 90/425/EEC;
- (10) equipment and facilities for cleaning and disinfecting.

ANNEX II

General conditions for the approval of quarantine centres

1. The requirements of Annex I, points 2, 4, 5, 7, 9 and 10 shall apply.
 2. In addition, quarantine centres must:
 - be placed under the permanent control and under the responsibility of the official veterinarian,
 - be located at a distance from holdings or other places where animals are kept which are likely to be infected by contagious diseases,
 - have an efficient control system so as to ensure adequate surveillance of the animals.
-



ANNEX III

Part A

Repealed Directive with list of its successive amendments (referred to in Article 26)

Council Directive 91/496/EEC
(OJ L 268, 24.9.1991, p. 56)

Council Directive 91/628/EEC
(OJ L 340, 11.12.1991, p. 17)

only Article 11(3) as originally worded

Council Decision 92/438/EEC
(OJ L 243, 25.8.1992, p. 27)

only Article 9

Point V.E.I.1.2 of Annex I to the 1994 Act of
Accession
(OJ C 241, 29.8.1994, p. 132)

Council Directive 96/43/EC
(OJ L 162, 1.7.1996, p. 1)

only Article 2(2)

Point 6.B.I.21 of Annex II to the 2003 Act of
Accession
(OJ L 236, 23.9.2003, p. 381)

Council Directive 2006/104/EC
(OJ L 363, 20.12.2006, p. 352)

only as regards the reference to
Directive 91/496/EEC in Article 1 and
the Annex, point I.5

Council Directive 2008/73/EC
(OJ L 219, 14.8.2008, p. 40)

only Article 13

Part B

List of time-limits for transposition into national law (referred to in Article 26)

Directive	Time-limit for transposition
91/496/EEC	1 December 1991 ²¹ 1 July 1992 ¹
91/628/EEC	1 January 1993
96/43/EC	1 July 1997
2006/104/EC	1 January 2007
2008/73/EC	1 January 2010

²¹

First subparagraph of Article 30(1) of Directive 91/496/EEC:

“1. Member states shall bring into force the laws, regulations and administrative provisions necessary to comply with:

- (a) the provisions of Article 6(3) and Articles 13, 18 and 21 on 1 December 1991;
- (b) the other provisions of this Directive on 1 July 1992.”

ANNEX IV

CORRELATION TABLE

Directive 91/496/EEC	This Directive
—	Chapter I
Article 1	Article 1
Article 2(1)	Article 2, first paragraph
Article 2(2)	Article 2, second paragraph
Chapter I	Chapter II
Article 3	Article 3
Article 4(1), introductory wording	Article 4(1), introductory wording
Article 4(1), first indent	Article 4(1)(a)
Article 4(1), second indent	Article 4(1)(b)
Article 4(1), third indent	Article 4(1)(c)
Article 4(1), fourth indent	Article 4(1)(d)
Article 4(2), first subparagraph, introductory wording	Article 4(2), first subparagraph, introductory wording
Article 4(2), first subparagraph, (a), first subparagraph	Article 4(2)(a)
Article 4(2), first subparagraph, (a), second subparagraph	Article 4(5)
Article 4(2), first subparagraph, (b)	Article 4(2), first subparagraph, (b)
Article 4(2), first subparagraph, (c)	Article 4(2), first subparagraph, (c)
Article 4(2), first subparagraph, (d)	Article 4(2), first subparagraph, (d)
Article 4(2), second subparagraph	Article 4(2), second subparagraph
Article 4(3) and (4)	Article 4(3) and (4)
Article 4(5)	Article 4(6)
Article 5	Article 5

Article 6(1) and (2)
Article 6(3), introductory wording
Article 6(3)(a), introductory words
Article 6(3)(a), first indent
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Article 6(3)(b)
Article 6(3)(c), introductory words
Article 6(3)(c), first indent
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Article 6(3)(d), introductory words
Article 6(3)(d), first indent
Article 6(3)(d), second indent
Article 6(3)(d), third indent
Article 6(3)(d), fourth indent
Article 6(3)(d), fifth indent
Article 6(3)(e), (f) and (g)
Article 6(4), first subparagraph
Article 6(4), second subparagraph
Article 6(4), third subparagraph
Article 6(4), fourth subparagraph
Article 6(4), fifth subparagraph
Article 6(5)
Article 7(1), introductory wording
Article 7(1), first indent
Article 7(1), second indent

Article 6(1) and (2)
Article 6(3), introductory wording
Article 6(3)(a), introductory words
Article 6(3)(a)(i)
Article 6(3)(a)(ii)
Article 6(3)(a)(iii)
Article 6(3)(a)(iv)
Article 6(3)(b)
Article 6(3)(c), introductory words
Article 6(3)(c)(i)
Article 6(3)(c)(ii)
Article 6(3)(d), introductory words
Article 6(3)(d)(i)
Article 6(3)(d)(ii)
Article 6(3)(d)(iii)
Article 6(3)(d)(iv)
Article 6(3)(d)(v)
Article 6(3)(e), (f) and (g)
Article 6(4), first subparagraph
Article 6(4), second subparagraph

Article 6(4), third subparagraph
Article 6(5)
Article 7(1), introductory wording
Article 7(1)(a)
Article 7(1)(b)

Article 7(1), third indent	Article 7(1)(c)
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Article 7(3), second subparagraph, introductory wording	Article 7(3), second subparagraph, introductory wording
Article 7(3), second subparagraph, first indent	Article 7(3), second subparagraph, (a)
Article 7(3), second subparagraph, second indent	Article 7(3), second subparagraph, (b)
Article 8A, introductory wording	Article 8(1), introductory wording
Article 8A, point 1, introductory wording	Article 8(1), introductory wording
Article 8A, point 1(a)	Article 8(1)(a)
Article 8A, point 1(b)	Article 8(1)(b)
Article 8A, point 2, introductory wording	Article 8(2), introductory wording
Article 8A, point 2, first indent	Article 8(2)(a)
Article 8A, point 2, second indent	Article 8(2)(b)
Article 8A, point 2, third indent	Article 8(2)(c)
Article 8A, point 2, fourth indent	Article 8(2)(d)
Article 8A, point 2, fifth indent	Article 8(2)(e)
Article 8A, point 3	Article 8(3)
Article 8A, point 4	Article 8(4)
Article 8A, point 5	Article 8(5)
Article 8B	Article 8(6)
Article 9	Article 9
Article 10(1), first subparagraph, introductory wording	Article 10(1), first subparagraph, introductory wording
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Article 10(1), first subparagraph, second indent	Article 10(1), first subparagraph, (b)

Article 10(1), first subparagraph, third indent	Article 10(1), first subparagraph, (c)
Article 10(1), second subparagraph	Article 10(1), second subparagraph
Article 10(2), introductory wording	Article 10(2), introductory wording
Article 10(2), first indent	Article 10(2)(a)
Article 10(2), second indent	Article 10(2)(b)
Article 10(2), third indent	Article 10(2)(c)
Article 10(3)	Article 10(3)
Article 10(4)(a)	Article 10(4), first subparagraph
Article 10(4)(b), first subparagraph	Article 10(4), second subparagraph
Article 10(4)(b), second subparagraph	Article 10(4), third subparagraph
Article 10(5), (6) and (7)	Article 10(5), (6) and (7)
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Article 12(1), introductory wording	Article 12(1), introductory wording
Article 12(1)(a) and (b)	Article 12(1)(a) and (b)
Article 12(1)(c), first subparagraph	Article 12(1)(c)
Article 12(1)(c), second subparagraph, introductory wording	Article 12(2), introductory wording
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Article 12(1)(c), second subparagraph, second indent	Article 12(2)(b)
Article 12(1)(c), third subparagraph, introductory wording	Article 12(3), first subparagraph, introductory wording
Article 12(1)(c), third subparagraph, first indent	Article 12(3), first subparagraph, (a)
Article 12(1)(c), third subparagraph, second indent	Article 12(3), first subparagraph, (b)
Article 12(1)(c), fourth subparagraph	Article 12(3), second subparagraph, first sentence

Article 12(1)(c), fifth subparagraph
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Annex I

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