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og deres stedfortrædere

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Til underretning for Folketingets Europaudvalg vedlægges Fødevareministeriets grundnotat om forslag til Kommissionens Forordning vedrørende fastsættelse af midlertidige beskyttelsesforanstaltninger med hensyn til tredjelandsprodukter af animalsk oprindelse, der indføres til personlig anvendelse, dokument SANCO/10148/2002.

*Anders Fogh Rasmussen*

# Ministeriet for Fødevarer, Landbrug og Fiskeri

1. afdeling, 2. kontor

Den 13. september 2002

J.nr. 2001-440-0005

EER

LFM 0664

## GRUNNOTAT TIL FOLKETINGETS EUROPAUDVALG

**om forslag til Kommissionens Forordning vedrørende fastsættelse af midlertidige beskyttelsesforanstaltninger med hensyn til tredjelandsprodukter af animalsk oprindelse, der indføres til personlig anvendelse**

**Dokument SANCO/10148/2002**

### Resumé

*Kommissionens reviderede udkast til forslag har som formål at reducere mængden og arten af varer, der må importeres til Fællesskabet fra tredjelande, til personligt brug.*

*Vedtagelse af forslaget vil indebære, at rejsende fra Grønland og Færøerne fortsat vil kunne medtage op til 1 kg kød og kødprodukter af kvæg, får, svin m.v. og op til 5 kg kød af hval, sæl, ren, fuglevildt m.v. Derimod vil den eksisterende mulighed for at sende tilsvarende pakker til privat brug bortfalde. Dette vurderes at ville være en uhensigtsmæssig begrænsning i mulighederne for at herboende færinger og grønlandere kan modtage fødevarer, og det skønnes ikke at ville indebære nogen forbedring af beskyttelsesniveauet. Vedtagelse af forslaget skønnes derimod med hensyn til import af animalske produkter fra lande, hvor der findes eksotiske husdyrsygdomme, at ville indebære en forbedring af beskyttelsesniveauet i Danmark.*

### Baggrund

Kommissionen har ved møde i Den Stående Komite for Fødevarekæden og Dyrer sundhed den 10. september 2002 udleveret revideret udkast til forslag til Kommissionens Beslutning om fjernelse af visse undtagelser anført i Rådets Direktiv 72/462/EØF om sundhedsmæssige og veterinærpolitimæssige problemer i forbindelse med indførsel af kvæg, svin, får og geder samt fersk kød og kødprodukter fra tredjelande, Rådets Direktiv 91/494/EØF om dyresundhedsmæssige betingelser for handel inden for Fællesskabet med fersk fjerkrækød og for indførsel heraf fra tredjelande og Rådets Direktiv 92/45/EØF om sundhedsmæssige og dyre-

sundhedsmæssige problemer i forbindelse med nedlægning af vildtlevende vildt og afsætning af kød heraf.

Forslaget er fremsat med hjemmel i artikel 22, stk. 5 i Rådets direktiv nr. 97/78/EF.

Forslaget kan vedtages i en IIIb-procedure med kvalificeret flertal i Den Stående Komite for Fødevarekæden og Dyresundhed. Hvis der er kvalificeret flertal udsteder Kommissionen beslutningen. Opnås der ikke kvalificeret flertal, eller foreligger der ikke nogen udtalelse, forelægger Kommissionen straks sagen for Rådet, der træffer afgørelse med kvalificeret flertal. Har Rådet ikke inden tre måneder efter forslagets forelæggelse truffet afgørelse, vedtages de foreslåede foranstaltninger af Kommissionen, medmindre Rådet med simpelt flertal har udtalt sig imod dem.

### **Nærheds- og proportionalitetsprincippet**

Af hensyn til Det Indre Markeds funktion under et højt beskyttelsesniveau er det hensigtsmæssigt at fastlægge harmoniserede regler på import fra tredjelande. Indførsel af fødevarer til privat forbrug bør ske på fælles grundlag, da de indførte restriktioner i samhandel i forbindelse med eventuelle sygdomsudbrud hos husdyr, der er opstået som følge af smitte overført fra indførte fødevarer, involverer hele Fællesskabet.

Nærheds- og proportionalitetsprincippet vurderes således at være opfyldt.

### **Formål og indhold**

Kommissionens reviderede forslag har som formål at reducere mængden og arten af varer, der må importeres til Fællesskabet fra tredjelande, til personligt brug.

I henhold til Rådets direktiver 72/462/EØF og 91/494/EØF har man hidtil pr. rejsende måtte indføre op til 1 kg kød fra kvæg, svin eller fjerkræ og i henhold til Rådets direktiv 95/45/EØF har man kunne indføre jagttrofæer og hele stykker nedlagt vildtlevende vildt, hvis der er tale om mindre antal stykker småvildt eller et enkelt helt stykke vildt fra godkendte tredjelande til personligt forbrug. Disse muligheder vil fremover blive suspenderet.

Endvidere suspenderes muligheden i artikel 5 i Kommissionens beslutning 93/13/EØF af 22. december 1992 om procedurerne for EF-grænsekontrolstedernes veterinærkontrol af tredje-

landsprodukter, som ændret, for så vidt angår privat indførsel af kød og mælk samt kød- og mælkeprodukter.

Privat import af animalske fødevarer fra tredjelande til brug i egen husholdning vil fremover blive begrænset til følgende:

- op til 1 kg kød- eller mælkeprodukter, som indgår i modernælkserstatning eller børnemad eller specielle fødevarer, der er nødvendige på medicinsk indikation, forudsat at disse produkter ikke skal være under køl og at de er færdigpakkede produkter i ubrudt emballage,
- animalske produkter, der indføres af rejsende selv eller i deres bagage fra Norge, Grønland, Færøerne, Island, Andorra, San Marino, Liechtenstein, Schweiz, Estland, Litauen, Letland, Polen, Tjekkiet, Slovakiet, Ungarn, Slovenien, Rumænien, Bulgarien, Malta og Cypern,
- Fra andre tredjelande op til 1 kg pr. person af andre animalske fødevarer end kød og mælk samt kød- og mælkeprodukter, der indføres af rejsende selv eller i deres bagage, og
- op til 15 kg fisk eller én fisk uanset vægt pr. person, hvor fisken er fanget ved lystfiskeri i Rusland eller Norge og indføres i Finland eller Sverige i den rejsendes personlige bagage.

Der fastsættes krav til medlemsstaterne om at føre særlig veterinærkontrol med at private kun indfører animalske produkter i overensstemmelse med de fastsatte regler. Kontrollen skal ske ved indgangssteder til Fællesskabet, der er udpeget af den kompetente myndighed.

Forslaget indeholder desuden krav om udarbejdelse af informationsmateriale, der skal opsættes/udleveres i havne og lufthavne såvel som i internationale persontransportselskaber, og som skal orientere indrejsende om reglerne om privat indførsel af animalske produkter fra tredjelande.

### **Udtalelse**

Europaparlamentet skal ikke udtale sig om forslaget.

### **Gældende dansk ret**

Bestemmelserne i artikel 1 i Rådets direktiv 72/462/EØF, artikel 8 i Rådets direktiv 91/494/EØF, artikel 1 i Rådets direktiv 92/45/EØF, artikel 16 i Rådets direktiv 97/78/EF og artikel 5 i Kommissionens beslutning 93/13/EØF er reguleret i:

- § 33 i bekendtgørelse nr. 723 af 25. juli 2000 om veterinærkontrol ved indførsel af animalske fødevarer, som ændret senest ved bekendtgørelse nr. 653 af 7. august 2002, og

- § 1 i bekendtgørelse nr. 270 af 6. april 2000 om veterinærkontrol ved ind- og udførsel af avlsmateriale og animalske non-food produkter m.v.

### **Konsekvenser**

Vedtagelse af forslaget vil indebære, at rejsende fra Grønland og Færøerne fortsat vil kunne medtage op til 1 kg kød og kødprodukter af kvæg, får, svin m.v. og op til 5 kg kød af hval, sæl, ren, fuglevildt m.v. Derimod vil den eksisterende mulighed for at sende tilsvarende pakker til privat brug bortfalde. Dette vurderes at ville være en uhensigtsmæssig begrænsning i mulighederne for at herboende færinger og grønlændere kan modtage fødevarer, og det skønnes ikke at ville indebære nogen forbedring af beskyttelsesniveauet.

Vedtagelse af forslaget skønnes derimod med hensyn til import af animalske produkter fra lande, hvor der findes eksotiske husdyrsygdomme, at ville indebære en forbedring af beskyttelsesniveauet i Danmark.

Vedtagelse af forslaget kræver ingen lovændring, og kan implementeres ved ændring af ovennævnte bekendtgørelser.

Vedtagelse af forslaget har ingen statsfinansielle konsekvenser.

### **Høring**

Forslaget er sendt i høring i §2-udvalget (landbrug) og i Det Rådgivende Fødevarerudvalg samt de relevante myndigheder under landsstyret i Grønland og Færøerne.

Spørgsmålet om privat indførsel fra Grønland og Færøerne har været drøftet indgående mellem Fødevarerministeriet og de grønlandske og færøske myndigheder. Der har været enighed om, at de gældende muligheder for privat indførsel bør bevares og administreres fleksibelt med henblik på at sikre forsyningen af herboende grønlændere og færinger.

### **Tidligere forelæggelse for Folketingets Europaudvalg**

Forslaget har ikke tidligere været forelagt Folketingets Europaudvalg.

SANCO/10148/2002-Rev. 78

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,  
C(2002)

Final

Draft

**COMMISSION DECISION**

of

**laying down interim safeguard measures with regard to imports of products of animal origin for personal consumption**

(This draft does not necessarily represent the views of the Commission)

Draft

## COMMISSION DECISION

of

laying down interim safeguard measures with regard to imports of products of animal origin for personal consumption

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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<sup>1</sup>, and in particular Article 22 (5) thereof,

Whereas:

- (1) In accordance with Article 1(2) of Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries<sup>2</sup>, as last amended by Regulation (EC) No 1452/2001<sup>3</sup>, meat and meat products that form part of the travellers' personal luggage and are intended for their personal consumption or that are sent as small packages to private persons for non-commercial purposes are specifically excluded, under certain conditions, from the scope of that Directive.
- (2) In accordance with Article 8(2), Chapter III of Council Directive 91/494/EEC<sup>4</sup>, as last amended by Directive 1999/89/EC<sup>5</sup>, the animal health conditions governing intra-Community trade in and imports from third countries of fresh poultry meat laid down by that Directive do not apply, subject to certain conditions, to poultrymeat forming part of travellers' personal luggage and intended for their personal consumption, or sent as small consignments to private individuals.

1 OJ L 24, 30.1.1998, p. 9.  
2 OJ E 302, 31.12.1972, p. 28.  
3 OJ L 198, 21.7.2001, p. 11.  
4 OJ L 268, 24.9.1991, p. 35.  
5 OJ L 300, 23.11.1999, p. 17.

- (3) In accordance with Article 1(3) of Council Directive 92/45/EEC<sup>6</sup> of, as last amended by Directive 97/79/EC<sup>7</sup>, the provisions of that Directive concerning public health and animal health problems relating to the killing of wild game and the placing on the market of wild-game meat do not apply to imports of trophies or small quantities of killed wild game carried by travellers.
- (4) Article 3(1) of Directive 97/78/EC requires Member States to ensure that no consignment from a third country is introduced into the Community without having been subjected to the appropriate veterinary checks in a border inspection post. However, in accordance with Article 16, that requirement does not apply to products carried by travellers or sent to private persons for their own consumption, under certain conditions.
- (5) Commission Decision 93/13/EEC<sup>8</sup> lays down the procedures for veterinary checks at Community border inspection posts on products from third countries. Article 5 establishes a weight limit of 1 kg for the exemption from systematic veterinary checks for products destined for human consumption from approved countries or parts thereof. It also provides for certain derogations for small packages of products of animal origin introduced into Denmark, inter alia, from Greenland and the Faroe Island, and with regard to certain fish introduced into Finland from Russia.
- (6) Commission Decision 2002/349/EC<sup>9</sup> lays down the list of products to be examined at border inspection posts. However, in accordance with Article 2, the provisions of the Decision apply without prejudice to the exemptions referred to in Article 16 of Directive 97/78/EC.
- (7) Those provisions together lay down a derogation from the Community rules for protecting animal health for small quantities of products of animal origin carried as personal luggage, or introduced under similar circumstances, by private individuals when entering the Community.
- (8) In 1996 outbreaks of classical swine fever were reported in Germany which subsequently led to an epidemic in the Netherlands. In 2000 the United Kingdom recorded outbreaks of classical swine fever. These outbreaks were caused by virus strains previously not isolated in the Community.
- (9) In view of the risks of virus introduction as revealed by the 1999 foot-and-mouth disease epidemic in certain Maghreb countries, the 33<sup>rd</sup> Session<sup>10</sup> of the European Commission for the Control of Foot and Mouth Disease (EUFMD) approved guidelines for a risk assessment. The guidelines focus on the threats associated with tourism and transport and on the preparation of an awareness campaign to decrease these risks. They suggest amongst other things awareness campaigns at frontier points and reinforced controls on the luggage of travellers.

<sup>6</sup> OJ L 268, 14.9.1992, p. 35.

<sup>7</sup> OJ L 24, 30.1.1998, p. 31.

<sup>8</sup> OJ L 9, 15.1.1993, p. 33.

<sup>9</sup> OJ L 121, 8.5.2002, p. 6.

<sup>10</sup> <http://www.fao.org/ag/AGA/Agah/EUFMD/reports/sess33/default.htm>

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- (10) In 2001 a major epidemic of foot-and-mouth disease was reported in the United Kingdom, which also affected three other Member States. The outbreaks were caused by virus type O1-PanAsia, a strain not circulating in any third country from where products derived from animals of susceptible species are imported in accordance with Community legislation.
  - (11) In December 2001 an International Conference on the Prevention and Control of foot-and-mouth disease took place in Brussels, which concluded that controls on imports of animal products by travellers should be reinforced.
  - (12) The European Parliament adopted a Resolution of 13 June 2002 on foot-and-mouth disease and the football world championship in South Korea calling on Member States to tighten up controls at external frontiers and on the Commission to draw up a detailed strategy aimed at reducing the risk of introduction of foot-and-mouth disease by tourists.
  - (13) The number of entry points at Community frontiers where passengers and parcels arrive from third countries exceed those approved as border inspection posts. However, it is the responsibility of the competent authorities of each Member State to ensure that travellers, passengers or the persons responsible for the consignments, are aware of and comply with the relevant Community rules as applied to non-commercial consignments of products of animal origin.
  - (14) Taking into account the epidemiological situation in the world with regard to major infectious diseases in animals which are transmissible through products derived from such animals, including foot-and-mouth disease, the introduction for non-commercial purposes under the existing rules of such products into the Community, from third countries not free of these diseases, represents an animal health risk which is now being addressed by the Commission in appropriate legislative proposals<sup>11</sup>. Pending the intended modifications to current import rules, it is necessary to adopt without delay interim safeguard measures substantially limiting the non-commercial imports of products of animal origin, as the only effective measure to prevent such imports bringing into the Community serious animal diseases.
  - (15) Several Member States consequently implemented special control measures at their borders and requested the Commission to take action with a view to providing a minimal harmonisation for such measures.
  - (16) It is therefore appropriate to specify and to further limit the types and quantities of products of animal origin that may enjoy the exemption from the veterinary controls which is laid down for non-commercial imports without posing a significant animal health risk. Pending the adoption of more detailed rules, it is also appropriate to provide that these controls shall be organised by the Member states at the relevant points of entry into the Community on the basis of the principles established by Directive 97/78/EC, while taking into account the need to adapt these principles to the non commercial nature of these imports, and to ensure that the information about these controls be provided to travellers.

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<sup>11</sup> including COM (2000) 438 final, docs 2000/0180, 2000/0181 (CNS) and 2000/0182 (COD).

- (17) It is also appropriate to provide for a regular review of the measures provided for in this Decision with a view to updating them when the proposed new import rules are adopted.
- (18) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The application of the following provisions is suspended:
- (a) Article 1(2)(b), (c) and (e) of Directive 72/462/EEC, concerning a derogation from the scope of this Directive for meat and meat products imported by travellers or sent to private persons,
  - (b) Article 8(2)(a) and (b) of Directive 91/494/EEC, concerning a derogation from the scope of this Directive for poultry meat and meat products imported by travellers or sent to private persons, and
  - (c) Article 1(3) of Directive 92/45/EEC, concerning a derogation from the scope of this Directive for imports of trophies or killed wild game carried by travellers,
  - (d) Article 5 of Decision 93/13/EEC, as regards meat, milk, meat and milk products. § 3.
2. By way of derogation from Article 1 of Decision 2002/349/EC, Member States shall organise controls at the relevant points of entry into the Community designated by their competent authorities in accordance with the principles established under Articles 3(1), 4(3)(b) and (4), 17 (1) and (3) and 24 (1) of Directive 97/78/EC for meat, milk, meat and milk products referred to in that Decision, when imported under the conditions referred to in Article 16 (1)(a), (b), and (d) of Directive 97/78/EC.

However, without prejudice to Articles 20 and 22 of Directive 97/78/EC, and derogating from the requirements for veterinary certification, these controls shall not apply to:

- (a) products listed in Annex I;
- (b) products entering the Community ~~from countries which have adopted, or are in the process of adopting, EC veterinary legislation, as well as from~~ Norway, Greenland, the Faroe Islands, Iceland, Andorra, San Marino, Liechtenstein, and Switzerland, Estonia, Lithuania, Latvia, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Romania, Bulgaria, Malta and Cyprus.

when carried by travellers by hand or in their luggage

### Article 2

1. Member states shall ensure that at all relevant points of entry into the Community the animal health conditions for imports of products of animal origin are brought to the attention of travellers arriving from third countries. The information shall include at least the information provided for in Annex II, displayed by prominent notices placed in easily visible locations.
2. Member States shall ~~ensure that~~ make arrangements for international passenger transport operators to draw the attention of all passengers they carry to the Community to the animal health conditions for imports into the Community of products of animal origin and to the provisions of this Decision, in particular by providing leaflets displaying at least the information laid down in Annex III.

### Article 3

The measures provided for under this Decision shall be reviewed at least every three months by the Commission with the assistance of the the Standing Committee on the Food Chain and Animal Health in the light in particular of the adoption of new Community rules on animal health applicable upon importation.

### Article 4

This Decision shall apply from 01.12.2002.

Member States shall ensure that the information to travellers provided for in Article 2 is made available not later than 01.12.2002.

### Article 5

This Decision is addressed to the Member States.

Done at Brussels,

*For the Commission*  
*David BYRNE*  
*Member of the Commission*

ANNEX I

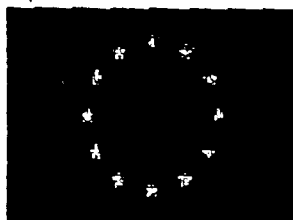
Meat and milk products which are subject to the derogation from systematic veterinary checks when carried by travellers entering the Community :

- powdered infant milk, infant food and special foods required for medical reasons, under the conditions that these products do not require refrigeration before opening, that they are packaged proprietary brand products for direct sale to the final consumer, and that the packaging is unbroken.

ANNEX II

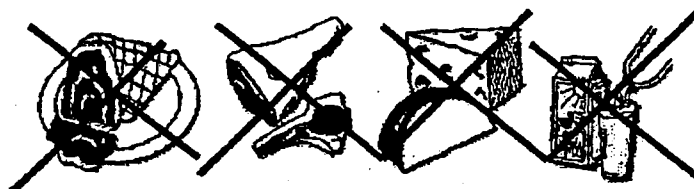
This notice should be drawn in at least one of the official languages of the Member State of introduction into the European Union and in a second language considered appropriate by the competent authorities of this Member State, which may be that used in the neighbouring country or, in the case of airports and ports, a language which is the most likely used by passengers arriving to the terminal.

Member States should complement this notice with additional information appropriate to the local conditions and circumstances, and with their national provisions adopted on the basis of Council Directive 97/78/EC.



**KEEP INFECTIOUS ANIMAL  
DISEASES OUT OF THE  
EUROPEAN UNION !**

**PRODUCTS OF ANIMAL ORIGIN MAY CARRY  
PATHOGENS CAUSING INFECTIOUS DISEASES IN ANIMALS**



**THERE ARE STRICT PROCEDURES AND VETERINARY CONTROLS  
ON THE INTRODUCTION INTO THE EUROPEAN UNION OF  
PRODUCTS OF ANIMAL ORIGIN**

**TRAVELLERS MUST SURRENDER THESE PRODUCTS  
FOR OFFICIAL CONTROLS**

**Thank you for your co-operation and understanding.**

