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WHITE PAPER

PREPARATION OF THE ASSOCIATED COUNTRIES OF CENTRAL AND EASTERN EUROPE FOR INTEGRATION INTO THE INTERNAL MARKET OF THE UNION

(presented by the Commission)

Agriculture

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AGRICULTURE

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I. GENERAL OVERVIEW

I. GENERAL INTRODUCTION

EU agricultural legislation has been developing for over 30 years and is continuing to change to reflect new developments. Indeed this legislation accounts for around 40 % of total Community legislation.

However, only those measures directly relevant to the free movement of goods are dealt with in the fiches which follow, but nevertheless still total approximately 1000 measures, of which around 200 have been identified as key measures for approximation. These measures fall into two distinct groupings :

- veterinary, plant health and animal nutrition :

these affect a wide range of activities in the farming, production and processing of live animals and animal and plant products. The purpose of these controls is to ensure the protection of the consumer, public health and animal and plant health by laying down common rules governing the movement of live animals, meat and meat products, fruit, vegetables and plants.

- agricultural markets :

these concern those aspects of the Common Organisation of the Market which relate principally to the provision of quality standards and labelling requirements.

In some cases the specific measures listed in the fiches may not be of great significance due to the production circumstances of a particular associated country. Furthermore the bilateral discussions which have commenced with each associated country on the equivalence of veterinary, plant health and animal nutrition controls should be separated from the general legislative approximation exercise. While the equivalence discussions have an important bearing on matters affecting trade with the EU, the goal of legislative approximation is to bring the whole production system of the associated countries into line with that of the EU.

Many aspects of agricultural policy and related legislation have been excluded from the scope of this White Paper. This is because in the context of the operation of the internal market it is necessary to leave aside Community measures relating to market support arrangements (such as intervention arrangements, livestock premia, and structural/social measures, such as aids for farming in less-favoured areas). While such measures have an impact on the internal market for agricultural products, these policies will be subject to a separate communication from the Commission on a pre-accession strategy in agriculture for the CEECs to be submitted before the end of the year.

2. *VETERINARY, PLANT HEALTH AND ANIMAL NUTRITION LEGISLATION*

In order to facilitate both internal and external trade in the veterinary, plant health and animal nutrition sectors while safeguarding public and animal health and animal welfare and meeting consumer expectations in relation to the wholesomeness of food products, common rules are necessary within the Union. These need to ensure satisfactory standards for live animals; the preparation, handling, transportation, inspection and marketing of animal products and in the plant health sector, satisfactory standards for seeds and propagating material, plant health, animal nutrition, plant protection products, pesticide residues, plant breeders' rights and organic farming. The legislation encompasses in total some 1000 measures of which about 160 have been identified as key measures (the others being mainly implementing measures). The acceptance of this legislation is based on mutual recognition of the competence of the relevant authorities of the Member States. This has enabled veterinary and plant health checks on intra-Community trade to be abolished. Responsibility for implementing the legislation is shared between the national authorities in the individual Member States and the European Commission. In this respect the following applies:

- The European Commission is responsible for overall co-ordination, inspection/audits and the necessary legislative action to ensure uniform application of EU standards within the Single European Market. It is also responsible for establishing lists of approved countries which may export to the EU (by confirming in the veterinary field the presence of satisfactory structures, verification procedure and health standards) and in the case of products of animal origin, lists of approved establishments.
- Member States on the other hand are responsible for verifying the acceptability of imports at the border including the inspection and testing requirements. They are also responsible for ensuring the necessary standards required under EU legislation for intra-Community trade are properly fulfilled. In terms of exports to third countries Member States are responsible in general terms for controlling the production conditions and issuing health certifications.

In the case of the associated countries such distinctions would not apply of course until accession.

The principle pre-requisite for the single market to extend to the veterinary and plant health domain in the associated countries is that in addition to the approximation of legislation there exists properly structured and trained administrations which are able to implement State responsibilities on a uniform basis. In particular this will include:

- the documented structure of the relevant responsible authority(ies), the command chain, their powers, training and expertise, their modus operandi and the resources available;

- the legislation and powers, standards, procedures as well as the programmes in place to allow disease control, eradication as well as emergency responses and to ensure trade requirements are met;
- the performance of the relevant responsible authority in relation to the control programme and assurances.

More generally it also requires appropriate inspection arrangements at the point of origin and at the external EU borders, and satisfactory laboratory testing arrangements so that the single market requirements can be implemented in an acceptable manner. Although in some areas the CEECs have already based their regulatory or authorization systems on those in the EU, (and in one area, seeds, equivalence arrangements with them have been operating for some time), it is clear from technical discussions and inspection missions that CEECs administrations are likely to require significant financial and technical assistance aimed particularly at developing administrative structures and technical expertise. For example in the plant health sector developing seed certifying or controlling authorities, official plant protection organizations, registration and monitoring authorities for pesticides and animal feedingstuffs and plant variety cataloguing and protection systems will be required. Until these are satisfactorily in place, controls on trade with the CEECs will need to be maintained.

3. *AGRICULTURAL MARKET LEGISLATION*

The EC Treaty stipulates that the rules establishing a common market also apply in agriculture, with a few exceptions. However, the same provisions of the Treaty state that these rules are to be amplified by the creation of a common agricultural policy, of which the central part are the common organizations of markets ('market organizations').

In some sectors of agriculture, the free circulation of products is subject to the rules of the relevant market organization, i.e. compliance with various quality, sizing and packaging standards, together with rules on labelling, analysis, inspections and monitoring. These sectors are: fruit and vegetables (21 measures), pigmeat, eggs and poultry (3 measures), beef and sheepmeat (5 measures) and wine; in the wine sector, there are special standards on appellations of origin and labelling (25 measures). In addition, minimum quality standards exist for live plants, cut flowers and hops, but these are somewhat old-fashioned and not considered demanding by current production standards.

There are further rules on presentation and designation which apply to milk and milk products and oils and fats and also have an influence on free circulation. Minimum and maximum fat levels for different kinds of milk at the retail stage are also laid down in the regulations.

Account must further be taken of horizontal rules on protected designations of origin and protected geographical indications. The purpose of these regulations is to promote the production of quality foodstuffs with special characteristics related to their provenance, particularly traditional regional specialities. As part of the completion of the internal market, designations which have been registered are protected against other commercial products not covered by the registration (imitations, misrepresentations, spurious names, etc.).

These standards cannot be divorced from other aspects of the CAP. That is, the standards are the result, to varying degrees, of the application of market support and other regulatory schemes. With reference to the countries of central and eastern Europe, it is very likely that applying these schemes there will have to be preceded by a long period of preparation and adaptation covering at least the basic parts of the CAP. To bring about these adjustments, the Community could - after studying the legal and economic context in the countries concerned - propose a programme of general goals with a series of specific targets to meet. These goals would probably include, first and foremost, the improvement of production, processing and marketing conditions. Apart from investment in modernization, this would entail major efforts in the field of training and in adapting the existing trade organizations and administrative structures for tasks of market management, quality control, market monitoring and distribution.

The targets would also have to include:

- the measures needed to arrive at free price formation and proper price recording;
- the development of producer organizations, especially for fruit and vegetables;
- the gradual introduction, in line with progress in other fields, of quality standards and rules on presentation and labelling which are closer to those in the Community, as well as compliance with the health and environmental standards set in the Community.

In addition, it would be essential to provide the countries concerned with the assistance they need to improve technical performance in agriculture, through advisory services to farmers, involvement of research and development institutes and programmes to make the requisite structural adjustments.

II. VETERINARY, PLANT HEALTH AND ANIMAL NUTRITION LEGISLATION

A. VETERINARY LEGISLATION

1. TRADE IN LIVE ANIMALS, SEMEN, OVA AND EMBRYOS

DESCRIPTION OF THE LEGISLATION

The existence and spread of animal disease has clear economic implications both for domestic production and for trade with third countries. Community legislation lays down the veterinary conditions under which trade in live animals and their semen, ova and embryos may be conducted in the Union. These animals are required to be free of disease. There must also be no danger of their semen, ova and embryos transmitting any disease. This is guaranteed by certificate issued under the responsibility of the competent authority of dispatch, as a rule the official veterinarian.

The legislation also lays down rules for obtaining an animal health status for farms or regions in the Union. For some diseases, this status is essential to be able to trade. For other diseases, it is an additional qualification proving that the farm or region is safe or that an eradication or surveillance programme is being implemented. As a result, Community legislation governs trade between farms or regions, in particular by providing additional guarantees for the transport of live animals to farms or areas which enjoy a special status.

The legislation has been structured to take account of the main stockbreeding sectors. It covers bovines, pigs, sheep, goats, equidae, poultry and hatching eggs, fish, molluscs and crustaceans, bovine embryos, bovine semen and pig semen. In addition, so-called "*balai*" or "catch-all" rules covering all other species and their ova, semen and embryos have had to be laid down. In some special cases it has proved useful to go beyond the scope of trade alone and lay down rules for all movements (equidae) or for marketing (fish, molluscs and crustaceans).

To harmonise the essential requirements for animal health protection, it is necessary to have equal animal health status for farms. Already acquired qualifications or qualifications in the process of being acquired can only be safeguarded if additional guarantees are provided. In this field, the single market calls for a high standard of animal health.

Application of the "*acquis communautaire*" is a prerequisite for the disappearance of obstacles to trade in live animals and semen, ova and embryos.

The difficulties encountered are the same for all species. However, they become apparent in different ways. Some examples are:

- the establishment of lists of diseases for which additional guarantees may be provided (bovines, pigs, sheep and goats, fish and other species). In the light of programmes implemented or to be implemented, some Member States would like to place the emphasis on different diseases.
- the rules on some diseases, e.g. horse fever in the case of equidae and scrapie in the case of sheep and goats. National assessments must be harmonised.
- the rules governing trade in animals where the historical situation and local policies are different (e.g. rabies, especially in the case of cats and dogs).
- the rules on trade where assessment of the risks varies (e.g. IBR [infectious bovine rhinotracheitis]: vaccination or non-vaccination of semen donors in centres).

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

These preconditions must be met by having public authorities capable of carrying out the necessary checks and guaranteeing the required certifications.

A national veterinary inspection service must be in existence with sufficient numbers of trained and managed staff to ensure that an appropriate level of enforcement is carried out. A number of administrative systems must also be in place to ensure the proper functioning of the rules. These require computer support systems in some cases and other administrative systems in other cases, such as the concept of regionalisation which, in the absence of border controls, installs a range of measures to control and eliminate animal disease from an infected area without disturbing trade elsewhere. This would then replace existing reliance on untargeted vaccination programmes and more stringent border controls. The introduction of such regionalisation programmes must however go hand in hand with animal registration and disease identification procedures including laboratory testing facilities with trained staff.

KEY MEASURES

The measures identified as being "key" to the approximation process are those which set out the basic policies and the instruments required to implement them. The large number of detailed implementing measures must be seen as subordinate requirements

- **CHOICE OF STAGE I - MEASURES**

DESCRIPTION & JUSTIFICATION :

All the key measures identified must be implemented in order to provide a coherent control policy. This inter-dependence requires that they are all implemented during stage I.

STAGE I MEASURES

Bovine animals and pigs :

Council Directive 64/432/EEC (OJ No L 121, 29.7.1964, p.1977/64), as last amended by the Act concerning the accession of Austria, Finland and Sweden.	Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine.
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Sheep and goats

Council Directive 91/68/EEC (OJ No L 46, 19.2.1991, p. 19), as last amended by the Act concerning the accession of Austria, Finland and Sweden.	Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals.
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Equine animals

Council Directive 90/426/EEC (OJ No L 224, 18.8.1990, p. 42), as last amended by the Act concerning the accession of Austria, Finland and Sweden.	Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae
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Poultry and hatching eggs

Council Directive 90/539/EEC (OJ No L 303, 31.10.1990, p. 6), as last amended by the Act concerning the accession of Austria, Finland and Sweden	Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs
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Fish, molluscs, crustaceans

Council Directive 91/67/EEC (OJ No L 46, 19.2.1991, p.1), as last amended by the Act concerning the accession of Austria, Finland and Sweden	Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products
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Bovine embryos

Council Directive of 89/556/EEC (OJ No L 302, 19.10.1989, p. 1) as last amended by the Commission Decision 94/113/EC (OJ L53, 24.2.94, p. 23)	Council Directive of 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species
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Bovine semen

Council Directive 88/407/EEC (OJ No L 194, 22.7.1988, p. 10) as last amended by Directive 93/60/EEC (OJ No L 186, 28.7.1993, p. 28).	Council Directive 88/407/EEC, of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species
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Semen of pigs

Council Directive 90/429/EEC (OJ No L 224, 18.8.1990, p. 62).	Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species
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Other species

Council Directive 92/65/EEC (OJ No L 268, 14.9.1992, p. 54) as last amended by the Act concerning the accession of Austria, Finland and Sweden	Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC
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2. TRADE IN ANIMAL PRODUCTS

DESCRIPTION OF THE LEGISLATION

In certain situations animal products may transmit animal diseases. Thus for the coherence of the health controls on live animals etc. (see fiche 1) and the broader economic implications which require those controls, it is also necessary to provide the necessary guarantees on the health status of animal products before they are transported. As a rule, these products must be derived from animals which come from farms not subject to restrictive animal health measures. Also, in cases where there are problems, treatment processes should be defined, in particular for heat treatment, so as to ensure that the products do not pose a health threat.

The legislation is structured to take account of the main production sectors: beef/veal, pigmeat, sheepmeat and goatmeat, poultrymeat, rabbit meat and farmed game meat, wild game meat, meat products, and milk and milk products. In addition, "balai" or "catch-all" rules covering a variety of animal products have had to be laid down.

Application of the "*acquis communautaire*" is a prerequisite for the disappearance of obstacles to trade in animal products. Where the animal health situation is good (no disease outbreaks), application of the rules does not give rise to any particular problems. The opposite is the case where outbreaks occur or epizootics develop. The Union has seen outbreaks of African swine fever in the Iberian peninsular and in Sardinia, classical swine fever in Germany and Belgium, and foot-and-mouth disease in Italy and Greece.

Finally, for those animal products covered by the "catch-all" Directive, the list of products which must be covered by guarantees is itself the subject of debate.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Harmonisation makes it necessary to have equal animal health status for the regions of the Union. Furthermore, where problems arise, the required infrastructures must be available to allow the products to be processed. In addition to these, there must be public authorities capable of carrying out the necessary checks and guaranteeing the required certification.

KEY MEASURES

The measures identified as being "key" to the approximation process are those which set out the basic policies and the instruments required to implement them. The other measures lay down the more detailed implementing rules which must be seen in this context as subordinate requirements.

- **CHOICE OF STAGE I - MEASURES**

DESCRIPTION & JUSTIFICATION :

All the key measures identified must be implemented in order to provide a coherent control policy. This inter-dependence requires that they are all implemented during phase I.

STAGE I MEASURES

Beef, pigmeat, sheepmeat and goatmeat :

Council Directive 72/461/EEC (OJ No L 302, 31.12.1972, p. 24) as last amended by the Act concerning the accession of Austria, Finland and Sweden	Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat
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Poultrymeat :

Council Directive 91/494/EEC (OJ No L 268, 24.9.1991, p. 35) as last amended by Council Directive 93/121/EC (OJ No L 340, 31.12.1993, p. 39)	Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat
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Rabbit meat and farmed game meat :

Council Directive 91/495/EEC (OJ No L 268, 24.9.1991, p. 41) as last amended by the Act concerning the accession of Austria, Finland and Sweden	Council Directive 91/495/EEC of 27 November 1990 concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat
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Wild game meat

<p>Council Directive 92/45/EEC (OJ No L 268, 14.9.1992, p. 35) as last amended by the Act concerning the accession of Austria, Finland and Sweden</p>	<p>Council Directive 92/45/EEC of 16 June 1992 on public health and animal health problems relating to the killing of wild game and the placing on the market of wild-game meat</p>
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Meat products :

<p>Council Directive 80/215/EEC (OJ No L 47, 21.2.1980, p. 4) as last amended by Directive 91/687/EEC (OJ No L 377, 31.12.1991, p. 16)</p>	<p>Council Directive 80/215/EEC of 22 January 1980 on animal health problems affecting intra-Community trade in meat products</p>
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Milk and milk products :

<p>Council Directive 92/46/EEC (OJ No L 268, 14.9.1992, p. 1) as last amended by the Act concerning the accession of Austria, Finland and Sweden</p>	<p>Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products</p>
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Other products :

<p>Council Directive 92/118/EEC (OJ No L 62, 15.3.1993, p. 49) as last amended by the Act concerning the accession of Austria, Finland and Sweden</p>	<p>Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC</p>
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3. CONTROL MEASURES

DESCRIPTION OF THE LEGISLATION

The prophylactic measures taken for the major diseases in the Union must be identical. Any other solution would lead inevitably to obstacles in live animal and animal product trade. As a rule, in order to attain a high health standard, the Union has chosen to abandon the policy of routine vaccination on its territory, in particular for foot-and-mouth disease and classical swine fever.

In difficult situations emergency vaccination is possible. Use of this must be regulated so as not to harm the general interest.

Where a sporadic disease outbreak occurs, the measures to be taken by the national authorities must be identical. By taking effective measures, it is important to stop the disease from spreading and assure all the national authorities that the disease will be confined to a specific area. Such measures may include the slaughter of infected animals or those that may be infected, disinfection measures and measures to restrict movements in protection and surveillance areas, etc. In certain conditions, the Union, through the "Veterinary Fund", bears some of the costs resulting from implementation of the required measures.

Community legislation centres on the main diseases: foot-and-mouth disease, classical swine fever, avian influenza, and Newcastle disease. There is a "catch-all" text which can be added to where necessary by laying down rules for other diseases.

For the protection of animal health in the Union, it is essential to apply the "*acquis communautaire*" on control measures.

The completion of the single market has led some Member States to change their traditional policies (e.g. the abandonment of routine vaccination against foot-and-mouth disease). This transformation has proved to be a sensitive issue given traditional trade flows with certain non-member countries and the geographical environment of some border regions of the Union.

Where outbreaks occur, the competent authorities must have the necessary powers and be able to rely on an efficient organisation (destruction of animals, laboratories for analyses, control of movements on farms, etc.). Experience shows that the key to success lies in rapid and determined action supported by the stockbreeders. Such measures must be prepared both materially and legally.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

The Union has also laid down a series of accompanying measures: Community reference laboratories, Community vaccine reserves, etc. Similarly, the Member States are obliged to draw up control plans, organise crisis centres, etc. and set up a network of laboratories including a national reference laboratory.

For the major diseases, the Union has a computerised disease notification system (ADINS). As a result of this system, all competent authorities can have the required information in the shortest possible time.

KEY MEASURES

The measures identified as being "key" to the approximation process are those which set out the basic policies and the instruments required to implement them. The other measures lay down the more detailed implementing rules which must be seen in this context as subordinate requirements.

- **CHOICE OF STAGE I MEASURES**

DESCRIPTION & JUSTIFICATION

All the key measures identified must be implemented in order to provide a coherent control policy. This inter-dependence requires that they are all implemented during stage I.

STAGE I MEASURES

Foot-and-mouth disease :

Council Directive 85/511/EEC (OJ No L 315 of 26.11.1985, p.11) as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)	Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease
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<p>Council Directive 90/423/EEC (OJ No L 224, of 18.8.1990, p. 13)</p>	<p>Council Directive 90/423/EEC of 26 June 1990 amending Directive 85/511/EEC introducing Community measures for the control of foot-and-mouth disease, Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine and Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat or meat products from third countries</p>
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Classical swine fever:

<p>Council Directive 80/217/EEC (OJ No L 47 of 21.2.1980, p. 11), as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)</p>	<p>Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever</p>
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African horse sickness :

<p>Council Directive 92/35/EEC (OJ No L 157 of 10.6.1992, p. 19) as amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)</p>	<p>Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness</p>
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Avian influenza :

<p>Council Directive 92/40/EEC (OJ No L 167 of 22.6.1992, p. 1) as amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)</p>	<p>Council Directive 92/40/EEC, of 19 May 1992 introducing Community measures for the control of avian influenza</p>
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Newcastle disease :

<p>Council Directive 92/66/EEC (OJ No L 260 of 5.9.1992, p. 1) as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)</p>	<p>Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease</p>
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Fish diseases :

<p>Council Directive 93/53/EEC (OJ No L 175 of 19.7.93, p. 23)</p>	<p>Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases</p>
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Other diseases :

<p>Council Directive 92/119/EEC (OJ No L 62 of 15.3.1993, p. 69) as amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21).</p>	<p>Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease.</p>
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Notification of diseases :

<p>Council Directive 82/894/EEC (OJ No L 378 of 31.12.1982, p. 58) as last amended by Commission Decision 92/450/EEC (OJ No L 248 of 28.8.1992, p. 77).</p>	<p>Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community</p>
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4. MARKETING OF ANIMAL PRODUCTS

DESCRIPTION OF THE LEGISLATION

A central role of government must be to afford public health protection to its citizens through appropriate controls giving assurance of the quality and safety of food. The need for legislation therefore goes beyond the economic requirements for controls to protect animal health. Community legislation is structured to take account of the economic activities linked to first-stage processing of animal products. It covers beef/veal, pigmeat, sheepmeat, goatmeat and horsemeat, poultrymeat, rabbit meat and farmed game meat, wild game meat, processed meat, i.e. minced meat, meat in pieces of less than 100 grams, meat preparations and meat products, raw milk or heat-treated milk, milk products, fishery products, molluscs, eggs and egg products. In addition, "balai" or "catch-all" rules covering various animal products (snails, frogs' legs, etc.) have had to be laid down.

The legislation defines the Community health standard, i.e. the health conditions governing the marketing of such products in the Union, and the rules on monitoring compliance with the Community health standard. As a rule, health conditions cover the structure of establishments and means of transport, hygiene during processing, storage and transport of the products, and finally the products themselves. As regards the structure of establishments, the Union has laid down, in certain cases, temporary derogations and special conditions for low-capacity establishments. The products themselves must meet specified microbiological standards and be free from contaminants and undesirable substances. Pathogens, contaminants and undesirable substances must be identified, sampling and analysis methods laid down, and the qualifications of local laboratories, national coordination laboratories and Community reference laboratories specified.

Monitoring compliance with the Community health standards makes it necessary to have inspection rules (e.g. in the case of slaughtering, an "ante mortem" and a "post mortem" inspection procedure), self-checking arrangements for establishments, product marking, stamping and labelling rules, and rules governing certificate and other document requirements. Finally, the rules to be followed where products do not comply with the regulations must be specified.

Harmonisation of the essential requirements for public health protection means that only products meeting the Community health standards may be authorised to be marketed in the Union. Production establishments must be able to adapt to this health standard. In addition, the public authorities and, where provided for, the establishments, must be capable of carrying out the necessary checks and guaranteeing the required certification.

The difficulties encountered may relate to any of the required conditions, such as:

- the laying down of specific structural conditions for low-capacity establishments, in particular slaughterhouses;
- the determination of microbiological standards applicable to certain products such as minced meat, milk and milk products from raw milk;
- the identification of contaminants or undesirable substances, in particular for certain fishery products and offal;
- the storage conditions for certain products, in particular eggs;
- the qualifications of the personnel responsible for inspection, in particular for poultrymeat and eggs;
- the rules on certificates required, in particular for beef/veal.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Application of the "*acquis communautaire*" is a prerequisite for authorising the marketing of these products in the Union. The legislation consists of a range of different requirements.

Firstly, establishments must meet the structural conditions laid down. In this respect, low-capacity establishments may have special structures. Secondly, establishments must have hygienic operating conditions. In addition, they must be capable of ensuring that their products comply with the Community health standards, in particular microbiologically and as regards contaminants. This means that they must have the necessary means of control (self-checking).

Finally, and this is an essential requirement, the public authorities must have the appropriate resources to carry out the required controls (personnel in establishments, laboratories for analyses, supervision of production, etc.).

KEY MEASURES

The measures identified as being "key" to the approximation process are those which set out the basic policies and the instruments required to implement them. The other measures lay down the more detailed implementing rules which must be seen in this context as subordinate requirements.

• **CHOICE OF STAGE I MEASURES**

DESCRIPTION & JUSTIFICATION :

All the key measures identified must be implemented in order to provide a coherent control policy. This inter-dependence requires that they are all implemented during stage I.

STAGE I MEASURES

Fresh meat :

<p>Council Directive 64/433/EEC (OJ No 121, 29.7.1964, p. 2012/64) as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)</p>	<p>Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat</p>
<p>Council Directive 91/498/EEC (OJ No L 268, 24.9.1991, p. 105) as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)</p>	<p>Council Directive 91/498/EEC of 29 July 1991 on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of fresh meat</p>

Poultrymeat :

<p>Council Directive 71/118/EEC (OJ No L 55, 8.3.1971, p. 23), as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)</p>	<p>Council Directive 71/118/EEC of 15.2.1971 on health problems affecting trade in fresh poultrymeat</p>
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Meat products :

<p>Council Directive 77/99/EEC (OJ No L 26, 31.1.1977, p. 85) as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)</p>	<p>Council Directive 77/99/EEC of 21 December 1976 on health problems affecting intra-Community trade in meat products</p>
<p>Council Directive 92/120/EEC (OJ No L 62, 15.3.1993, p. 86) as amended by Council Directive 95/5/EC (OJ No L51, 8.3.95, p. 12)</p>	<p>Council Directive 92/120/EEC of 17 December 1992 on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of certain products of animal origin</p>

Meat in pieces :

Council Directive 88/657/EEC (OJ No L 382 of 31.12.1988, p. 3), as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)	Council Directive 88/657/EEC of 14 December 1988 laying down the requirements for the production of, and trade in, minced meat, meat in pieces of less than 100 grams and meat preparations and amending Directives 64/433/EEC, 71/118/EEC and 72/462/EEC
Council Directive 94/65/EC (OJ No L 368/10, 31.12.94).	Council Directive 94/65/EC of 12 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations

Egg products :

Council Directive 89/437/EEC (OJ No L 212 of 22.7.1989, p. 87), as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)	Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products
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Fishery products :

Council Directive 91/493/EEC (OJ No L 268, 24.9.1991, p. 15) as amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)	Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products
Council Directive 92/48/EEC (OJ No L 187, 7.7.1992, p. 41)	Council Directive 92/48/EEC of 16 June 1992 laying down the minimum hygiene rules applicable to fishery products produced on board certain vessels in accordance with Article 3(1)(a)(i) of Directive 91/493/EEC

Molluscs :

Council Directive 91/492/EEC (OJ No L 268, 24.9.1991, p. 1) as amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)	Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs
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Milk and milk products :

Council Directive 92/46/EEC (OJ No L 268, 14.9.1992, p. 1) as last amended by Council Directive 92/47/EEC (OJ No L268, 14.9.1992, p. 33)	Council Directive 92/46/EC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products
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Meat of rabbits and farmed game :

Council Directive 91/495/EEC (OJ No L 268, 24.9.1991, p. 41), as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)	Council Directive 91/495/EEC of 27 November 1990 concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat
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Wild game meat :

Council Directive 92/45/EEC (OJ No L 268, 14.9.1992, p. 35) as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)	Council Directive 92/45/EEC of 16 June 1992 on public health and animal health problems relating to the killing of wild game and the placing on the market of wild-game meat
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Other products :

Council Directive 92/118/EEC (OJ No L 62, 15.3.1993, p. 49) as last amended by the Act concerning the accession of Austria, Finland and Sweden (OJ C241, 29.8.1994, p.21)	Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC
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5. MEASURES COVERING MORE THAN ONE SECTOR

DESCRIPTION OF THE LEGISLATION

In some cases the measures taken in the Union cover more than one sector. Their primary aim is to protect public health but they also protect animal health.

In a single market it is important for a common attitude to be adopted to the use of growth and productivity promoters on farms. Obstacles to trade and distorted competition must be prevented, and consumers must be protected. The Union has opted for a ban on the use of hormones for fattening and regulation of their use for zootechnical and therapeutic purposes. It has also chosen to adopt a moratorium on the administration of bovine somatotrophin (BST).

Consumers in the Union must be protected against the presence of residues in animal products, particularly in meat. General legislation on residue controls has been introduced. It is also aimed at improving the effectiveness of measures to combat the illegal use of anabolic substances. In this context, the Union has also laid down strict rules on the preparation, marketing and use of medicinal feedingstuffs.

It is important to protect consumers in the Union against zoonotic agents. An initial measure covering in particular salmonella in poultry has been introduced.

Animal waste and especially carcasses are high-risk products. It has therefore been necessary to lay down particularly stringent rules on their processing and the marketing of processed products for animal feed.

Community action covering more than one sector includes measures (hormones, BST, zoonoses) whose impact is a particularly sensitive issue both for producers and consumers.

The "*acquis communautaire*" must be applied in full. It is in the process of being deepened at the moment.

As for the dossier on hormones and residues, in the light of experience it is possible to identify the difficulties linked to control measures. Progress must be made, in particular coordination of the departments concerned, identification of the farms of origin and of samples, introduction of appropriate procedures for sampling, especially in slaughterhouses, and adoption of deterrents (legal and administrative penalties).

As regards salmonella, the situation in those areas of the Union concerned varies. The new Member States (Finland and Sweden) are implementing a major operational programme. In this respect, they benefit from additional guarantees for certain live animals and animal products. The categories of animals to be included in any future surveillance programme and the measures to be taken in the event of a disease outbreak (slaughter, processing, etc.) must be essential elements of future debate in this area.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

For monitoring, there must be adequate technical and human resources and an effective network of laboratories.

Especially in the hormone and beta-agonist sector, it is important to be able to prevent fraud and detect infringements. This type of measure requires major resources, especially in terms of analysis capability. The financial cost of such measures is also high.

For the elimination of animal waste there must be an efficient network of establishments capable of treating products at a high temperature. Experience shows that meat meal for use as animal feed must be produced carefully.

The requirements specified in fiches 1 and 4 are also relevant to this sector.

KEY MEASURES

The measures identified as being "key" to the approximation process are those which set out the basic policies and the instruments required to implement them. The other measures lay down the more detailed implementing rules which in this context must be seen as subordinate requirements.

- **CHOICE OF STAGE I MEASURES**

DESCRIPTION & JUSTIFICATION :

All the key measures identified must be implemented in order to provide a coherent control policy. This inter-dependance requires that they are all implemented during stage I.

STAGE I MEASURES

Hormones

Council Directive 81/602/EEC (OJ No L 222, 07.08.1981, p. 32)	Council Directive 81/602/EEC of 31 July 1981 concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action
Council Directive 85/358/EEC (OJ No L 191, 23.07.1985, p. 46), as last amended by the Act of accession of Austria, Finland and Sweden.	Council Directive 85/358/EEC of 16 July 1985 supplementing Directive 81/602/EEC concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action
Council Directive 88/146/EEC (OJ No L 70, 16.03.1988, p. 16) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 88/146/EEC, of 7 March 1988 prohibiting the use in livestock farming of certain substances having a hormonal action

BST

Decision 90/218/EEC (OJ No L 116, 8.05.1990, p. 27) as last amended by Decision 94/936/EC (OJ No L 366 of 31.12.1994, p. 19).	Decision 90/218/EEC of 25 April 1990 concerning the administration of bovine somatotrophin (BST)
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Residues

Council Directive 86/469/EEC (OJ No L 275, 26.09.1986, p. 36) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 86/469/EEC, of 16 September 1986 concerning the examination of animals and fresh meat for the presence of residues
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Zoonoses

<p>Council Directive 92/117/EEC (OJ No L 62, 15.3.1993, p. 38) as last amended by the Act of accession of Austria, Finland and Sweden</p>	<p>Council Directive 92/117/EEC, of 17 December 1992 concerning measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications</p>
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Medicated feedingstuffs

<p>Council Directive 90/167/EEC (OJ No L 92, 07.04.1990, p. 42).</p>	<p>Council Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community</p>
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Animal wastes

<p>Council Directive 90/667/EEC (OJ No L 363, 27.12.1990, p. 51), as amended by the Act of accession of Austria, Finland and Sweden</p>	<p>Council Directive 90/667/EEC, of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Directive 90/425/EEC</p>
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6. IMPORTATION FROM THIRD COUNTRIES OF LIVE ANIMALS AND ANIMAL PRODUCTS

DESCRIPTION OF THE LEGISLATION

The application of internal market measures and the absence of internal borders gives added importance to external border controls which mutually become vital for the security of all Member States.

In principle, live animals from third countries must come from areas with the same health status as the Union. Similarly, livestock products must comply with the Community standards. In general, the Member States may not introduce rules on imports from third countries which are more favourable than those governing intra-Community trade.

In a single market, it is essential, ultimately, for the conditions for importing live animals and animal products to be identical. Harmonisation to that end is in progress and is being introduced gradually. The scheme adopted is similar for the various sectors. It consists of drawing up a list of authorised non-member countries, general import conditions, special conditions for specific countries, a model certificate and a list of approved establishments.

General rules have been laid down for bovines, sheep and goats, horses, poultry and hatching eggs, animals covered by the "catch-all" rules, bovine embryos, bovine and pig semen, beef/veal, sheepmeat, goatmeat and horsemeat, poultrymeat, some meat products, fishery products, molluscs, milk and milk products and "catch-all" products.

In a large number of sectors, non-member countries have equivalent legislation. In addition, the Union is working towards the conclusion of generalized equivalence agreements with some non-member countries.

The "*acquis communautaire*" must be adopted in full. It is currently in the process of being deepened.

The process of harmonisation must be completed. It is the Commission's responsibility under the "Standing Veterinary Committee" procedure to adapt the necessary application decisions in a large number of cases. Adoption of these decisions may reveal differing degrees of emphasis placed by the Member States.

In general, difficulties occur where a non-member country adopts an approach different from the Union's approach (e.g. to vaccination), or where problems arise in the Union as a result of different consumption patterns (e.g. threadworm in horsemeat).

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

In principle, the Commission has the responsibility to register approved exporting countries and in the case of certain animal products the exporting establishments. Nevertheless in the case of associated countries, a central system of import procedures to establish lists of approved exporting countries and import conditions will be required. These need to be widely available to achieve transparency and therefore to avoid potential trading difficulties. Pending the introduction of harmonised measures, Member States retain a degree of freedom of action. However, they must ensure that animal products and live animals which are imported conform at least to Community standards.

KEY MEASURES

The measures identified as being "key" to the approximation process are those which set out the basic policies and the instruments required to implement them. The other measures lay down the more detailed implementing rules which in this context must be seen as subordinate requirements.

- ***CHOICE OF STAGE I MEASURES***

DESCRIPTION & JUSTIFICATION :

Since border controls will be maintained between the Union and the associated countries until accession the requirements for trade with third countries need not be considered as of primary importance for approximation during stage I. Nevertheless the existence of effective controls for imports are still essential to avoid problems for domestic production and consequently exports.

- ***CHOICE OF STAGE II MEASURES***

DESCRIPTION & JUSTIFICATION :

All the key measures identified must be implemented in order to provide a coherent control policy. This inter-dependance requires that they are all implemented before accession and therefore during stage II.

STAGE II MEASURES

Bovines, sheep, pigs, fresh meat and meat products

Council Directive 72/462/EEC (OJ No L 302; 31.12.1972, p. 28), as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries
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Equines

Council Directive 90/426/EEC (OJ No L 224, 18.08.1990, p. 42), as last amended by the Act of accession of Austria, Finland and Sweden.	Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae
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Poultry and hatching eggs

Council Directive 90/539/EEC (OJ No L 303, 31.10.1990, p. 6) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs
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Other live animals

Council Directive 92/65/EEC (OJ No L 268, 14.09.1992, p. 54) as last amended by the Act of accession of Austria, Finland and Sweden.	Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC
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Embryos

Council Directive 89/556/EEC (OJ No L 302 of 19.10.1989, p. 1), as last amended by the Commission Decision 94/113/EC (OJ L 53, 24.2.94 p.23)	Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species
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Bovine semen

Council Directive 88/407/EEC (OJ No L 194, 22.07.1988, p. 10) as last amended by the Act of accession of Austria, Finland and Sweden.	Council Directive 88/407/EEC, of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species
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Semen of pigs

Council Directive 90/429/EEC (OJ No L 224, 18.08.1990, p. 62) as amended by the Act of accession of Austria, Finland and Sweden.	Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species
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Poultrymeat

Council Directive 71/118/EEC (OJ No L 55, 08.03.1971, p. 23) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat
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Fishery products

Council Directive 91/493/EEC (OJ No L 268, 24.09.1991, p. 15) as amended by the Act of accession of Austria, Finland and Sweden.	Council Directive 91/493/EEC, of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products
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Molluscs

Council Directive 91/492/EEC (OJ No L 268, 24.09.1991, p. 1) as amended by the Act of accession of Austria, Finland and Sweden.	Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs
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Milk and milk products

Council Directive 92/46/CE (OJ No 268, 14.09.1992, p. 1) as last amended by the Act of accession of Austria, Finland and Sweden.	Council Directive 92/46/EC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products
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Other products

<p>Council Directive 92/118/EEC, (OJ No L 62, 15.03.1993, p. 49), as last amended by the Act of accession of Austria, Finland and Sweden.</p>	<p>Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC</p>
<p>Council Directive 77/96/EEC, (OJ No L 26, 31.01.1977, p. 67), as last amended by Directive 94/59/EC (OJ No L 315, 08.12.1994, p. 18).</p>	<p>Council Directive 77/96/EEC of 21 December 1977 on the examination for Trichinae (<i>Trichinella spiralis</i>) upon importation from third countries of fresh meat derived from domestic swine</p>

7. CONTROL AND PROTECTION SYSTEM

DESCRIPTION OF THE LEGISLATION

Completion of the single market entails the abolition of controls at the internal borders of the Union. The disappearance of the guarantees resulting from the traditional system of controls at internal borders means that an alternative system must be introduced covering all veterinary areas (public health, animal health, zootechnics, animal welfare).

This system for internal trade is based on a tightening up of controls at source and the possibility of carrying out checks by sampling at destination. It comprises accompanying measures such as the introduction for live animal trade of the "ANIMO" computerised network, providing the authorities of the Member State of destination with information on animal movements on their territory, a definition of the rules to be followed in the event of legal disputes between Member States, the obligation to provide mutual assistance in order to prevent and combat fraud, and a tightening-up of the rules on farm registration and animal identification.

As a result of the principle of free internal circulation, as a rule animals and products from non-member countries must be controlled at the external borders. Thus the alternative control system consists of provisions to harmonise external border controls and the action to be taken by the competent veterinary authorities. For this system to work, border inspection posts capable of carrying out the required controls must be set up.

Where major problems arose in a Member State or a non-member country, the Member States had the possibility of "closing" their borders or restricting the entry onto their territory of the banned animals or products by means of tighter controls at their borders. The new system rules out this possibility at the internal borders of the Union. As a result, provision has had to be made for a common protection system. Furthermore, if a Member State were to take unilateral action, the possibility of bypassing this through another Member State could render it ineffective.

Introduction of the system will require greater confidence in the controls carried out in each Member State. The quality of the controls depends to a large extent on the human and technical resources of the Member States' authorities. Also, these authorities must be capable of taking the necessary accompanying measures, in particular in the field of information technology.

The Union has made provision for laying down common rules to fund the necessary controls (levying of Community fees).

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

The introduction of the new system is obviously one of the essential elements of the single market. Over and above the political decision to abandon traditional protection at borders, it will require, in terms of technical resources:

- the ability to carry out reliable checks at source,
- human and technical resources to enable accompanying measures to function harmoniously,
- the availability at the external borders of adequate inspection infrastructures.

This has required major efforts from the Member States. Financial assistance from the Union may be awarded, in particular for improving inspection infrastructures at external borders.

The abolition of controls at internal borders and its corollary, the harmonisation of controls at external borders, has been introduced only as progress has been made in the harmonisation of the essential requirements, as regards public and animal health and zootechnics and animal welfare. Consequently, given its implications, the action planned in trade between the Union and the countries in question should be taken in stage II. This argument is supported by the fact that, logically, controls at the internal borders would also need to be abolished in trade between the eastern countries in question. It is appropriate for the protective measures applicable to non-member countries to continue to be operational for a certain period. In this respect the introduction of internal protective measures is conceivable only for countries with Member State ranking as a result of the Community legal constraints imposed on them.

Although a recent development within the EU's veterinary acquis, it is now accepted that a central feature must be a means to identify and register animals in order to trace their origin.. Additionally an Animal Disease Notification System (A.D.N.S.) and a notification system of live animal movements and imports (A.N.I.M.O.) are also required. The use of transport permits should then be abolished by the associated countries. Border posts are also required to manage controls on consignments such as certification, identity checks and physical inspection of the livestock/animal products entering the country. Facilities for testing for hormones, etc. are also required, as are computerised information systems (ie. SHIFT) to facilitate these import formalities.

KEY MEASURES

The measures identified as being "key" to the approximation process are those which set out the basic policies and the instruments required to implement them. The other measures lay down the more detailed implementing rules which in this context must be seen as subordinate requirements.

Because the control systems foreseen by the key measures only have relevance in the absence of internal borders, the associated countries need not introduce them until accession. For this reason they are largely not considered as stage I measures.

- **CHOICE OF STAGE I MEASURES**

DESCRIPTION & JUSTIFICATION :

Animal identification arrangements are essential for wider aspects of veterinary control arrangements and therefore are necessary to be introduced during Stage I.

STAGE I MEASURES

Identification of animals

Council Directive 92/102/EEC (OJ No L 355, 5.12.1992, p. 32) as amended by the Act of accession of Austria, Finland and Sweden	Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals
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- **CHOICE OF STAGE II MEASURES**

DESCRIPTION & JUSTIFICATION :

All the key measures identified must be implemented in order to provide a coherent control policy. This inter-dependance requires that they are all implemented during stage II.

Intra-Community checks on live animals

Council Directive 90/425/EEC (OJ No L 224, 18.8.1990, p. 29) as last amended by Directive 92/60/EEC (OJ No L 268, 14.9.1992, p. 75).	Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market
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Intra-Community checks on livestock products

Council Directive 89/662/EEC (OJ No L 395, 30.12.1989, p. 13) as last amended by Directive 92/67/EEC (OJ No L 268, 14.7.1992, p. 73).	Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market
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Mutual assistance

Council Directive 89/608/EEC (OJ No L 351, 2.12.1989, p. 34).	Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters
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Checks on live animals arriving from third countries

Council Directive 91/496/EEC (OJ No L 268, 24.9.1991, p. 56), as last amended by the Act of accession of Austria, Finland and Sweden.	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/EEC
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Checks on livestock products arriving from third countries

Council Directive 90/675/EEC (OJ No L 373, 31.12.1990, p. 1), as amended by Council Decision 95/1/EC, Euratom, ECSC (OJ No L 1, 1.1.1995, p. 1).	Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries
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SHIFT system

Decision 92/438/EEC (OJ No L 243, 25.8.1992, p. 27) as amended by Council Decision 91/1/EC, Euratom, ECSC (OJ No L 1, 1.1.1995, p. 1)	Decision 92/438/EEC of 13 July 1992 on computerization of veterinary import procedures (Shift project), amending Directives 90/675/EEC, 91/496/EEC, 91/628/EEC and Decision 90/424/EEC, and repealing Decision 88/192/EEC
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Financing of controls

Council Directive 85/73/EEC (OJ No L 32, 5.2.1985 p. 14) as last amended by Directive 94/64/EC (OJ No L 368, 31.12.1994, p. 8).	Council Directive 85/73/EEC of 29 January 1985 on the financing of health inspections and controls on fresh meat and poultrymeat; last amended by Directive 94/64/EC amending the Annex to Directive 85/64/EEC on the financing of veterinary inspections and controls of animal products covered by Annex A to Directive 89/662/EEC and by Directive 90/675/EEC
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8. BREEDING STOCK AND PURE-BRED ANIMALS

COMMENTARY

The Union has introduced a policy intended to guarantee and protect the quality of animal breeds. This is a basic requirement for breeding and the rational development of this activity and its productivity depend on it to a large extent.

The structure of zootechnical legislation is comparable to the model used in the other sectors. It defines a Community standard and rules on controlling compliance with it. The definition of the Community standard consists of provisions on the approval and supervision of breeders' associations or organisations (approval criteria, coordination of approvals), herd books (criteria for their creation, conditions for the entry of animals) and admission for reproduction (methods of testing performance and assessing of genetic value). Compliance with the standard is controlled by certification or by issuing an animal passport.

Zootechnical legislation is organised on the basis of the main stockbreeding sectors: bovines, pigs, sheep and goats, and equidae. It also consists of a "*balai*" or "catch-all" provision covering, for example, cats, dogs, pigeons, etc.

In order to promote horse breeding and ensure the free movement of competition horses, it has been necessary to lay down rules on trade in such animals and on their participation in competitions (racing).

General rules on imports from non-member countries are due to be adopted in the near future (1 July 1995).

The "*acquis communautaire*" must be applied to make it possible for the obstacles to trade in breeding stock and pure-bred animals to disappear. When a breeder acquires a breeding animal, for example, he must be certain that he can draw the expected benefit from the animal. In particular, he must be able to enter its lineage in the herd book for its breed.

As in other areas, the Union has opted for a high Community zootechnical standard. On the whole, this has not created any major problems. Occasionally, application of the legislation raises problems of coordination between the various breeders' organisations or associations. It is planned to examine this question in greater detail.

As regards horse racing, there continue to be difficulties in relation to opening races up completely to horses within the Union and the proportion of betting receipts to be paid to the body organising the race for the purposes of protecting, promoting and improving breeding.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

The Community system requires there to be effective breeders' organisations capable of maintaining herd books for the various breeds of animals. These organisations must operate under the control of the public authorities.

Community legislation provides that official departments may take the place of breeders' organisations. In that case, the departments must have the necessary human, technical and financial resources.

KEY MEASURES

The measures identified as being "key" to the approximation process are those which set out the basic policies and the instruments required to implement them. The other measures lay down the more detailed implementing rules which in this context must be seen as subordinate requirements.

• CHOICE OF STAGE I MEASURES

DESCRIPTION & JUSTIFICATION :

All the key measures identified must be implemented in order to provide a coherent control policy. This inter-dependence requires that they are all implemented during stage I.

STAGE I MEASURES

Bovine animals

Council Directive 77/504/EEC (OJ No L 206, 12.8.1977, p. 8), as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 77/504/EEC of 25 July 1977 on pure-bred breeding animals of the bovine species
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Swine

Council Directive 89/661/EEC (OJ No L 382, 31.12.1988, p. 36) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 89/661/EEC of 30 May 1989 on the zootechnical standards applicable to breeding animals of the porcine species
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Sheep and goats

Council Directive 89/361/EEC (OJ No L 153, 6.6.1989, p. 30)	Council Directive 89/361/EEC, of 30 May 1989 concerning pure-bred breeding sheep and goats
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Equines

Council Directive 90/427/EEC (OJ No L 224, 18.8.1990, p. 55).	Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae
Council Directive 90/428/EEC (OJ No L 224, 18.8.1990, p. 60).	Council Directive 90/428/EEC of 26 June 1990 on trade in equidae intended for competitions and laying down the conditions for participation therein

Pure-bred animals

Council Directive 91/174/EEC (OJ No L 85, 5.4.1991, p. 37)	Council Directive 91/174/EEC, of 25 March 1991 laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives 77/504/EEC and 90/425/EEC
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Importation from third countries

Council Directive 94/28/EC (OJ No L 178, 12.7.1994, p. 66).	Council Directive 94/28/EC of 23 June 1994 laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos, and amending Directive 77/504/EEC on pure-bred breeding animals of the bovine species
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9. ANIMAL WELFARE

DESCRIPTION OF THE LEGISLATION

The Union has always striven to ensure the welfare of animals, in particular within the framework of the common agricultural policy. Declaration No 24 resulting from the Maastricht conference stresses the need to take full account of animal welfare requirements.

Action has been taken in this area not only in the Union but also in the Council of Europe. It covers the protection of animals during rearing, transport and slaughter.

The Union is a party to the European Convention for the Protection of Animals kept for Farming Purposes. The Union has adopted rules on battery hens, calves and pigs. General rules on transport have been adopted. Finally, the Union has approved the European Convention for the Protection of Animals for Slaughter and has its own internal rules in this area.

The protection of animals, which is an integral part of the common agricultural policy, helps guarantee free trade and prevent distortions in competition. Community legislation on the protection of animals during transport is of particular importance in the completion of the internal market. Under Article 36 of the Treaty, free trade in the Union can be ensured only by harmonising legislation on the protection of animals during transport.

Laying down rules on the protection of animals is a particularly sensitive issue. They affect the interests of producers but also more general interests (public opinion and consumer expectations, and philosophical viewpoints and even religious beliefs in the case of ritual slaughter).

As a result, a wide variety of difficulties have arisen, such as:

- in the case of laying hens, the cage size adopted is unsatisfactory for some producers as a result of their cost, whereas some animal protection societies would like to see battery rearing banned;
- in the case of calves, crates are a contentious issue;
- the adoption of more detailed rules on transport is difficult. In particular, there is intense debate as to whether the duration of the transport of animals for slaughter should be restricted or not.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Firstly, stockbreeding structures must comply with the Community standards. The necessary investments must be made. The same applies to the means of transport.

Secondly, adequate inspection arrangements are also required to ensure full compliance with the legislation by operators.

KEY MEASURES

The measures identified as being key to the approximation process are those which set out the basic policies and the instruments required to implement them. The other measures lay down the more detailed implementing rules which in this context must be seen as subordinate requirements.

- **CHOICE OF STAGE I - MEASURES**

DESCRIPTION & JUSTIFICATION

All the key measures must be implemented in order to provide a coherent control policy. This inter-dependence requires that they are all implemented during stage I.

STAGE I - MEASURES

Transport

Council Directive 91/628/EEC (OJ No L 340, 11.12.1991, p. 17) as amended by the Act of accession of Austria, Finland and Sweden	Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC
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Slaughtering

Council Decision 88/306/EEC (OJ No L 137, 2.6.1988, p. 25) and Council Directive 93/119/CE (OJ No L 340, 31.12.1993, p. 21)	Council Decision 88/306/EEC of 16 May 1988 on the conclusion of the European Convention for the Protection of Animals for Slaughter Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing
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Rearing

Council Decision 78/923/EEC (OJ No L 323, 17.11.1978, p. 12)	Council Decision 78/923/EEC of 19 June 1978 concerning the conclusion of the European Convention for the protection of animals kept for farming purposes
Council Directive 88/166/EEC (OJ No L 74, 19.3.1988, p. 83)	Council Directive 88/166/EEC of 7 March 1988 complying with the judgment of the Court of Justice in Case 131/86 (annulment of Council Directive 86/113/EEC of 25 March 1986 laying down minimum standards for the protection of laying hens kept in battery cages)
Council Directive 91/629/EEC (OJ No L 340, 11.12.1991, p. 28)	Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves
Council Directive 91/630/EEC (OJ No L 340, 11.12.1991, p. 33)	Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs

B. PLANT HEALTH AND ANIMAL NUTRITION

I. SEEDS AND PROPAGATING MATERIAL

DESCRIPTION OF THE LEGISLATION

The Community's legislation lays down harmonised quality standards for seeds and propagating material so as to provide for the free movement of such material within the Union. Legislative approximation presupposes the existence of similar national regulatory systems to those now existing in the Member States, including seed certification or controlling authorities and provisions for official examination of the seed. The latter may be carried out by a public or, in some cases private, body under the responsibility of the state. Many if not all of the associated countries already have such or similar systems in the context of the OECD regulations on the movement of seed in international trade, which are consistent with the Community regime.

In the case of the legislation concerning the Common Catalogues of varieties of agricultural and vegetable species, the establishment of national catalogues in the associated countries would be a prerequisite to inclusion of their varieties in the Common Catalogues. It is thought that most of them already have such catalogues. With regard to the three latest directives concerning the marketing of ornamental, fruit and young vegetable plants, a system of accreditation of suppliers by the national authorities would have to be established.

The larger part of this sector has been harmonised in the Member States for over 20 years and works well in conjunction with the Standing Committee on Seeds and Propagating Material which meets regularly. Considerable knowledge of the systems and conditions obtained in the associated countries has been gained in the context of the granting of equivalence to third countries (i.e. permission to import seeds equivalent to Community seeds) under the Community legislation. Thus, most of the preconditions for implementation of the basic harmonising directives are probably met. (A re-appraisal of these conditions is, however, in the light of the changed situation in those countries, under continuing evaluation.).

Experience of implementation of the three latest directives relating to propagating material of ornamental fruit and young vegetable plants has shown that Member States need probably at least three years to bring their national systems into line with the new Community regime. These three directives, unlike the earlier seed legislation, provide for a system of self-regulation and accreditation of suppliers by the national authorities which is a new concept to the Member States, in this area, and no doubt will be also to the associated countries.

Seven basic harmonizing directives adopted in the 1960's lay down the conditions under which seeds of beet, fodder plant, cereal, potatoes, oil and fibre plants and vegetable may be marketed within the Community and the conditions for inclusion in the Common Catalogue of varieties of agricultural plant species. These directives are currently in the process of being codified.

Similar directives exist in the areas of forestry and vine reproductive material and this legislation, which dates from the same period and is largely outdated, is in the course of revision.

Three directives relating to the marketing of propagating material of ornamental plants, fruit plants and young vegetables, adopted in 1991/2, complete the régime. All this legislation is concerned primarily with quality standards but, certain provisions are aimed at ensuring coherence with related legislation, particularly in the plant health area.

The various Council Directives on the marketing of seeds and propagating material¹ establish the conditions and standards to be complied with by products marketed within the Community.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Several official controls, to be carried out by national control entities, are provided for :

- seed/propagating material crop inspections
- sampling
- laboratory tests
- issuing of documents and labelling
- post-control plot tests

¹ 66/400/EEC (beet), 66/401/EEC (fodder plants), 66/402/EEC (cereals), 66/403/EEC (potatoes), 66/404/EEC (forestry - genetic requirements), 68/198/EEC (vine), 69/208/EEC (fibre and oil plants), 70/457/EEC (catalogue of agricultural varieties), 70/458/EEC (vegetable seeds), 71/161/EEC (forestry, external quality), 91/682/EEC (ornamental), 92/33/EEC (vegetables other than seed) and 92/34/EEC (fruit plants)

KEY MEASURES

The measures identified as "key" are those which set out the basic policies and technical requirements together with the various implementing measures which complement them. These would ensure that equivalent standards of seed certification, official examination of seed and variety admission are in place.

- **CHOICE OF STAGE I MEASURES**

DESCRIPTION & JUSTIFICATION :

The 12 basic directives should be introduced during Stage I so as to establish the necessary framework for controls in this sector.

STAGE I MEASURES

Council Directive 66/400/EEC (OJ No 125 of 11.07.1966, p. 2290/66) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 66/400/EEC on the marketing of beet seed
Council Directive 66/401/EEC (OJ No 125 of 11.07.1966, p. 2298/66) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 66/401/EEC on the marketing of fodder plant seed
Council Directive 66/402/EEC (OJ No 125 of 11.07.1966, p. 2309/66) as last amended by Commission Directive 95/.../EC (Not yet published)	Council Directive 66/402/EEC on the marketing of cereal seed
Council Directive 66/403/EEC (OJ No 125 of 11.07.1966, p. 2320/66) as last amended by Commission Decision 95/.../EC (Not yet published)	Council Directive 66/403/EEC on the marketing of seed potatoes
Council Directive 69/208/EEC (OJ No L 169 of 10.07.1969, p. 3) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 69/208/EEC on the marketing of seed of oil and fibre plants
Council Directive 70/457/EEC (OJ No L 225 of 12.10.1970, p. 1) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 70/457/EEC on the common catalogue of varieties of agricultural plant species

Council Directive 70/458/EEC (OJ No L 225, 12.10.1970, p. 7) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 70/458/EEC on the marketing of vegetable seed
Council Directive 66/401/EEC (OJ No L 125, 11.07.1966, p. 2326/66) and Council Directive 71/161/EEC (OJ No L 87, 17.04.1971, p. 14) both as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 66/401/EEC on the marketing of forestry reproductive material and Council Directive 71/161/EEC on the external quality standards of forestry reproductive material marketed in the Community
Council Directive 68/193/EEC (OJ No L 93, 17.04.1968, p. 15) as last amended by the Act of accession of Austria, Finland and Sweden	Council Directive 68/193/EEC on the marketing of vine reproductive material
Council Directive 91/682/EEC (OJ No L 376, 31.12.1991, p. 2) as last amended by Commission Decision 95/24/EC (OJ L36 - 16.2.95, p.32)	Council Directive 91/682/EEC on the marketing of ornamental plant propagating material and ornamental plants
Council Directive 92/33/EEC (OJ No L 157, 10.06.1992, p. 1) as last amended by Commission Decision 95/25/EC (OJ L36 - 16.12.1995, p. 34)	Council Directive 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed
Council Directive 92/34/EEC (OJ No L 157, 10.06.1992, p. 10) as last amended by Commission Decision 95/26/EC (OJ L36 - 16.2.1995, p. 36)	Council Directive 92/34/EEC on the marketing of fruit plant propagating material and fruit plants intended for fruit production

- ***CHOICE OF STAGE II MEASURES***

DESCRIPTION & JUSTIFICATION :

Once the Stage I measures have been implemented, then the various implementing measures which complement the basic legislation will have to be adopted. These measures relate to such things as labelling, sealing systems, the adoption of more stringent requirements for certain products etc. and together provide a comprehensive system of control.

STAGE II MEASURES

Commission Directive 75/502/EEC (OJ No L 228, 29.08.1975, p. 23)	Commission Directive 75/502/EEC of 25 July 1975 limiting the marketing of seed of smooth-talk meadowgrass (<i>Poa pratensis</i> L.) to seed which has been officially certified 'basic seed' or 'certified seed'
Commission Decision 80/755/EEC (OJ No L 207, 09.08.1980, p. 37), as amended by Commission Decision 81/109/EEC of 10 February 1981 (OJ No L 64, 11.03.1981, p. 13)	Commission Decision 80/755/EEC of 17 July 1980 authorizing the indelible printing of prescribed information on packages of cereal seed
Commission Decision 81/675/EEC (OJ No L 246, 29.08.1981, p. 26), as amended by Commission Decision 86/563/EEC of 12 November 1986 (OJ No L 327, 22.12.1986, p. 50)	Commission Decision 81/675/EEC of 28 July 1981 establishing that particular sealing systems are 'non-reusable' within the meaning of Council Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 69/208/EEC and 70/458/EEC
Commission Directive 86/109/EEC (OJ No L 93, 08.04.1986, p. 21), as amended by Commission Directive 89/424/EEC of 30 June 1989 (OJ No L 196, 12.07.1989, p. 50)	Commission Directive 86/109/EEC of 27 February 1986 limiting the marketing of seed of certain species of fodder plants and oil and fibre plants to seed which has been officially certified as 'basic seed' or 'certified seed'
Commission Directive 91/376/EEC (OJ No L 203, 26.07.1991, p. 108)	Commission Directive 91/376/EEC of 25 June 1991
Commission Decision 87/309/EEC (OJ No L 155, 16.06.1987, p. 26), as amended by Commission Decision 88/493/EEC of 8 September 1988 (OJ No L 261, 21.09.1988, p. 27)	Commission Decision 87/309/EEC of 2 June 1987 authorizing the indelible printing of prescribed information on packages of seed of certain fodder plant species
Commission Directive 89/14/EEC (OJ No L 8, 11.01.1989, p. 9)	Commission Directive 89/14/EEC of 15 December 1988 determining the groups of varieties of spinach beet and beetroot referred to crop isolation conditions of Annex I to Council Directive 70/458/EEC on the marketing of vegetable seed
Commission Decision 89/374/EEC (OJ No L 166, 16.06.1989, p. 66)	Commission Decision 89/374/EEC of 2 June 1989 on the organization of a temporary experiment under Council Directive 66/402/EEC on the marketing of cereal seed, in order to establish the conditions to be satisfied by the crop and the seed of hybrids of rye
Commission Decision 89/540/EEC (OJ No L 286, 04.10.1989, p. 24)	Commission Decision 89/540/EEC of 22 September 1989 on the organization of a temporary experiment on the marketing of seeds and propagating material

Commission Decision 90/639/EEC (OJ No L 348, 12.12.1990, p. 1)	Commission Decision 90/639/EEC of 12 November 1990 determining the names to be borne by the varieties derived from the varieties of vegetable species listed in Decision 89/7/EEC
Commission Directive 93/17/EEC (OJ No L 106, 30.04.1993, p. 7)	Commission Directive 93/17/EEC of 30 March 1993 determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades
Commission Decision 92/231/EEC (OJ No L 106, 30.04.1993, p. 11) as last amended by Commission Decision 95/76/EC (OJ L60 , 18.3.1995, p. 1)	Commission Decision 92/231/EEC of 30 March 1993 authorizing, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 66/403/EEC
Commission Decision 93/213/EEC (OJ No L 91, 15.04.1993, p. 27)	Commission Decision 93/213/EEC of 18 March 1993 on the organization of a temporary experiment with regard to the maximum content of inert matter in soya bean seed
Commission Decision 94/650/EC (OJ No L 252, 28.09.1994, p. 15)	Commission Decision 94/650/EC on the organization of a temporary experiment on the marketing of seed in bulk to the final consumer
Commission Directive 93/48/EEC (OJ No L 250, 07.10.1993, p. 1)	Commission Directive 93/48/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by fruit plant propagating material and fruit plants intended for fruit production, pursuant to Council Directive 92/34/EEC
Commission Directive 93/49/EEC (OJ No L 250, 07.10.1993, p. 9)	Commission Directive 93/49/EEC of 23 June 1993 setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants pursuant to Council Directive 91/682/EEC
Commission Directive 93/61/EEC (OJ No L 250, 07.10.1993, p. 19)	Commission Directive 93/61/EEC of 2 July 1993 setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Council Directive 92/33/EEC
Commission Directive 93/62/EEC (OJ No L 250, 07.10.1993, p. 29)	Commission Directive 93/62/EEC of 5 July 1993 setting out the implementing measures concerning the supervision and monitoring of suppliers and establishments pursuant to Council Directive 92/33/EEC on the marketing of vegetable propagating and planting material, other than seed
Commission Directive 93/63/EEC (OJ No L 250, 07.10.1993, p. 31)	Commission Directive 93/63/EEC of 5 July 1993 setting out the implementing measures concerning the supervision and monitoring of suppliers and establishments pursuant to Council Directive 91/682/EEC on the marketing of ornamental plant propagating material and ornamental plants
Commission Directive 93/64/EEC (OJ No L 250, 07.10.1993, p. 33)	Commission Directive 93/64/EEC of 5 July 1993 setting out the implementing measures concerning the supervision and monitoring of suppliers and establishments pursuant to Council Directive 92/34/EEC on the marketing of fruit plant propagating material and fruit plants intended for fruit production

<p>Commission Directive 93/78/EEC (OJ No L 256, 14.10.1993, p. 19)</p>	<p>Commission Directive 93/78/EEC of 21 September 1993 setting out additional implementing provisions for lists of varieties of ornamental plant propagating material and ornamental plants, as kept by suppliers under Council Directive 91.682/EEC</p>
<p>Commission Directive 93/79/EEC (OJ No L 256, 14.10.1993, p. 25)</p>	<p>Commission Directive 93/79/EEC of 21 September 1993 setting out additional implementing provisions for lists of varieties of fruit plant propagating material and fruit plants, as kept by suppliers under Council Directive 92/34/EEC</p>

2. PLANTS OR PLANT PRODUCTS

DESCRIPTION OF THE LEGISLATION

The EU plant health regime incorporates new concepts for control adopted in line with the internal market concept including registration of producers and importers, issuing of "plant passports" for intra-EU movements of specified plants or plant products, and the recognition of specific "protected zones" (pest free zones) with associated additional plant health controls for plants to be moved into and within such a zone.

The key Directive, adopted in 1976, lays down protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. These measures safeguard plant health whilst facilitating the free movement of plants or plant products through a minimum system of prohibitions, restrictions and other formalities.

These measures were amended in 1991 to bring them into line with the Internal Market concept.

This Directive is currently in the process of being codified.

There are also three directives concerning specific harmful organisms which are present in the Community but for which additional controls to prevent their spread and/or ensure their eradication have been laid down.

The current EU plant health regime, adapted to the EU Internal Market, shows significant modifications compared to the previous regime. Experience with the implementation of this new regime has indicated that some Member States needed up to 1 year to bring their national plant health system into line with the Community plant health regime.

The main difficulties encountered were:

- registration of producers, especially the registration of very small scale forestry producers;
- the implementation of the procedures for the issuing of plant passports, particularly those related for the issuing of the replacement passport;
- the setting up of technical controls at the points of entry into the Community and the training of personnel dealing with the Europhyt network for the notification of any occurrence of harmful organisms;

- the difficulties to harmonize between the Member States' minimum equipment to carry out plant health checks on plants, plant products and other objects coming from third countries;
- the request made by the Member States to harmonize the fees arrangements for producers' registration and issuance of plant passports.

Experience in the EU and contacts with the associated countries have highlighted the following potential problems :

- import permit systems still operate for some CEECs for imports based on a case-by-case import request. These represent a potential trade barrier which is not transparent.
- existing legislation does not provide for the recognition of pest free zones with respect to imports of plants or plant products.
- the listing and recognition of harmful organisms of plant health (quarantine) significance is aligned to the quarantine pest list of the European and Mediterranean Plant Protection Organization (EPPO) (a non-legislative body). This differs by a number of organisms to the EU list.
- the procedures to set up a new regulation on plant health seem to be very long;
- the structure of the services have to be improved (specialized laboratories in plant health, equipment at the points of entry to carry out plant health checks on plants, plant products and other objects coming from third countries);

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

In order for this legislation to be properly implemented, a national regulatory system for phytosanitary matters must exist which is operated either directly by official authorities or delegated from those bodies.

The EU plant health regime incorporates new concepts for control adopted in line with the internal market concept including registration of producers and importers, issuing of "plant passports" for intra-EU movements of specified plants or plant products, and the recognition of specific "protected zones" (pest-free zones) with associated additional plant health controls for plants to be moved into and within such a zone. The regulatory body referred above would be responsible for these matters.

KEY MEASURES

Both the basic framework legislation and the implementing directives are essential to the existence of a coherent control policy for this sector.

- **CHOICE OF STAGE I MEASURES**

DESCRIPTION & JUSTIFICATION :

The four framework Council directives should be implemented during Stage I since these establish the basic protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

STAGE I MEASURES

Council Directive 77/93/EEC (OJ No L 26, 31.01.1977, pp. 20-54) as last amended by Commission Directive 95/4/EC (OJ L44 - 28.2.95, p. 56)	Council Directive 77/93/EEC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community
Council Directive 93/85/EEC (OJ No L 259, 18.10.1993, pp. 1-25)	Council Directive 93/85/EEC on the control of potato ring rot
Council Directive 69/464/EEC (OJ No L 323, 24.12.1969, pp. 561- 562)	Council Directive 69/464/EEC on the control of Potato Wart Disease
Council Directive 69/465/EEC (OJ No L 323, 24.12.1969, pp. 563- 564)	Council Directive 69/465/EEC on the control of Potato Cyst Eelworm

CHOICE OF STAGE II MEASURES

DESCRIPTION & JUSTIFICATION :

Once the framework legislation is in place it would become necessary to approximate the detailed implementing legislation including rules for recognising protected zones and the movement of plants and plant products within such zones, the standardisation of plant passports and conditions under which they may be issued and notification procedures for harmful products or organisms. Once completed a comprehensive control policy will be in place.

STAGE II MEASURES

Council Directive 92/70/EEC	Council Directive 92/70/EEC of 30 July 1992 laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in the Community
Commission Directive 92/76/EEC	Commission Directive 92/76/EEC of 6 October 1992 recognizing protected zones exposed to plant health risks in the Community
Commission Directive 92/90/EEC	Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and imports of plants, plant products or other objects are subject and establishing details for their registration
Commission Directive 92/105/EEC	Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement
Commission Directive 93/50/EEC	Commission Directive 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register

Commission Directive 93/51/EEC	Commission Directive 93/51/EEC of 24 June 1993 establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone
Commission Directive 93/106/EC	Commission Directive 93/106/EC of 29 November 1993 amending Directive 92/76/EEC recognizing protected zones exposed to particular plant health risks in the Community
Commission Directive 94/3/EC	Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger

3. ANIMAL NUTRITION

DESCRIPTION OF THE LEGISLATION

Community legislation in the area of "animal nutrition" covers additives, compound animal feedingstuffs, dietetic feedingstuffs, straight feedingstuffs, undesirable substances and products, certain products (proteins obtained from micro-organisms etc.), micro-organisms and enzymes as well as methods of analysis and sampling. All this legislation is concerned primarily with conditions for use and commercialisation of feedingstuffs in order to guarantee a high standard of animal and human health. In summary, this body of legislation has reached a high degree of harmonization which provides for extensive delegation of management powers to the Commission.

Further measures to refine and update it in response to technical and commercial trends are under examination in the Council or in preparation, in particular concerning the circulation of feed raw materials as well as specific feed materials, the organisation of inspections in the field of animal nutrition², the approval of certain establishments in this sector³ and the introduction of a brand-linked approval for certain additives⁴.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Legislative harmonization presupposes the existence of similar regulatory systems to those now existing in the Member States as well as a corresponding administrative structure.

Experience of implementation of the said basic rules has shown that Member States need probably at least three to four years to bring their national systems into line with the new Community regime as a number of substances were allowed by national law but forbidden by Community Law.

² OJ C313, 19.11.93, p. 10.

³ OJ C348, 28.12.93, p. 13.

⁴ OJ C218, 12.08.93, p. 6.

Furthermore, the cited adaptation period is justified by the importance of the administrative and scientific measures to be taken. As the legislation pertaining to animal nutrition lays down, in a quite detailed way, the conditions for approval, the use and marketing of a great number of substances or products as well as for the methods of analysis to be followed in case of inspections, the whole system can only be operative if an adequate scientific infrastructure exists including well equipped laboratories and a qualified and well trained staff, in order to evaluate products liable to approval, to execute the analyses required by Community legislation and to evaluate the possible risks of new technologies used in animal nutrition.

In order to attain the high level of normalisation of products in the Union, two pre-conditions should be met :

- scientific infrastructure requiring human resources to participate in the risk evaluation relating to the approval of new technologies; and,
- inspections of feedingstuffs presupposing the existence of inspection services and of official laboratories in order to check compliance with Community legislation.

KEY MEASURES

The key measures are those which set out in a consistent way the basic policies and the administrative and technical requirements, together with the important implementing measures which implement them.

- ***CHOICE OF STAGE I MEASURES***

DESCRIPTION & JUSTIFICATION :

These are the 17 basic directives which lay down the legislative framework for the animal nutrition sector.

STAGE I MEASURES

<p>Council Directive 70/373/EEC (OJ No L 170, 3.8.70, p. 2) as last amended by Council Regulation 3768/85 (OJ L362 - 31.12.1985, p. 8) and completed by eleven Commission Directives concerning methods of analysis for various substances, the last one adopted being Commission Directive 93/117/CE (OJ No L. 329, 31.12.93, p. 54)</p>	<p>Council Directive 70/373/EEC of 20.07.1970 on the introduction of Community methods of sampling and analysis for the official control of feedingstuffs</p>
<p>Council Directive 70/524/EEC (OJ L 270, 14.12.70, p. 1) as last amended by Council Directive 94/50/EC (OJ L297, 18.11.94, p. 27)</p>	<p>Council Directive 70/524/EEC of 23.11.1973 on the additives in animal nutrition</p>
<p>Council Directive 74/63/EEC (OJ L 38, 11.2.74, p. 31) as last amended by Council Directive 94/16/EC (OJ L104 - 23.4.94, p. 32)</p>	<p>Council Directive 74/63/EEC of 17.12.1973 on the establishing of of maximum permitted levels for undesirable substances and products in feedingstuffs</p>
<p>Council Directive 77/101/EEC (OJ No L 32, 3.2.77, p. 1) as last amended by Council Directive 90/654/EEC (OJ L353 - 17.12.90, p.48)</p>	<p>Council Directive 77/101/EEC of 23.11.1976 on the marketing of straight feedingstuffs</p>
<p>Council Directive 79/373/EEC (OJ No L 86, 6.4.79, p. 30) as last amended by Council Directive 93/74/EC (OJ L237 - 22.09.93, p.23)</p>	<p>Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs</p>
<p>Council Directive 82/471/EEC (OJ L 213, 21.7.82, p. 8) as last amended by Council Directive 93/74/EC (OJ L237, 22.09.93, p.23)</p>	<p>Council Directive 82/471/EEC of 30 June 1982 on certain products used in animal nutrition</p>
<p>Council Directive 93/74/EEC (OJ L 237, 22.9.93, p. 23)</p>	<p>Council Directive 93/74/EEC of 13.09.1993 on feedingstuffs intended for particular nutritional purposes</p>

CHOICE OF STAGE II MEASURES

DESCRIPTION & JUSTIFICATION :

Once the associated countries have approximated their legislation by implementing the principles of the basic directives set out in "Stage 1 measures", they will then have to adopt the various implementing measures which complement the basic legislation. These measures relate to labelling of compound feedingstuffs, guidelines for certain products, method of calculation for the energy value etc.

STAGE II MEASURES

Commission Directive 80/511/EEC (OJ No L 126, 21.5.80, p. 14) as amended by Agreement 94/103(51)/EC OJ L1 - 03.01.94, p. 220)	Commission Directive 80/511/EEC of 2 May 1980 on the marketing of compound feedingstuffs in unsealed packages or containers
Commission Directive 82/475/EEC (OJ No L 213, 21.07.82, p. 27) as last amended by Council Directive 91/334/EEC (OJ L184 - 10.07.91, p. 27)	Commission Directive 82/475/EEC of 23 June 1982 laying down the categories of ingredients which may be used for the purposes of labelling compound feedingstuffs for pet animals
Council Directive 83/228/EEC (OJ No L 126, 13.05.83, p. 23) as last amended by Agreement 94/103(51)/EC (OJ L1 - 03.01.94, p. 220)	Council Directive 83/228/EEC of 18 April 1983 on the fixing of guidelines for the assessment of certain products used in animal nutrition
Commission Decision 85/382/EEC (OJ No L 217, 14.08.85, p. 27) as last amended by Agreement 94/103(51)/EC (OJ L1, 3.1.94 p. 220)	Commission Decision 85/382/EEC of 10 July 1985 prohibiting the use in feedingstuffs of protein products obtained from Candida yeasts cultivated on n-alkanes
Commission Directive 86/174/EEC (OJ No L 130, 16.05.86, p. 53) as last amended by Agreement 94/103(51)/EC (OJ L1, 03.01.94, p. 220)	Commission Directive 86/174/EEC of 9 April 1986 fixing the method of calculation for the energy value of compound poultryfeed
Council Directive 87/153/EEC (OJ No L 064, 07.03.87, p. 19) as last amended by Council Directive 94/40/EC (OJ L208 - 11.08.1994, p. 15)	Council Directive 87/153/EEC of 16 February 1987 fixing guidelines for the assessment of additives in animal nutrition

<p>Commission Directive 91/357/EEC (OJ No L 193, 17.07.91, p. 34) as last amended by Agreement 94/103(51)/EC (OJ L1 - 03.01.94, p. 220)</p>	<p>Commission Directive 91/357/EEC of 13 June 1991 laying down the categories of ingredients which may be used for the purposes of labelling compound feedingstuffs for animals other than pet animals</p>
<p>Commision Decision 91/516/EEC (OJ No L 281, 09.10.91, p. 23) as last amended by Commission Decision 92/508/EC (OJ L 312 - 29.10.92 - p. 36)</p>	<p>Commission Decision 91/516/EEC of 9 September 1991 establishing a list of ingredients whose use is prohibited in compound feedingstuffs</p>
<p>Commission Directive 92/87/EEC (OJ No L 319, 04.11.92, p. 19)</p>	<p>Commission Directive 92/87/EEC of 26 October 1992 establishing a non-exclusive list of the main ingredients normally used and marketed for the preparation of compound feedingstuffs intended for animals other than pets</p>
<p>Council Directive 93/113/EC (OJ No L 334, 31.12.93, p. 17)</p>	<p>Council Directive 93/113/EC concerning the use and marketing of enzymes, micro-organisms and their preparations in animal nutrition</p>

4. PLANT PROTECTION PRODUCTS

DESCRIPTION OF THE LEGISLATION

All this legislation is concerned with the application of human and animal health and environmental standards at a high level as well as with the free circulation of plant protection products and goods treated with them.

Legislative approximation presupposes the existence within the Central and East European associated countries of similar national regulatory systems to those now existing in the Member States, including the authorization or registration of plant protection products and controls on the marketing and use of such products.

Two basic harmonizing directives cover the authorization of plant protection products (agricultural pesticides). The "Prohibition" Directive, dating from the late 1970's and modified 13 times, prohibits or restricts the placing on the market of plant protection products containing certain active substances.

The "Authorization" Directive, adopted in 1991, provides for evaluation and approval of active substances at the Community level: those new to the market since 25 July 1993 as well as existing active substances subject to re-evaluation under the multi-annual review programme are to be entered in a positive list. Member States, in exercise of common guidelines (the "Uniform Principles"), are responsible at the national level for the authorization of plant protection products formulated from these active substances.

Harmonization in the area of plant protection product authorization is a new and unfinished experience for the Member States. The greater experience with the prohibition of certain active substances has been in the context of less complex administrative procedures and the application of less complete scientific criteria.

No new active substance has yet gone through the system for inclusion in the positive list of such substances from which may be formulated plant protection products, subject to authorization by the Member States. The review programme for existing active substances has reached the stage where the data call-in for the first list of 90 compounds is nearly completed. The first part of the evaluation stage will then be undertaken in the period up to 30 April 1996. Following further evaluation stages, including possible further data call-in, the Community decision on positive listing, either unconditional or qualified, will be prepared and taken in the Standing Committee on Plant Health. If the evaluation indicates that the active substance should be prohibited, an appropriate proposal will be made to the Council.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Implementation of these measures requires the existence of, or recourse to, official national registration authorities with their own sufficient administrative and scientific resources and implies a certain degree of control of the implementation of the regulatory body's decisions.

Experience so far with implementation of the "Authorization" Directive has shown that Member States need more than two years to adapt their national structures to a state in which they are able to implement the new Community regime. In particular, it will be necessary to put in place an organization capable, both administratively and scientifically, of handling and examining large amounts of data and arriving at conclusions within deadlines (this is likely to involve the setting up of an office and the recruitment of highly qualified experts in the various aspects of pesticide registration work, their training and familiarization with the new system). It may be anticipated that the experience of the programme for the review of existing active substances will demonstrate that a longer period (three to five years) may be necessary.

KEY MEASURES

The key measures are the 2 basic directives setting out Community control requirements for this sector. The remaining legislation concerns the approval of specific products which are currently subject to review.

- ***CHOICE OF STAGE I MEASURES***

DESCRIPTION & JUSTIFICATION :

In terms of legislative approximation the two framework Directives must be considered essential for implementation in Stage I. These lay down the conditions to be met by specific products in order that they may be placed on the market as well as provisions for prohibiting unacceptable products on the basis of human health or environmental considerations. This will cause the associated countries to then introduce their own approved/prohibited product lists.

STAGE I MEASURES

Council Directive 91/414/EEC (OJ No L 230, 19.8.1991, p.1)	Council Directive 91/414/EEC concerning the placing of plant protection products on the market including on-going technical amendments of the annexes, and in particular, Directive 94/43/EC establishing Annex VI "Uniform Principles for evaluation and authorization of plant protection products" (OJ No L 227, 1.9.1994, p.31)
Council Directive 79/117/EEC (OJ No L 33, 8.2.1979, p.36) as amended by Directive 91/188/EEC (OJ No L 92, 13.4.1991, p.420)	Council Directive 79/117/EEC prohibiting the placing on the market and use of plant protection products containing certain active substances

- ***CHOICE OF STAGE II MEASURES :***

Once the legislation has been aligned by the implementation of the two basic directives set out in Stage I measures, it will be necessary to adapt the national decisions and systems to the Community decisions already taken. As the review of existing active substances is a rolling process, States will have to take the measures necessary to permit them to be integrated as full participants in it.

5. PESTICIDE RESIDUES

DESCRIPTION OF THE LEGISLATION

The measures establish maximum residue limits (MRLs) for pesticides in and on fruit, vegetables, cereals, foodstuffs of animal origin (meat and meat products, milk and milk products and eggs and egg products). They have two main functions namely protection of human health and the removal of barriers to trade.

Harmonised legislation dates back to 1976 with the adoption of the first fruit and vegetable directive (76/895). The aim of this directive was basically to ensure free trade, since the only obligation on Member States was not to establish lower MRLs (more strict) than provided for in the Directive. Progress with the development of this directive has been difficult as unanimity in the Council was required to adopt and amend the levels. Currently the directive provides for maximum levels for some 60 pesticides in a wide range of fruit and vegetables. These levels are being progressively transferred to a more recent Directive (90/642) which provides for mandatory MRLs.

Two further Directives were adopted in 1986 (86/362 and 363) and provide for MRLs in cereals and foodstuffs of animal origin. The levels are mandatory and exist for approximately 60 pesticides.

Directive 90/642 provides for mandatory MRLs in fruit and vegetables and a wide range of other products of plant origin, such as, oil seeds, potatoes, tea, pulses etc. It will progressively replace the 1976 Directive as its levels are gradually transferred. The Directive also provides for a coordinate system of monitoring and reporting of monitoring results generated by Member States.

With a framework of Directives to cover all major components in the diet, work is in progress to enlarge the number of pesticides covered by harmonised provisions. By the end of 1995 it is expected that measures will exist for approximately 200 of the most important pesticides used in agriculture. In addition to updating existing and enlarging the scope of pesticides covered, it is envisaged that greater emphasis will be given to enforcement of the harmonized levels.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Application of these directives requires a well developed system for authorizing plant protection products. Experience with certain existing Member States suggest that could represent a problem for the associated countries. This would arise from a lack of sufficiently qualified experienced personnel; the necessary monitoring and control for pesticide residues are also essential and require separate staffing as well as equipped laboratories. These facilities are expensive to establish and subsequently maintain.

In what concerns an adequate infrastructure and qualified experienced personnel, experience from the unification of Germany would suggest that the infrastructure and equipment will be lacking and that personnel will need to be further retrained to handle current technologies.

Working on the assumption that necessary infrastructure exists, it would be necessary for the associated countries to examine the acceptability of existing Community MRLs for their agricultural practices and propose changes as appropriate. This exercise would need to be carried out before accession in order to ensure access for treated produce to the existing MS markets.

KEY MEASURES

The key measures are the 4 basic Council directives which provide the framework for setting harmonised maximum residue levels for pesticides.

• CHOICE OF STAGE I MEASURES

DESCRIPTION & JUSTIFICATION :

The 4 framework directives are fundamental to the provision of adequate controls to safeguard human health and must therefore be introduced in the first stage of the approximation process.

STAGE I MEASURES

Council Directive 76/895/EEC - OJ L340, 9.12.76 as last amended by Council Directive 93/58/EEC OJ L211, 23.8.93	Relating to the fixing of maximum levels for pesticide residues in/on fruit and vegetables.
Council Directive 86/362/EEC - OJ L721, 7.8.86 as last amended by Council Directive 94/29/EC OJ L189, 23.7.94	On the fixing of maximum levels for pesticide residues in and on cereals.
Council Directive 86/363/EEC - OJ L221, 7.8.86 as last amended by Council Directive 94/29/EC, OJ L189, 23.7.94	On the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin.
Council Directive 90/642/EEC - OJ L350, 14.12.90 as last amended by Council Directive 94/30/EC, OJ L189, 23.7.94, p.70	On the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables.

6. COMMUNITY PLANT VARIETY RIGHTS

DESCRIPTION OF THE LEGISLATION

One basic regulation adopted on 27 July 1994 provides for a Community system of intellectual property protection for new plant varieties of the entire botanic kingdom.

This system has been established in accordance with the International Convention for the Protection of New Varieties of Plants (UPOV), as revised on 19 March 1991.

It lays down the conditions for the grant of Community plant variety rights, and the effects thereof. By contrast to any national system, it provides for a direct and uniform protection throughout the territory of the European Union.

The Community system is operated by a Community Plant Variety Office, an autonomous body of the European Union. This Office is controlled by an Administrative Council which is composed of representatives of all Member States and of the Commission.

Judicial protection is ensured by boards of appeal set up in the Office and by actions to the Court of Justice of the European Communities against the decisions of the boards of appeal.

The alignment could be made in the form of an agreement with the Community to participate in the Community system, and subsequent ratification of such agreement. This presupposes the existence of plant breeding structures, the achievements of which could be used both in the country concerned as well as in the Community. Some of the countries have already a national plant variety protection system and are members of UPOV. They hence have experience in operating legislation, which in its substantive parts, is basically consistent with the Community regime.

There are however two prerequisites:

- the acceptance, by the farming community, of certain conditions to which the exercise of the "farmers' privilege" in respect of Community protected varieties, is subjected; and,
- the availability of a national legal framework and structures which are suitable to assist breeders in the monitoring of the use of their varieties, and to provide for efficient judicial protection in the case of infringements of the rights.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

The Community system as a new model alongside existing national systems has been established recently. It will become operational on 27 April 1995. There is consequently no experience yet on the implementation of the system or on any alignment with it.

As the Community regime will be entirely managed by the Community plant variety office in the future, any necessary infrastructure is linked to this Community entity and not to the national authorities in the Member States. National authorities will however be required to exchange information with the Community plant variety office. Such information embraces general issues of plant variety rights and the transmission of applications for a Community plant variety right. In the first case, electronic exchange of data might be useful, in the second case, national authorities will be used as a "mailbox" for applications to the Community Plant Variety Office.

The associated countries will, on the other hand, need to set up an administrative structure independent but compatible to the system described in section 1.

KEY MEASURES

There is only a single framework regulation applying to this sector and it must therefore be considered as "key" legislation.

- ***CHOICE OF STAGE I MEASURES***

DESCRIPTION & JUSTIFICATION :

Associated countries wishing to participate in the Community system will need to implement the single framework Regulation in the initial stage. Subsequently, a mechanism to ensure a legally binding effect will have to be set up as well as the implementing measures which complement the basic legislation. These measures will relate to procedures, fees and the conditions for exercising the "farmer's privilege".

STAGE I MEASURES :

Council Regulation (EC) No 2100/94 (OJ No L 227, 1.09.1994, p. 1)	Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights
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7. ORGANIC FARMING

DESCRIPTION OF THE LEGISLATION

In accordance with current Community rules, Organic Farming is defined as a system of managing agricultural holdings that implies major restrictions on fertilizers and pesticides. This method of production is based on varied crop farming practices, is concerned with meeting consumers' requirements, protecting the environment and seeks to promote sustainable agricultural development.

It pursues a number of aims such as the production of quality agricultural products which contain no chemical residues, the development of environment-friendly production methods avoiding the use of artificial chemical pesticides and fertilizers, and the application of production techniques that restore and maintain soil fertility.

Inspections are carried out at all stages of production and marketing, with a compulsory control scheme, officially recognized and supervised by the Member States, involving regular checks on all operators.

Organic products are identified through specific labelling rules intended to provide the consumer with the best possible guarantee of origin, preparation, processing and packaging.

Organic Farming differs in a variety of ways from conventional farming. It is usually pointed out that Organic Farming may produce the following advantages in that it :

- does not pollute the soil and groundwater with pesticides;
- increases biological diversity among both plants and animals;
- maintains the soil structure and the balance of soil micro-organisms;
- reduces the leaching of minerals thanks to higher utilisation of organic matter;
- depends strongly on natural equilibrium to protect crops, using natural methods of defence instead of the regular application of pesticides;
- makes full use of natural, local and renewable resources;
- uses low-energy input and thus reduces farming's external dependence.

The basic legislative instrument on Organic Farming is Council Regulation (EEC) No 2092/91. This Regulation lays down the rules as to production methods, further processing, import requirements from third countries, the labelling of products as well as general requirements and control procedures for this type of agriculture. This Regulation solely refers to vegetable crops, at the present stage. It has been supplemented by other Council Decisions as well as further developed by a number of Commission Decisions, with the aim of establishing the rules for production, the possible alternatives for further processing and implementing the trade rules for imports from third countries. Before 1 July 1995, the Commission will present to the Council a proposal for an extension to animal production of organic farming legislation.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Legislative approximation presupposes the existence in the CEECs of a similar national legislative body to that in the EU as well as a controlling entity already operational, effective and under the supervision of the competent authorities. National legislation should cover the whole set of rules for production, especially that which concerns the conversion period from traditional methods to those of organic farming; the ways and means of soil fertilisation; the methods for eradication and protection against pests and diseases; and also for processing and labelling.

Control remains the responsibility of the Member State, and should be effected by officially recognized national authorities which are granted the surveillance function for organic farming. Such authorities may be either public or private and always reporting to the responsible relevant national authority. Furthermore, control should be effected in conformity with criteria and procedures oriented to the harmonisation of production methods.

It is worth highlighting that the move from conventional agricultural practices to those of organic farming requires a conversion period, at farm level, of 2 to 3 years. The development of organic farming should normally proceed in a gradual manner to allow for the proper training of farmers to be built up previously and for the adjustment needed of production methods at the farm level. Moreover, the setting-up of services responsible for the whole framework, control and advice on organic farming requires additional efforts in terms of organization and staff training.

KEY MEASURES

This is a relatively new area for Community legislation and both the framework Regulation and supporting implementing regulations are considered essential for establishing an approximated legislative structure.

- ***CHOICE OF STAGE I MEASURES***

DESCRIPTION & JUSTIFICATION :

The different Regulations on organic farming aim at completing and rounding up the scope of the basic Regulation (EEC) No 2092/91. The body of legislation underpinning organic farming constitutes an inseparable whole of 14 pieces of legislation. Associated countries wishing to benefit from the marketing advantages for organic produce should therefore implement the legislation in its entirety during stage I.

STAGE I MEASURES :

<p>Council Regulation (EEC) No 2092/91 (OJ No L 199 of 22 July 1991) as last amended by Council Regulation (EEC)1468/94 OJ L59 - 28.6.1994</p>	<p>Council Regulation (EEC) No 2092/91 of 24 June 1991 concerning organic production of agricultural products and indication referring thereto on agricultural products and foodstuffs.</p>
<p>Commission Regulation (EEC) No 94/92 (OJ No L 11 of 17 January 1992).</p>	<p>Commission Regulation (EEC) No 94/92 of 14 January 1992 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Regulation (EEC) No 2092/91.</p>
<p>Commission Regulation (EEC) No 1535/92 (OJ No L162 of 16 June 1992</p>	<p>Commission Regulation (EEC) No 1535/92 of 15 June 1992 amending Annexes I and III of Council Regulation (EEC) No 2092/91.</p>
<p>Commission Regulation (EEC) No 3457/92 (OJ No L 350 of 1 December 1992).</p>	<p>Commission Regulation (EEC) No 3457/92 of 30 November 1992 laying down detailed rules concerning the inspection certificate for imports from third countries into the Community provided for in Council Regulation (EEC) No 2092/91.</p>
<p>Commission Regulation (EEC) No 207/93 (OJ No L 25 of 2 February 1993).</p>	<p>Commission Regulation (EEC) No 207/93 of 29 January 1993 defining the content of annex VI to Regulation (EEC) No 2092/91 and laying down detailed rules for implementing the provisions of Article 5(4) thereto.</p>
<p>Commission Regulation (EEC) No 2608/93 (OJ No L239 of 24 September 1993.</p>	<p>Commission Regulation (EEC) No 2608/93 of 23 September 1993 amending Annexes I, II and III of Council Regulation (EEC) No 2092/91.</p>
<p>Commission Regulation (EC) No 468/94 (OJ No L59 of 3 March 1994).</p>	<p>Commission Regulation (EC) No 468/94 of 2 March 1994 amending Annex VI to Regulation (EEC) No 2092/91.</p>
<p>Commission Regulation (EC) No 2381/94 (OJ No L 255 of 1 October 1994)</p>	<p>Commission Regulation (EC) No 2381/94 of 30 September 1994 amending Annex II Part A to Council Regulation (EEC) No 2092/91.</p>
<p>Commission Regulation (EEC) No 529/95</p>	<p>Commission Regulation (EEC) No 529/95 of 10 March 1995 deferring for imports from certain third countries the date of application of Article 11(1) of Council Regulation (EEC) No 2092/91</p>

III. AGRICULTURAL MARKETS

I. BEEF AND VEAL, SHEEPMEAT AND GOATMEAT

DESCRIPTION OF THE LEGISLATION

Common Market Organisations in beef and veal, sheepmeat and goatmeat includes, as far as the Internal Market is concerned, measures defining compulsory classification⁵ standards for the marketing of carcasses.

The marketing of carcasses of ruminant animals within the Internal Market is allowed only after a classification has occurred. The classification gives to the buyer a clear picture of the conformation (profile) and fatclass (fatcover). The classification allows a speeding up of trade transactions in EU markets. As regards international trade, marketing is seldom done on carcasses and there are no similar international standards.

This EU harmonized classification is done by specialized classifiers in slaughterhouses and carcasses are stamped or labelled; there are limited derogations for small slaughterhouses. This measure aims at improving carcass quality. By this classification, slaughterhouses inform producers of their cattle grading results.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Effective implementation of the legislation requires qualified personnel to ensure the correct classification of carcasses. Arrangements also need to be in place to correctly stamp or label the carcasses and to accurately report market prices to a central body. Inspection arrangements, are also necessary to ensure that all these requirements are being properly implemented.

⁵ In the sheep sector, classification is voluntary at the moment, with the objective of being compulsory in the year 2000

KEY MEASURES

The key measures listed are those regulations which introduce the basic quality requirements for this sector. Detailed implementing legislation and other operational requirements for slaughterhouses are excluded.

- **CHOICE OF STAGE I MEASURES**

DESCRIPTION & JUSTIFICATION :

Stage I of the legislative approximation between the Union and the associated countries would be the complete adoption of all quality standards and controls. The system would not operate properly unless all the key measures are introduced in this way.

STAGE I MEASURES

<p>Council Regulation (EEC) n° 1208/81 (OJ n° L123, 07.05.81, p.3) as last amended by Council Regulation (EEC) 1026/91 (OJ L106, 26.04.91, p.2)</p>	<p>Council Regulation (EEC) n° 1208/81 of 28.4.81 determining the Community scale of the classification of carcasses of adult bovine animals.</p>
<p>Council Regulation (EEC) n° 1186/90 (OJ n° L119, 11.05.90, p.32) implemented by Council Regulation (EEC) 344/91 (OJ L41, 14.02.91, p.15)</p>	<p>Council Regulation (EEC) n° 1186/90 of 7.5.90 extending the scope of the Community scale for the classification of carcasses of adult bovine animals.</p>
<p>Council Regulation (EEC) n° 338/91 (OJ n° L041, 14.02.91, p.1) as last amended by Council Regulation (EC) 1278/94 (OJ L140, 3.6.94, p.5)</p>	<p>Council Regulation (EEC) n° 338/91 of 5.2.91 determining the Community standard quality of fresh or chilled sheep carcasses.</p>
<p>Council Regulation (EEC) n° 3013/89 (OJ n° L 289, 07.10.89, p.1) as last amended by Council Regulation (EC) 1886/94 (OJ L197, 30.07.94, p.30)</p>	<p>Council Regulation (EEC) n° 3013/89 of 25.09.89 on the common organization of the market in sheepmeat and goatmeat.</p>
<p>Council Regulation (EEC) n° 2137/92 (OJ n° L 214, 30.07.92, p.1) as amended by Council Regulation (EC) 1278/94 (OJ L140, 3.06.94, p.5)</p>	<p>Council Regulation (EEC) n° 2137/92 of 23.7.92 concerning the Community scale for the classification of carcasses of bovine animals and determining the Community standard quality of fresh or chilled sheep carcasses and extending Regulation 338/91.</p>

2. *FRUIT AND VEGETABLES*

DESCRIPTION OF THE LEGISLATION

Common Market Organisation in fruit and vegetables includes, as far as the Internal Market and imports/exports are concerned, measures defining compulsory quality standards. There is a specific regulation for each of the concerned products.

The marketing of fruit and vegetables (whether they are domestically produced or imported) is allowed only after quality controls have occurred; as a general rule, a control certificate has to accompany the merchandise. These quality standards deal mainly with technical characteristics, i.e. the presentation of fruit and vegetables, but do not cover phytosanitary aspects (see fiches on phytosanitary rules).

On an international basis, quality standards for fruit and vegetables are harmonized mainly in working parties of the "UN/ECE" (United Nations, Economic Commission for Europe); most of the EU regulations are in line with UN/ECE or OECD recommendations. The associated countries are observers on UN/ECE or OECD working parties and have made steps to adapt themselves to these recommendations, which means indirectly the setting up of national control bodies.

Some associated countries have already formally asked the European Commission for EU acknowledgement of the equivalence of their quality control services which would ease trade and border procedures, because quality controls on EU imports would be performed at their point of origin. However, due to the standstill in the elaboration of common standards, all acknowledgements of third countries' control services have been postponed. Indeed currently, no third country benefits from this possibility.

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

A body of controllers from the national authorities must ensure compliance of these quality standards, both for internal production and for imports and exports, either at the level of production or wholesale markets.

Since the structure of production should be improved to match the increasing concentration of the distributive chain, the EU strongly encourages the creation of correctly structured producer organisations, in order to group sources of supply and to improve their orientation towards the market. These organisations play a major role in the implementation of quality standards.

KEY MEASURES

All legal requirements for the operation of the Internal Market in this sector are considered as key measures because for each product there is a separate legal instrument specifying the quality standards to be applied.

• CHOICE OF STAGE I MEASURES

DESCRIPTION & JUSTIFICATION :

During stage I, the CEECs would need to ensure that there is a comprehensive approximation of quality standards and control systems to those of the EU. This would greatly open trading arrangements while final approximation arrangements are put in place.

STAGE I MEASURES

I. List of standardized fruit and vegetables including regulations and dates of publication

Council Regulation (EEC) 1035/72 (OJ n° 118, 20.05.72, p.1) as last amended by Council Regulation (EC) 3290/94 (OJ L349, 31.12.94, p. 105)	Council Regulation (EEC) n° 1035/72 of 18.05.72 on the common organization of the market in fruit and vegetables.
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FRUIT :

Commission Regulation (EEC) n° 899/87 (OJ n° L 088, 31.03.87, p.17) as last amended by Commission Regulation (EEC) 658/92 (OJ L70, 17.3.92, p.15)	Commission Regulation (EEC) n° 899/87 of 30.03.87 laying down quality standards for cherries and strawberries.
Commission Regulation (EEC) n° 1730/87 (OJ n° L 163, 23.06.87, p.25) as last amended by Commission Regulation (EEC) 1675/92. (OJ L176, 30.6.92, p.10)	Commission Regulation (EEC) n° 1730/87 of 22.06.87 laying down quality standards for table grapes
Commission Regulation (EEC) n° 920/89 (OJ L 097, 11.04.89,p.19) as last amended by Commission Regulation (EEC) 2611/93 (OJ L239, 24.09.93, p.17)	Commission Regulation (EEC) n° 920/89 of 10.04.89 laying down quality standards for carrots, citrus fruit and dessert apples and pears and amending Commission Regulation 58 (annex II and III).

Commission Regulation (EEC) n° 410/90 (OJ n° L 043 17.02.90, p.22) as last amended by Commission Regulation (EEC) 305/92 (OJ L32, 8.2.92, p.15)	Commission Regulation (EEC) n° 410/90 of 16.02.90 setting quality standards for kiwifruit
Commission Regulation (EEC) n° 3596/90 (OJ n° L 350, 14.12.90, p.38) as last amended by Commission Regulation (EEC) 1169/93 (OJ L118, 14.5.93, p.22)	Commission Regulation (EEC) n° 3596/90 of 12.12.90 laying down quality standards for peaches and nectarines.
Commission Regulation (EEC) n° 1108/91 (OJ n° L 110, 01.05.91, p.67)	.Commission Regulation (EEC) n° 1108/91 of 30.04.91 laying down quality standards for apricots.

VEGETABLES :

Council Regulation (EEC) n° 23/62 (OJ n° L 030, 20.04.62,p.965) as last amended by Council Regulation (EEC) 1108/91 (OJ L110, 1.5.91, p.67)	Council Regulation (EEC) n° 23/62 of 04.04.62 on the progressive establishment of a common organisation of the market in fruit and vegetables (annex II/1- cauliflowers)
Council Regulation (EEC) n° 211/66 (OJ n° L 233, 20.12.66, p.3939) as last amended by Commission Regulation (EEC) 3596/90 (OJ L350, 14.12.90, p.38)	Council Regulation (EEC) n° 211/66 of 14.12.66 adding a supplementary quality class to the common quality standards for certain fruits and vegetables (annex I)
Commission Regulation (EEC) n° 58/62 (OJ n° L 056,07.07.62, p.1606) as last amended by Commission Regulation (EEC) 920/89 (OJ L97, 11.4.89, p.19)	Commission Regulation (EEC) n° 58/62 of 15.06.62 laying down common quality standards for certain products listed in Annex I B to Regulation n° 23 on the progressive establishment of a common organisation of the market in fruit and vegetables (Artichokes) (Beans-Phasoleus) (Peas-Unshelled)
Council Regulation (EEC) n° 10/65 (OJ n° L 019, 05.02.65, p.246) as last amended by Commission Regulation (EEC) 918/78 (OJ L119, 3.5.78, p.15)	Council Regulation (EEC) n° 10/65 of 26.01.65 laying down common quality standards for garlic
Commission Regulation (EEC) n° 1292/81 (OJ n° L 129, 15.05.81, p.38) as last amended by Commission Regulation (EEC) 1076/89 (OJ L114, 27.4.89, p.14)	Commission Regulation (EEC) n° 1292/81 of 12.05.81 laying down standards for leeks, aubergines and courgettes

Commission Regulation (EEC) n° 778/83 (OJ n° L 086, 31.03.83, p.14) as last amended by Commission Regulation (EC) 3301/94 (OJ L341, 30.12.94, p.44)	Commission Regulation (EEC) n° 778/83 of 30.03.83 laying down quality standards for tomatoes
Commission Regulation (EEC) n° 2213/83 (OJ n° L 213, 04.08.83, p.13) as last amended by Commission Regulation (EEC) 658/92 (OJ L70, 17.3.92, p.15)	Commission Regulation (EEC) n° 2213/83 of 28.07.83 laying down quality standards for onions and witloof chicory
Commission Regulation (EEC) n° 1591/87 (OJ n° L 146, 06.06.87, p.36) as last amended by Commission Regulation (EEC) 658/92 (OJ L70, 17.3.92, p.15)	Commission Regulation (EEC) n° 1591/87 of 05.06.87 laying down quality standards for cabbages, Brussels sprouts, ribbed celery, spinach and plums (Annex I cabbages, Annex II Brussels sprouts, Annex III ribbed celery, Annex IV Spinach)
Commission Regulation (EEC) n° 79/88 (OJ n° L 010, 14.01.88, p.8) as last amended by Council Regulation (EEC) 658/92 (OJ L70, 17.3.92, p.15)	Commission Regulation (EEC) n° 79/88 of 13.01.88 laying down quality standards for lettuces, curled-leaved endives, broad-leaved (Batavian) endives and sweet peppers
Commission Regulation (EEC) n° 1677/88 (OJ n° L 150, 16.06.88, p.21)	Commission Regulation (EEC) n° 1677/88 of 15.06.88 laying down quality standards for cucumbers
Commission Regulation (EEC) n° 920/89 (OJ n° L 097, 11.04.89, p.19) as last amended by Commission Regulation (EEC) 2611/93 (OJ L239, 24.9.93, p.17)	Commission Regulation (EEC) n° 920/89 of 10.04.89 laying down quality standards for carrots, citrus fruit and dessert apples and pears and amending Commission Regulation n° 58 (annex I - carrots)
Commission Regulation (EEC) n° 1076/89 (OJ n° L 114, 27.04.89, p. 14)	Commission Regulation (EEC) n° 1076/89 of 26.04.89 laying down quality standards for leeks and amending Regulation (EEC) n° 1292/81, laying down quality standards for leeks, aubergines and courgettes
Commission Regulation (EEC) n° 454/92 (OJ n° L 052, 27.02.92, p.29)	Commission Regulation (EEC) n° 454/92 of 26.02.92 laying down quality standards for asparagus

II. Quality inspection of fresh fruit and vegetables

Commission Regulation (EEC) n° 2251/92 (OJ ^b L 219, 04.08.92;p.9) as last amended by Commission Regulation (EEC) 3148/94 (OJ L332, 22.12.94, p.28)	Commission Regulation (EEC) n° 2251/92 of 29.07.92 on quality inspection of fresh fruit and vegetables
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- ***CHOICE OF STAGE II MEASURES***

DESCRIPTION & JUSTIFICATION :

If serious difficulties arose in approximating quality standards to those of the EU, deferral of some aspects to Stage II could be considered. This would essentially mean that while trade between the EU and third countries should meet EU equivalent quality controls, the approximating measures would not apply in the associated countries' domestic markets. Such an arrangement would however still require the presence of border control measures with the EU.

3. *WINE AND DERIVED PRODUCTS*

DESCRIPTION OF THE LEGISLATION

Internal Market legislation for wine, wine based products and spirit drinks includes the following types of measures:

- specific rules governing the definition of grape musts and of the various categories of wine, wine-based drinks or spirit drinks;
- a specific approach on quality wines produced in specified regions (recognized appellations of origin) and rules for the classification of vine varieties;
- rules on oenological practices and analytical methods of wines; and,
- modalities for circulation and marketing (rules for the carriage of wine products and the relevant records to be kept, rules on the description and the presentation).

For the recognition of some appellations of origin for quality wines, national legislation has to be set up; furthermore, the creation of professional structures is strongly encouraged to defend and promote the appellation. The same occurs for some specific wines, the definitions of which have to be precised at a national level. EU regulation on appellations and on oenological practices is in line with O.I.V.⁶ recommendations or resolutions.

For certain associated countries, there are already bilateral agreements with the EU on the reciprocal protection and control of wine names, therefore in relation with definitions of those appellations; these agreements deal only with the protection of names but go far further than the TRIPs agreement of the Uruguay Round.

More generally, EU wine can only be commercialised if it is produced with grapes coming from vineyards that are registered and have a planting right in line with the global prohibition of new wine planting within EU.

⁶ "Office International de la Vigne et du Vin", Paris

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

Implementation of EC rules presupposes the existence of a strong and well organized administrative body, at the national level, able to prevent trade distortions and frauds in this sensitive sector of alcoholic beverages; in the wine sector, products may be similar but have huge differences in selling prices. This body has, firstly to manage the flow of declarative forms requested to the operators, needed for obtaining commercialisation agreements and carriage authorizations, and, secondly to proceed to regular controls on the spot. For this last purpose, one laboratory at least, agreed at a national level, should be able to carry out regular analysis of samples of wine products, in conformity with EC standards.

A vineyard register for managing these planting rights at farm level or, at least, a performing statistical follow-up of yearly planting evolution is also required.

EU EXPERIENCE FOR ALIGNMENT (STAGE I)

Stage I of the programme of legislative approximation for those associated countries which produce wine, wine products and spirit drinks would be the adoption of all compulsory measures allowing free movement of such products in the Internal Market, i.e. declaration forms, accompanying documents and records that allow the control bodies to retrace the origin of the products and to proceed to quality controls. The operators would, of course, have to comply with all specific technical rules on wine making (oenological practices), on description and presentation of wines (labelling, bottling).

KEY MEASURES

In the case of producing countries these represent the minimum rules for the operation of the Internal Market regime.

- ***CHOICE OF STAGE I MEASURES***

DESCRIPTION & JUSTIFICATION :

Stage I of the legislative approximation between the Union and those associated countries producing wine would be the adoption of all compulsory measures allowing free movement of wine products in the Internal Market, i.e. declaration forms, accompanying documents and records that allow to the control bodies to retrace the origin of the products and to proceed to quality controls. The operators would, of course, have to comply with all specific technical rules on wine making (oenological practices), on description and presentation of wines (labelling, bottling...).

STAGE I MEASURES

<p>Council Regulation (EEC) n° 822/87 (OJ n° L 084, 27.03.87, p.1) as last amended by Council Regulation(EC) n° 3290/94 (OJ n° L 349, 31.12.94 p.105)</p>	<p>Council Regulation (EEC) n° 822/87 of 16.3.87 on the common organisation of the market in wine</p>
<p>Council Regulation (EEC) n° 2389/89 (OJ n° L 232, 09.08.89, p.1) as last amended by the Act of Accession of Austria, Finland and Sweden.</p>	<p>Council Regulation (EEC) n° 2389/89 of 24.07.89 on general rules for the classification of vine varieties</p>
<p>Commission Regulation (EEC) n° 2314/72 (OJ n° L 248, 01.11.72, p.53) as last amended by Commission Regulation (EEC) 2462/93 (OJ L226, 7.9.93, p.1)</p>	<p>Commission Regulation (EEC) n° 2314/72 of 30.10.72 on certain measures for examining the suitability of certain vine varieties for cultivation</p>
<p>Council Regulation (EEC) n° 2392/89 (OJ n° L 232, 09.08.89, p.13) as last amended by the Act of Accession of Austria, Finland and Sweden.</p>	<p>Council Regulation (EEC) n° 2392/89 of 24.07.89 laying down general rules for the description and presentation of wines and grape musts</p>
<p>Commission Regulation (EEC) n° 3201/90 (OJ n° L 309, 08.11.90, p.1) as last amended by Commission Regulation (EEC) 1362/94 (OJ L150, 16.6.94, p.7)</p>	<p>Commission Regulation (EEC) n° 3201/90 of 16.10.90 laying down detailed rules for the description and presentation of wines and grape musts</p>
<p>Commission Regulation (EEC) n° 2202/89 (OJ n° L 209, 21.07.89, p.31)</p>	<p>Commission Regulation (EEC) n° 2202/89 defining the terms "coupage", "the turning into wine", "bottler" and "bottling"</p>
<p>Council Regulation (EEC) n° 823/87 (OJ n° L 084,27.03.87, p.59) as last amended by the Act of Accession of Austria, Finland and Sweden.</p>	<p>Council Regulation (EEC) n° 823/87 of 16.03.87 laying down special provisions relating to quality wines produced in specified regions</p>
<p>Council Regulation (EEC) n° 2333/92 (OJ n° L 231, 13.08.92, p.9) as last amended by the Act of Accession of Austria, Finland and Sweden.</p>	<p>Council Regulation (EEC) n° 2333/92 of 13.07.92 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines</p>
<p>Commission Regulation (EEC) n° 554/95 (OJ n° L 56, 14.3.95 p.3)</p>	<p>Commission Regulation (EEC) n° 554/95 of 13.3.95 laying down detailed rules for the description and presentation of sparkling and aerated sparkling wines</p>
<p>Council Regulation (EEC) n° 3895/91 (OJ n° L 368, 31.12.91, p.1)</p>	<p>Council Regulation (EEC) n° 3895/91 of 11.12.91 laying down rules for the description and presentation of special wines</p>

<p>Council Regulation (EEC) n° 1601/91 (OJ n° L 149, 14.06.91, p. 1) as last amended by the Act of Accession of Austria, Finland and Sweden.</p>	<p>Council Regulation (EEC) n° 1601/91 of 10.06.91 laying down general rules on the definition, description and presentation of aromatized wines aromatized wine-based drinks and aromatized wine- product</p>
<p>Council Regulation (EEC) n° 1576/89 (OJ n° L 160, 12.06.89, p. 1) as last amended by the Act of Accession of Austria, Finland and Sweden.</p>	<p>Council Regulation (EEC) n° 1576/89 of 29.05.89 laying down general rules on the definition description and presentation of spirit drinks</p>
<p>Commission Regulation (EEC) n° 2676/90 (OJ n° L 272, 03.10.90, p.1) as last amended by Commission Regulation (EEC) n° 60/95 (OJ L11, 17.1.95, p.19)</p>	<p>Commission Regulation (EEC) n° 2676/90 of 17.09.90 determining Community methods for the analysis of wines</p>
<p>Commission Regulation (EEC) n° 2009/92 (OJ n° 203, 21.07.92, p.10)</p>	<p>Commission Regulation (EEC) n° 2009/92 of 20.07.92 determining Community analysis methods for ethyl alcohol of agricultural origin used in the production of spirit drinks, aromatized wines, aromatized wine-based drinks and aromatized wine- product cocktails</p>
<p>Commission Regulation (EEC) n° 1238/92 (OJ n° L 130, 15.05.92, p. 13)</p>	<p>Commission Regulation (EEC) n° 1238/92 of 08.05.92 determining the Community methods applicable in the wine sector for the analysis of neutral alcohol</p>
<p>Commission Regulation (EEC) n° 1618/70 (OJ n° L 175, 08.08.70, p.17)</p>	<p>Commission Regulation (EEC) n° 1618/70 of 07.08.70 on the measures for controlling the sweetening of table wines and of quality wines produced in specified regions</p>
<p>Commission Regulation (EEC) n° 2240/89 (OJ n° L 215, 26.07.89, p.16)</p>	<p>Commission Regulation (EEC) n° 2240/89 of 25.07.89 on the notification carrying out and control of the process of enriching, acidifying and deacidifying wine</p>
<p>Commission Regulation (EEC) n° 2238/93 (OJ n° L 200, 10.08.93, p.10)</p>	<p>Commission Regulation (EEC) n° 2238/93 of 26.07.93 on the accompanying documents for the carriage of wine products and the relevant records to be kept</p>
<p>Council Regulation (EEC) n° 4252/88 (OJ n° L 373, 31.12.88, p.59) as last amended by Council Regulation (EC) n° 1893/94 (OJ L197, 30.7.94, p.45)</p>	<p>Council Regulation (EEC) n° 4252/88 of 21.12.88 on the preparation and marketing of liqueur wines produced in the Community</p>
<p>Commission Regulation (EEC) n° 3220/90 (OJ n° L 308, 08.11.90, p.22)</p>	<p>Commission Regulation (EEC) n° 3220/90 of 07.11.90 laying down conditions for the use of certain oenological practices provided for in Council Regulation (EEC) n° 822/87</p>

Commission Regulation (EEC) n° 3901/91 (OJ n° L 368, 31.12.91, p.15)	Commission Regulation (EEC) n° 3901/91 of 18.12.91 laying down certain detailed rules on the description and presentation of special wines
Council Regulation (EEC) n° 2332/92 (OJ n° L 231, 13.08.92,p.1) as lasted amended by Council Regulation (EC) 1893/94 (OJ n° L 197, 30.7.94, p.45)	Commission Regulation (EEC) n° 2332/92 of 13.7.92 on sparkling wines produced in the Community
Commission Regulation (EEC) n° 3929/87 (OJ n° L 369, 29.12.87, p.59) as lasted amended by Council Regulation (EC) 1991/94 (OJ n° L 200, 3.8.94, p.10)	Commission Regulation (EEC) n° 3929/87 of 17.12.87 on harvest, production and stock declarations relating to wine-sector products

- ***CHOICE OF STAGE II MEASURES***

DESCRIPTION & JUSTIFICATION :

Rules on appellations of origin for quality wines could be implemented at a later stage if all the wine would be sold as table wine. But as the production of quality wines is already an important aspect of the wine trade policy of those countries, EU rules on production and description of quality wines should be applied at once to avoid any trade distortion.

The scientific categorisation of the cultivated vines, in compliance with O.I.V. criteria, and the precise delimitation of the zones suitable for the production of quality wines in specified regions should be taken over as stage II. Equally, the progressive elimination of unfitted vine varieties has to be seen on a transition period.

It would also be imperative to prohibit new vine plantations, therefore to manage a planting rights system.

In case of the existence of state owned monopolistic structures for producing or selling wine or spirit drinks, the dismantling of these structures should finish by stage II; however, trade of those products should be allowed in stage I.

STAGE II MEASURES

Commission Regulation (EEC) n° 2348/91 (OJ n° L 214, 02.08.91, p.39)	Commission Regulation (EEC) n° 2348/91 of 29.07.91 establishing a databank for the results of analyses of wine products by nuclear magnetic resonance of deuterium
Commission Regulation (EEC) n° 2347/91 (OJ n° L 214, 02.08.91, p.32)	Commission Regulation (EEC) n° 2347/91 of 29.07.91 on the collection of samples of wine products for the purposes of cooperation between Member States and for analysis for the purposes of the Community databank

4. *PIGMEAT, POULTRYMEAT AND EGGS*

DESCRIPTION OF THE LEGISLATION

The common market organisations for pigmeat, poultrymeat and eggs include, as far as the internal market is concerned, measures defining compulsory quality standards and controls.

(i) Classification standards

In the case of poultrymeat, the Community standards establish a classification by quality class, A and B, based on conformation and appearance. These standards apply to intra-Community trade in cockerels, hens, ducks, geese, turkeys and guinea fowl and to imports from non-Community countries. Prepacked poultrymeat, either frozen or deep-frozen, may also be graded by weight class.

The marketing standards for poultrymeat are based on the recommendations of the United Nations' Economic Commission for Europe (UN-ECE) in Geneva.

Eggs are graded by quality class (A: fresh, B: second quality and C: down-graded for use by the food industry). Class A eggs are also graded by weight. These rules apply to hens' eggs in shell when sold within the Union. Imported eggs must also meet these marketing standards.

These marketing standards for eggs are familiar in central and eastern Europe as there have been bilateral agreements with some of those countries since the 1960s.

The pigmeat sector does not have marketing standards. However, there is a Community scale for classification of pig carcasses based on the level of lean meat in the carcass. This enables all the Member States to follow the same classification and ensure equitable remuneration for producers based on the weight and composition of the carcass at slaughter. The scale is mainly relevant, therefore, to relations between producers and slaughterhouses; it is not used at the retail stage.

(ii) Labelling

In the case of prepacked poultrymeat, the rules on compulsory labelling of foodstuffs require the indication of details such as quality class, state in which marketed, recommended storage temperature, price for the package and price per unit weight, registration number of the slaughterhouse or cutting plant, plus country of origin for imports. Other indications are optional, such as refrigeration method and style of rearing.

The labelling of eggs includes the number of the packing centre, the quality class and weight, and date of minimum durability ("best-before" date). Egg packaging may also carry other details such as style of rearing, origin of the eggs, date of laying and whether they are in the freshness class "extra".

CONDITIONS NECESSARY TO OPERATE THE LEGISLATION

The competent authorities must set up a monitoring system based on sampling for the purposes of quality controls and weight checks at each stage of marketing, transport, and - for imports - customs clearance.

Checks on optional labelling details, for both eggs and poultrymeat, are based on a special approval document giving the name and address of the producer and on declarations relating to each batch produced.

KEY MEASURES

The key measures listed are those regulations which introduce the basic quality requirements for this sector. Detailed implementing legislation and other operational requirements are excluded.

- ***CHOICE OF STAGE I MEASURES***

DESCRIPTION & JUSTIFICATION :

The EU requirements described above provide both an assurance to consumers and an equitable trading arrangement for producers/manufacturers. These would be undermined were associated countries' products marketed in the EU not of equivalent standard. Consequently it would be necessary for all the key measures to be approximated during stage I.

STAGE I - MEASURES

<p>Council reg (EEC)n°1906/90 (O.J. L 173, 06.07.90, p.1) as last amended by Council Regulation (EC) n° 3204/93 (OJ n° L 289 24.11.93 p.3)</p>	<p>Council reg (EEC)n°1906/90 of 26.06.90 on certain marketing standards for poultry.</p>
<p>Council reg (EEC) n°1907/90 (O.J. L 173, 06.07.90, p.5) as last amended by Council Regulation (EC) n° 2617/93 (OJ n° L 240 25.9.93 p.1)</p>	<p>Council reg (EEC) n°1907/90 of 26.06.90 on certain marketing standards for eggs.</p>
<p>Council reg (EEC) n° 3220/84 (OJ n° L 301, 20.11.84, p.1) as last amended by Council Regulation (EC) n° 3513/93 (OJ n° L 320 22.12.93 p.5)</p>	<p>Council reg (EEC) n° 3220/84 of 13.11.84 determining the Community scale for grading pig carcasses.</p>