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Subject: EUROPEAN UNION COMMON POSITION  
Chapter 12: Food safety, veterinary and phytosanitary policy

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## EUROPEAN UNION COMMON POSITION

(Revision of CONF-HR 12/09)

### Chapter 12: Food safety, veterinary and phytosanitary policy

This position of the European Union is based on its general position for the Accession Conference with Croatia (CONF-HR 2/05), and is subject to the negotiating principles endorsed by the Accession Conference (CONF-HR 5/05), in particular:

- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial agreements - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established;

as well as to the requirements set out in points 13, 16, and 26 of the Negotiating Framework.

The EU underlines the importance for Croatia of compliance with the Stabilisation and Association Agreement as well as the Accession Partnership, which constitute basic elements of the pre-accession strategy.

The EU encourages Croatia to continue the process of alignment with the *acquis* and its effective implementation and enforcement, and in general to develop already before accession, policies and instruments as close as possible to those of the EU. Particular attention should be paid to the implementation of the national programme for the upgrading of non-compliant establishments for products of animal origin including establishments for handling animal by-products, animal welfare standards, and the catalogue of plant varieties as well as the building up of the necessary administrative and control capacity to implement the *acquis* under this chapter.

The EU points out that the *acquis* under this chapter consists mainly of a large number of legislative acts which cover broad areas and are demanding in terms of transposition, implementation and application. It is essential for Croatia to ensure not only that this *acquis* is fully transposed into its national legislation but also that its administrative capacities and procedures are reinforced and reformed before accession. The EU emphasises the importance of ensuring that EU food safety requirements are fully complied with at the time of accession.

The EU notes that Croatia, in its positions CONF-HR 21/08 and CONF-HR 15/10 accepts the *acquis* under chapter 12 as in force on 1 May 2010, while requesting three transitional measures and one derogation from the *acquis*.

As an overall response to Croatia's requests for transitional periods, the EU recalls its general negotiating position that transitional measures are exceptional, limited in time and scope, and accompanied by a plan with clearly defined stages for the application of the *acquis*. They must not involve amendments to the rules or policies of the EU, disrupt their proper functioning, or lead to significant distortion of competition.

## General

The EU takes note of the information provided by Croatia and the progress achieved in the transposition and implementation of the *acquis* in the food safety, veterinary and phytosanitary policy as well as the setting up of the necessary institutional framework. The EU invites Croatia to continue the process of alignment with the *acquis* and its effective implementation of the *acquis* according to the "Croatian Strategy for the Transposition and Implementation of the Acquis Communautaire in chapter 12 – Food Safety, Veterinary and Phytosanitary Policy into national legislation", adopted by the Croatian Government in March 2008. The EU underlines that Croatia has to ensure complete alignment with the *acquis* as of its accession to the EU. The EU invites Croatia to provide tables of correspondence as soon as possible when transposition is completed for a sector or a directive.

The EU also takes note of Croatia's progress made with regard to the set up and development in accordance with the *acquis*, of the relevant administrative capacity and infrastructure, in particular as regards food safety controls. This fulfils the requirement of the third closing benchmark as set out in the EU common position (CONF-HR 12/09) requiring Croatia to demonstrate its capacity and capability to fully implement the *acquis* under this chapter as of its accession to the EU.

## Veterinary Policy

The EU takes note of the information provided by Croatia with regard to the internal control system in the internal market. The EU notes the progress made, in particular concerning the registers established in accordance with Directives 90/425/EEC and 89/662/EEC. The EU also notes that Croatia will be able to fully use the Trade Control and Expert System (TRACES) as well as EU safeguard measures as of its accession to the EU. The EU underlines that this system must be fully operational as of the date of Croatia's accession to the EU.

The EU takes note of the information provided by Croatia regarding the control system for imports and the objective to achieve full alignment with the respective *acquis* at the day of accession. The EU also takes note that Croatia applies the same rules as the rules applied by EU Member States with regard to Commission Regulation (EC) No 206/2009 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation (EC) No 136/2004. The EU underlines that Croatia has to achieve alignment with the *acquis* and ensures its effective implementation as of its accession to the EU.

The EU takes note of Croatia's decision to select seven permanent border inspection posts (BIPs) to remain operational after accession to the EU which are Bajakovo, Stara Gradiška, Karasovići, Metković, the sea ports of Rijeka and Ploče and Zagreb airport. The EU underlines the importance of Croatia maintaining this selection given the needs of traders and third countries to have in advance clear information on future import possibilities for live animals and animal products into the EU and given the time it will take to establish the necessary infrastructures at the BIPs. The EU takes note of the effort made by Croatia and underlines that these seven BIPs must operate in full compliance with the *acquis* by the date of Croatia's accession to the EU.

The EU also takes note of the information provided by Croatia to apply minimum fee rates pursuant Regulation (EC) No 882/2004 at the date of its EU accession. The EU underlines that Croatia has to align with the *acquis* by the date of accession.

The EU takes note of the good progress made with regard to the implementation of a fully aligned system of identification and registration of animals. The EU takes note that Croatia has completed the registration in computerised national databases of the holdings keeping pigs, sheep and goats and the registration of the movements are recorded. The EU also notes that Croatia has continued to take corrective measures to reduce errors in the Central Database of Bovine Animals. The EU underlines that Croatia has to achieve full compliance with the *acquis* upon accession and ensures its effective implementation.

The EU takes note of the information provided by Croatia regarding the control measures for animal disease. The EU notes that Croatia provides, on a regular basis, information to the Commission on epizootic diseases and on the results of the eradication programmes. The EU notes that Croatia has joined the Animal Diseases Notification System (ADNS) on a voluntary basis. The EU underlines that Croatia has to effectively implement the *acquis* as of its accession to the EU.

The EU takes note of the information provided by Croatia regarding intra-community trade in live animals, semen, ova and embryos. The EU underlines that Croatia has to fully comply with the *acquis* as of its accession and ensures its effective implementation.

The EU takes note of the information provided by Croatia regarding the non-commercial movement of pet animals. Croatia is currently listed as a third country from which pet passports are recognised. The EU underlines that Croatia has to achieve full compliance with the *acquis* upon accession to the EU.

The EU notes the information provided by Croatia in the field of prohibited substances and residue control. The EU also notes that the Veterinary Directorate is responsible for the National Residue Control Programme (NRCP) and that the Veterinary Institute was accredited to carry out analysis in line with EU requirements.

The EU notes the information provided by Croatia regarding import requirements for live animals and animal products. The EU also takes note that, as of the day of accession, officials at the Border Inspection Posts will be authorised to directly apply EU conditions for import from third countries as well as safeguards measures concerning import of live animals and animal products. In this context the EU emphasises that all long term border inspection posts with third countries must be operating from the date of accession in accordance with the *acquis* both in terms of facilities and of procedures. The EU invites Croatia to ensure that the necessary requirements are implemented gradually during the pre-accession period.

The EU takes note of the information provided by Croatia regarding its international veterinary agreements and the commitment of Croatia to terminate or adapt these agreements prior to its EU accession in order to comply with EU obligations. The EU underlines that it is the responsibility of Croatia to ensure that from the date of accession all its bilateral international agreements are in compliance with EU requirements.

The EU underlines that Croatia has to achieve full compliance with the *acquis* upon accession as regards animal welfare. The EU takes note that Croatia has withdrawn its request for a transitional period until 1 January 2015 for existing establishments to comply with Article 5(1), points (4) and (5) of Council Directive 1999/74/EC setting out minimum height and floor slope for cages in unenriched cage systems.

The EU also notes that Croatia has prohibited the use of un-enriched cages by newly registered establishments and existing establishments which will renew their equipment as of 1 January 2009. The EU recalls that the keeping of laying hens in un-enriched cages will be prohibited in the EU from 1 January 2012. The EU invites Croatia to accelerate the preparations in this regard. The EU takes note that Croatia has withdrawn its request for a transitional period until 1 January 2015 for existing establishments to apply Article 5(2) of Council Directive 1999/74/EC of 19 July 1999 prohibiting Member States by 1 January 2012 the rearing of laying hens in un-enriched cage systems as defined by Article 5(1) of the same directive. The EU also takes note of Croatia's request to maintain, upon accession, the laying hens in the existing cages not compliant with the *acquis* until the end of the production cycles that have started before the date of Croatia's accession to the EU, i.e. for a period not exceeding 12 months after accession. The EU considers this request to be acceptable under the condition that eggs from those un-enriched cages shall only be placed on the national market of Croatia. Such eggs and their packs shall be clearly identified with a special mark, which allows for the necessary controls. A clear description of this special mark shall be communicated to the Commission not later than 1 year before accession. The EU considers that, to this effect, Croatia shall be granted a transitional measure for the application of Article 6 of Council Directive 1999/74/EC, as set forth in Annex I.

The EU takes note of the information provided by Croatia in the field of zootechnical legislation. The EU underlines that Croatia must achieve full alignment as of accession. The EU notes that Croatia withdraws the request for a derogation concerning limitation of the introduction of bees other than *Apis mellifera ssp. carnica* (Carniolan honey bee) on the territory of Croatia with reference to Directive 91/174/EEC.

The EU takes note of the information provided by Croatia regarding veterinary expenditure. The EU also notes that Croatia has anticipated funds in the budget for the fulfilment of obligations under Council Decision 2009/470/EC. The EU underlines that Croatia must achieve full alignment with the *acquis* and ensures its effective implementation as of its accession to the EU.

### **Placing on the market of food and feed**

The EU takes note of the progress made with regard to food hygiene rules and of the adoption of a national programme for upgrading of establishments in the meat, milk, fish and animal by-products sectors. The EU takes in particular note that the individual documents for each non-compliant establishment will be attached to the national programme as soon as the revision process is finalised in the second half of 2010. The EU takes also note that this programme sets out a strategy for the use of non-EU compliant raw milk. The EU also notes that Croatia devotes sufficient human and financial resources to monitor the correct implementation of the approved national programme for the upgrading of establishments, thus fulfilling the first benchmark set out in the EU common position (CONF-HR 12/09).

The EU underlines that all establishments have to comply with the *acquis* for placing on the market of food and feed as of Croatia's accession to the EU in order to ensure the functioning of the internal market.

The EU takes note of Croatia's confirmation that all establishments dealing with food of non-animal origin will be in compliance with the EU *acquis* on the day of accession or will be obliged to cease activities.



The EU notes that Croatia has modified its request and that it now requests a transitional period until 31 December 2015 for establishments in the meat, milk, fish and animal by-products sectors regarding structural requirements pursuant to Regulation (EC) No 852/2004, Regulation (EC) No 853/2004 and Regulation (EC) No 1774/2002 (repealed by Regulation (EC) No 1069/2009 as from 4 March 2011) by the date of Croatia's accession. The EU notes that this request is acceptable on the condition of the following provisions:

- Products from establishments covered by this transitional measure shall be placed only on the domestic market of Croatia or on markets of third countries in accordance with relevant EU legislation, or used for further processing in establishments in Croatia also covered by this transitional measure, irrespective of the date of marketing.
- Food from establishments covered by this transitional measure shall bear a special health or identification mark. A clear description of the different special health or identification mark shall be communicated to the Commission not later than 1 year before accession.
- The two previous paragraphs shall also apply to all products originating from integrated meat establishments where a part of the establishment is covered by this transitional measure.
- Croatia shall continuously monitor the implementation of the national programme for upgrading establishments and will provide to the Commission an annual plan of progress in this respect. Croatia shall ensure that an individual upgrading plan for each of these establishments with deadlines for the correction of the structural requirements is elaborated and will be made available for the Commission on request.
- The Commission shall in good time before accession establish a list of establishments subject to this transition period. This list shall be made public and include the name and address of each establishment.

The EU takes note of Croatia's confirmation that any establishments, which by the time of accession fail to fully comply with the food safety *acquis*, except where covered by the provisions of this transitional measure, will have to terminate their activities. The EU considers that, to this effect, Croatia shall be granted transitional measure for the application of the structural requirements laid down in Regulations (EC) No 852/2004, 853/2004, 1774/2002, as set forth in Annex II. Detailed implementing rules to ensure the smooth operation of the above transitional regime may be adopted in accordance with the procedure in the relevant regulations.

The EU notes that the programme for upgrading establishments includes a strategy for the use of raw milk not compliant with EU hygiene requirements. The EU further notes that Croatia has reached a high level of compliance of raw milk and that Croatia intends to take appropriate measures to ensure full compliance as of accession. The EU notes that Croatia withdraws its request for a transitional period of three years following the date of Croatia's accession to the EU for deliveries of raw milk not meeting the hygiene criteria laid down in Regulation (EC) No 853/2004.

The EU takes note of the information provided with regard to control rules and specific control rules for animal products. The EU notes Croatia's commitment of setting up an EU compliant system for official controls of live animals and animal products by 31 December 2010, including its plans to have in total 192 official veterinarians employed who will gradually replace authorised veterinarians. The EU underlines the particular importance it attaches to full and proper implementation of this EU-compliant system for official controls and will continue to monitor the situation closely. The EU also notes that Croatia applies a new system of collection of fees as of 1 August 2009 compliant with the relevant provisions of Regulation (EC) No 882/2004. The second closing benchmark as set out in the EU common position (CONF-HR 12/09) can therefore be considered as being met.

## **Food safety rules**

The EU takes note of the information provided by Croatia on food safety rules covering labelling, presentation and advertising, authorized additives and purity criteria, extraction solvents, flavourings, food contact material, food supplements, food for particular nutritional uses, quick frozen foodstuffs, contaminants, novel foods and genetically modified foodstuffs and feedstuffs, ionising radiation, and mineral waters. The EU invites Croatia to fulfil its notification obligation laid down in Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation. The EU underlines that Croatia has to align with the *acquis* and provide the necessary administrative and control capacity as of its accession to the EU.

## **Specific rules for feed**

The EU takes note of the information provided by Croatia on specific rules for feed covering feed additives, compound feedstuffs, feed materials, undesirable substances, feedstuffs intended for particular nutrition, certain products used in animal nutrition (bio proteins) and medicated feed. The EU underlines that Croatia has to align with the *acquis* and ensures its effective implementation and the necessary administrative and control capacity as of its accession to the EU.

## Phytosanitary policy

The EU notes the information provided by Croatia in this field of the *acquis*. The EU notes that Croatia continues the implementation of the "Croatian Strategy for the Transposition and Implementation of the Acquis Communautaire in chapter 12 – Food Safety, Veterinary and Phytosanitary Policy into national legislation" to achieve full alignment with the *acquis* at the date of accession. The EU invites Croatia to continue alignment with the *acquis* and its effective implementation. The EU notes the information provided by Croatia with regard to plant health, and harmful organisms. The EU notes that Croatia has established a phytosanitary register of producers, processors, importers and distributors of certain plants, plant products and regulated articles to be completed in the second half of 2010. The EU also notes that Croatia has introduced a plant passport system to be fully aligned in 2010. The EU further notes that the phytosanitary inspectors carry out supervision aligned with the *acquis*. The EU underlines that Croatia has to achieve alignment with the *acquis* and ensure its effective implementation as of its accession to the EU.

The EU notes that Croatia designates eight border inspection posts (BIPs) to operate as long-term BIPs after Croatia's accession to the EU which are the road border crossings of Bajakovo, Stara Gradiška, Karasovići, Metković, the sea ports of Rijeka and Ploče, Zagreb airport and the Zagreb Post office. The EU underlines the importance of Croatia maintaining this selection given the needs of traders and third countries to have in advance clear information on future import possibilities for plants and plant products into the EU and given the time it will take to establish the necessary infrastructures at the BIPs. The EU takes note of the effort made by Croatia and underlines that these eight BIPs has to be operational and in compliance with the *acquis* by the date of Croatia's accession to the EU.

As regards the plant protection products (PPP) and pesticide residues, the EU notes that Croatia has started the registration procedures aligned with the *acquis*. The EU takes also note that Croatia continues the re-registration of PPPs according to the national re-registration programme. The EU takes note that Croatia implements the National Residues Control Programme (NRCP) including the monitoring of pesticide residues in products of animal origin by veterinary inspectors. The EU takes note of Croatia's guarantee to run the Croatian National Institute of Public Health (CNIPH) laboratory with full capacities in order to fulfil the tasks foreseen by the *acquis* before Croatia's accession to the EU. The EU stresses that Croatia has to achieve alignment with the *acquis* and ensures its effective implementation and the necessary administrative and control capacity as of its accession to the EU.

The EU takes note of the information provided by Croatia concerning the quality of seeds and propagating material. The EU takes also note of Croatia's request for a transitional period until 31 December 2014 for the application of Article 4(1) of Directive 2002/53/EC (Catalogue of varieties of agricultural plants) and Article 4(1) of Directive 2002/55/EC (Marketing of vegetable seed) with regard to the marketing of varieties of beets, cereals, oil and fibre plants, fodder plants, vegetables and seed potatoes during which varieties of plants not having passed the Distinctness, Uniformity and Stability (DUS) examinations will be placed exclusively on the market of Croatia. The EU takes note of the regular activities of the Institute for seeds and seedlings as regards examination of varieties. The EU also takes note of the programmes relating to the testing (DUS examination) of varieties registered on Croatia's list of varieties of agricultural plants without DUS examination. The EU underlines the importance for the Institute of seeds and seedlings to respect this planning of activities. In view of this programme, the EU considers that a transitional period until 31 December 2014 for seeds mentioned above not having passed DUS examination is acceptable. The EU underlines that, during the transitional period, such seeds shall not be marketed in the territory of other EU Member States. The EU considers that, to this effect, Croatia shall be granted a transitional measure for the application of Article 4(1) of Directive 2002/53/EC and Article 4(1) of Directive 2002/55/EC, as set forth in Annex III.

The EU takes note of the information provided by Croatia regarding plant variety rights. It stresses that Regulation (EC) No 2100/94 concerning the EU system of plant variety protection will apply automatically in Croatia as of the date of its accession and does not require special implementing measures by Croatia. This does not preclude Croatia from maintaining or revising its national system of plant variety protection alongside the EU system.

The EU takes note of the information provided by Croatia regarding its international phytosanitary agreements and the commitment of Croatia to terminate or adapt these agreements with the countries prior to its EU accession in order to comply with EU obligations. The EU underlines that it is the responsibility of Croatia to ensure that from the date of accession all its bilateral international agreements are in compliance with EU requirements.

The EU takes note of the information provided by Croatia on EU trade regarding the Neum corridor. The EU takes also note of Croatia's request for a derogation from the application of Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the EU from third countries, in such a manner which would allow the consignments/products of animal origin which originate in the EU or in an approved third country to pass through the Neum corridor, as of the date of Croatia's accession to the EU, without being subjected to veterinary checks required by the Directive at the border inspection post when re-entering the territory of Croatia (EU).

## Special regime for the Neum corridor

Following Croatia's request for a special regime for the passage through the Neum corridor of products falling under Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the EU from third countries, the European Union considers that such a special regime must be established. To this effect, Article 1 of Council Directive 97/78/EC shall be amended as in annex IV. The EU further considers that the Commission may adopt implementing rules in accordance with Directive 97/78/EC to ensure the smooth operation of the above special regime. The EU underlines that such a regime must ensure that the enforcement of the high level of veterinary controls required at the EU's external borders can be guaranteed.

Without prejudging aspects related to other chapters, the EU considers that this special regime must ensure

- a) that Croatia has in place points of entry to the north and south of the corridor that are fully equipped, staffed and in any other way prepared to enforce these requirements by the day of accession to the European Union.
- b) that effective technical surveillance systems and procedures are put in place by Croatia to ensure efficient controls of consignments as defined in Council Directive 97/78/EC leaving and re-entering the European Union via the Neum corridor.
- c) that open vehicles are not used for transporting via the Neum corridor.
- d) that the above procedures shall include, inter alia, proper sealing of vehicles transporting consignments exiting the European Union territory through the Neum corridor and appropriate controls of such seals at re-entry in the European Union. The time of exiting and the time of re-entering shall also be recorded to allow for a control of the time spent for the crossing of the Neum corridor.

- e) that in case of irregularities with regard to the above requirements the consignment shall not be allowed to re-enter the European Union unless an assessment of the risk for animal and public health has been carried out. The Croatian competent authority as defined in Council Directive 97/78/EC shall adopt effective, proportionate and targeted measures based upon this assessment. The competent authority shall regularly and as necessary inform the Commission of the irregularities found and of the measures subsequently adopted.

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In view of all these considerations, the EU notes that, at this stage, this chapter does not require further negotiations.

Monitoring of progress in the alignment with and implementation of the *acquis* will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring the further strengthening of Croatia's administrative capacity, in particular with regard to its control capacity, the implementation of the national programme for upgrading establishments as well as animal welfare. The EU underlines the importance of a continuous and sustainable effort which has to be made in order to be fully compliant by accession. Particular consideration needs to be given to the links between the present chapter and other negotiation chapters. In addition to all the information the EU may require for the negotiations in this chapter and which is to be provided to the Conference, the EU invites Croatia to provide regularly detailed written information to the Stabilisation and Association Council on progress in the implementation of the *acquis*.

In view of all the above considerations, the EU will, if necessary, return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new *acquis* between 1 May 2010 and the conclusion of the negotiations.



## LEGAL AMENDMENTS ARISING FROM THE DCP

### ANNEX I (laying hens)

**31999 L 0074:** Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens (OJ L 203, 3.8.1999, p. 53).

Laying hens in lay at the date of Croatia's accession to the EU may be kept in cages which are not in conformity with the structural requirements laid down in Article 6. Croatia shall ensure that the use of such cages stops at the latest 12 months after accession.

Eggs from those un-enriched cages shall only be placed on the national market of Croatia. Such eggs and their packs shall be clearly identified with a special mark, which allows for the necessary controls. A clear description of this special mark shall be communicated to the Commission not later than 1 year before accession.

## ANNEX II (establishments)

**32004 R 0852:** Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1);

**32004 R 0853:** Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55);

**32002 R 1774:** Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption (OJ L 273, 10.10.2002, p.1)

- a) The structural requirements laid down in Regulation (EC) No 852/2004, Annex II, Chapter II and in Regulation (EC) No 853/2004, Annex III, Section I, Chapters II and III, Section II, Chapters II and III, and Section V, Chapter I, Regulation (EC) No 1774/2002, Annex III, Chapter I, Annex V Chapter I, Annex VII Chapter I and Annex VIII Chapter I<sup>1</sup> shall not apply to certain establishments in the meat, milk, fish and animal by-products sectors in Croatia until 31 December 2015, subject to the conditions laid down below:
- b) As long as the establishments referred to in paragraph (a) above benefit from the provisions of that paragraph, products originating from those establishments shall only be placed on the national market of Croatia or on markets of third countries in accordance with relevant EU legislation, or used for further processing in establishments in Croatia also covered by the provisions of paragraph (a), irrespective of the date of marketing.

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<sup>1</sup> Regulation (EC) No 1774/2002 will be repealed and replaced by Regulation (EC) No 1069/2009 as of 4 March 2011. The transitional regime should also cover the corresponding provisions in Regulation (EC) No 1069/2009.

- c) Food from establishments referred to in paragraph (a) above shall bear a different health or identification mark to that provided for in Article 5 of Regulation (EC) No 853/2004. A clear description of the different health or identification mark shall be communicated to the Commission not later than 1 year before accession.
- d) Paragraph (b) and (c) also apply to all products originating from integrated meat establishments where a part of the establishment is subject to the provisions of paragraph (a).
- e) Croatia shall continuously monitor the implementation of the national programme for upgrading establishments and shall provide to the Commission an annual plan of progress in this respect. Croatia shall ensure that an individual upgrading plan for each of these establishments with deadlines for the correction of the structural requirements is elaborated and made available for the Commission on request.
- f) The Commission shall in good time before accession establish a list of the establishments referred to in paragraph (a) above. This list shall be made public and include the name and address of each establishment.

Croatia shall ensure that any establishments, which by the time of accession fail to fully comply with the food safety *acquis*, except where covered by the provisions of this transitional measure, will have to terminate their activities.

Implementing rules to ensure the smooth operation of the above transitional regime with respect to Regulations (EC) No 852/2004 and No 853/2004, may be adopted in accordance with the second paragraph of Article 12 and the second paragraph of Article 9 respectively thereof.

Implementing rules to ensure the smooth operation of the above transitional regime with respect to Regulation (EC) No 1774/2002 may be adopted in accordance with the third subparagraph of paragraph 1 of Article 32 thereof.

### ANNEX III (marketing of seeds)

**32002 L 0053:** Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1);

**32002 L 0055:** Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33).

Croatia may postpone until 31 December 2014 the application of Article 4(1) of Directive 2002/53/EC and Article 4(1) of Directive 2002/55/EC with regard to the marketing in its territory of seeds of varieties listed in its respective national catalogues of varieties of agricultural plant species and varieties of vegetable plant species which have not been officially accepted in accordance with the provisions of those Directives. During that period, such seeds shall not be marketed in the territory of other Member States.

## ANNEX IV (Neum)

**31997 L 0078:** Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9):

Article 1 is replaced by the following:

### 'Article 1

1. Veterinary checks on products from third countries introduced into one of the territories listed in Annex I shall be carried out by Member States in accordance with this Directive and with Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.
2. By way of derogation from paragraph 1, consignments of products coming from the territory of Croatia and transiting through the territory of Bosnia and Herzegovina at Neum ('Neum corridor') before re-entering the territory of Croatia via the points of entry at Klek or Zaton Doli, may be exempted from the veterinary checks, subject to compliance with the following requirements:
  - (a) Croatia must have in place on or before the date of its Accession to the Union points of entry to the north and south of the Neum corridor that are equipped, staffed and prepared to ensure compliance with the requirements of this paragraph;
  - (b) Croatia must ensure that:
    - (i) only closed vehicles are used for transporting the consignments;
    - (ii) vehicles transporting consignments are sealed before transiting the Neum corridor;
    - (iii) the date and time of leaving and re-entering the territory of Croatia of the vehicles transporting consignments are recorded, so that the total time of transit can be calculated.

- (c) Croatia shall ensure that consignment must not be allowed to re-enter its territory where:
- (i) a vehicle's seal has been broken during transiting the Neum corridor; and/or
  - (ii) the total time of transit considerably exceeds the acceptable total time of transit, given the total distance of transit
- unless the competent authority has carried out an assessment of the risks to animal and public health and has adopted effective, proportionate and targeted measures based on that assessment.
- (d) Croatia must regularly and as necessary inform the Commission of any non-compliance with the requirements of point (b) and of the measures it has taken under point (c);
- (e) Where necessary, a decision to suspend or withdraw the derogation from paragraph 1 shall be adopted in accordance with the procedure laid down in Article 29.
- (f) Detailed rules where necessary for the application of this paragraph may be adopted in accordance with the procedure laid down in Article 29.
-