



Notification Number: 2002/331/F

## **Draft Decree on imports and exports of veterinary medicinal products and amending the Public Health Code (second part: Decrees in the Council of State).**

Date received : 20/08/2002  
End of Standstill : 21/11/2002  
Issue of comments by : Commission  
Issue of detailed opinion by : Commission

### Message

Message 002

Communication from the Commission - SG(2002) D/51666  
Directive 98/34/EC  
Translation of the message 001  
Notification: 2002/331/F

(MSG: 200201666.EN)

#### **1. Structured Information Line**

MSG 002 IND 2002 0331 F EN 21-11-2002 20-08-2002 F NOTIF 21-11-2002

#### **2. Member State**

France

#### **3. Department Responsible**

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#### **3. Originating Department**

Ministère de la santé, de la famille et des personnes handicapées  
Direction générale de la santé  
Sous-direction de la politique des produits de santé  
8, avenue de Ségur  
75350 Paris 07 SP



#### **4. Notification Number**

2002/331/F - COOP

#### **5. Title**

Draft Decree on imports and exports of veterinary medicinal products and amending the Public Health Code (second part: Decrees in the Council of State).

#### **6. Products Concerned**

Veterinary medicinal products

#### **7. Notification Under Another Act**

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#### **8. Main Content**

This text concerns the import conditions for veterinary medicinal products. Article L. 1542-7 of the Public Health Code lays down that the import of veterinary medicinal products is subject to licence by the French Food Safety Agency. Article L. 5142-8 (5°) states that the conditions to which the import licence for veterinary medicinal products is subject shall be determined by a decree. The Draft lays down the conditions for the import licence application and the processing conditions for the different applications which can be presented to the Director-General of the French Food Safety Agency.

It also introduces the conditions for the parallel import of proprietary veterinary medicinal products and lays down the application procedures for parallel import licences and the conditions governing processing of the licences by the Director-General of the French Food Safety Agency .

The notification only applies to part of this text. The provisions intended to transpose directives are also introduced in this Draft. To be exact, this concerns provisions on the export of veterinary medicinal products, veterinary medicinal products that veterinary service providers can import (Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products, Articles 93 and 70) and provisions on the intracommunity trading of medicated feedingstuffs (Article 10 of 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). Articles which are not covered by the notification procedure are Articles R. 5146-55-24, R. 5146-55-25 and R. 5146-55-26.

#### **9. Brief Statement of Grounds**

1- As regards the import of veterinary medicinal products, this Draft Decree has been drafted in application of Articles L. 5142-7 and L. 5142-8 (5°) of the Public Health Code.

This text lays down the licensing procedures for the import of veterinary medicinal products when they have not been issued with a licence for placing on the market, a temporary use licence or a registration. The licence conditions are different depending on whether the importing is carried out by an economic operator or an individual.

2- As regards the parallel import of proprietary veterinary medicinal products, this Draft seeks to develop specific legislation. Taking account of a complaint brought before the European Commission by an economic operator, a letter of notice was sent to the French authorities on 24 January 2001. The French authorities replied to this letter of notice on 27 March 2001. This complaint (P/00/4807) regards the import, without a license, by a veterinarian of veterinary medicinal products identical to product licensed in France.



A previous version of this Draft Decree was forwarded to the European Commission informally on 15 April 2002.

#### **10. Reference Documents - Basic Texts**

- Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products;
- 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;
- Commission communication on the withdrawal of the Proposal for a Directive that appeared in OJ C 143 of 12 June 1980 on parallel imports;
- Public Health Code, in particular Articles L 5142-7 and L 5142-8 (5°);
- General Imports Code, in particular Article 227 A;
- Customs Code, in particular Article 38;

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

David O'Sullivan  
Secretary-General  
European Commission

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sent to :

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Frau Christina Jäckel

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1



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**EUROPEAN COMMISSION**  
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