COUNCIL DIRECTIVE 97/76/EC

of 16 December 1997

amending Directive 77/99/EEC and Directive 72/462/EEC with regard to the rules applicable to minced meat, meat preparations and certain other products of animal origin

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Having regard to the opinion of the Economic and Social Committee [2],

Whereas Council Directive 77/99/EEC of 21 December 1976 on health problems affecting the production and marketing of meat products and certain other products of animal origin [3], updated by Directive 92/5/EEC [4] provides for the possibility of using meat as referred to in Article 2 of Directive 88/657/EEC in the preparation of meat products;

Whereas Directive 88/657/EEC has been repealed with effect from 1 January 1996 and replaced by Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations [5]; whereas, in order to ensure legal certainty, references to Directive 88/657/EEC should be amended accordingly;

Whereas those provisions which, because of their temporary nature, are now out of date should be deleted from Directive 77/99/EEC;

Whereas, furthermore, given the special production conditions for stomachs, bladders and intestines, arrangements other than those previously laid down by Directive 77/99/EEC should be applied to them; whereas a reasonable time limit should be laid down for the Member States to comply with these new arrangements both with regard to their national production and their imports from third countries,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/99/EEC is hereby amended as follows:

1. In the fifth indent of Article 2(a)(ii) and 2(d), the reference to Directive 88/657/EEC shall be replaced by a reference to Directive 94/65/EC.

2. In Article 3:

   (a) the second indent of point A.1 shall read '— in accordance with Article 9(1) . . .';

   (b) the following subparagraph shall be added to point A.1:

   'or, which have been registered and inspected in accordance with Article 9(2)';

   (c) point A.9 shall be amended as follows:

   — paragraph (a) shall be deleted,

   — the words '(b) from 1 July 1993' shall be deleted,

   — point (i) shall become point (a) and point (ii) shall become point (b).

3. Article 9(2) shall be amended as follows:

   '2. Member States may extend the derogation provided for in paragraph 1 to the establishments referred to in Article 4, section A, point (a)(i), and sections C, D and E of Directive 64/433/EEC, on the understanding that the processing of products in those establishments must meet the other requirements of this Directive'.

4. In Article 13(1)(c), the words 'until 1 July 1993, the health certificate provided for in Annex D' shall be deleted.

5. In the final subparagraph of Article 13(1), the reference to Directive 88/657/EEC shall be replaced by a reference to Directive 94/65/EC.

6. Article 21 shall be deleted.

7. In the first and second indents of point 2 of Chapter III of Annex B, the reference to Directive 88/657/EEC shall be replaced by a reference to Directive 94/65/EC.

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[1] OJ C 341, 5. 12. 1994, p. 206.
[2] OJ C 397, 31. 12. 1994, p. 37.
[3] OJ L 26, 31. 1. 1997. Directive as last amended by Directive 95/68/EC (OJ L 332, 30. 12. 1995, p. 10).
[4] OJ L 57, 2. 3. 1992, p. 1.
[5] OJ L 368, 31. 12. 1994, p. 10.