COUNCIL DIRECTIVE 95/23/EC

of 22 June 1995

amending Directive 64/433/EEC on conditions for the production and marketing of fresh meat

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 [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas Directive 64/433/EEC [4] regulates the production and marketing of fresh meat of bovine animals, swine, sheep and goats and domestic solipeds;

Whereas the regulations for low-capacity establishments eligible for approval under simplified structure and infrastructure criteria should be simplified, to take account of particular circumstances and of the principle of subsidiarity;

Whereas hygiene requirements should be defined for the production and marketing of sliced offal;

Whereas the regulations on accompanying documents can be simplified;

Whereas meat from low-capacity establishments should comply only with general hygiene requirements for meat production and marketing and for this reason may be not marked with the Community stamp and be the subject of trade;

Whereas the maximum handling limits for low-capacity slaughterhouses and cutting plants should be aligned on those laid down in 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 [5];

Whereas, however, account should be taken of certain specific situations in applying these limits;

Whereas experience has shown the need to amend the Directive 64/433/EEC on a number of technical points which have caused problems of practical application,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 64/433/EEC is hereby amended as follows:

(1) The following point shall be added to Article 2:

'(o) "repackaging centre" means a workshop or depot where wrapped meet intended for placing on the market is reassembled and/or repackaged.'

(2) Article 3 (1) shall be amended as follows:

(a) Section A (a) shall be replaced by the following:

'(a) have been obtained in a slaughterhouse meeting the conditions laid down in Chapters I and II of Annex I and approved and supervised in accordance with Article 10;'

(b) in Section A (f):

(ba) subdivision (ii) shall be replaced by the following:

'(ii) an accompanying commercial document which must:

— be drawn up by the dispatching establishment,

— in addition to the particulars provided for in point 50 of Chapter X of Annex I, bear the veterinary approval number of the approved establishment and in the case of frozen meat, the month and year of freezing in clear,

— for meat intended for Finland and Sweden, bear one of the indications provided for in the third indent of Part IV of Annex IV,

(1) OJ No C 224, 12. 8. 1994, p. 15.
(2) OJ No C 109, 1. 5. 1995.
(3) OJ No C 397, 31. 12. 1994, p. 18.
(4) OJ No 121, 29. 7. 1994, p. 2012/64. Directive as updated by Directive 91/497/EEC (OJ No L 268, 24. 9. 1991, p. 69) and as last amended by the 1994 Act of Accession.
(5) OJ No L 62, 15. 3. 1993, p. 86.

— be kept by the consignee so that it can be produced at the request of the competent authority. Computer data must be printed at the request of the aforesaid authority';

(bb) the last subparagraph shall be replaced by the following:

'At the request of the competent authority in the Member State of destination, a health attestation must be supplied where meat is intended for export to a third country after processing. The costs incurred in such attestation shall be borne by operators;'

(c) in Section B:

— the introductory phrase shall be replaced by the following:

'B. cuts or pieces smaller than those referred to in Section A, or boned meat whether or not wrapped:';

— in points (a) and (b), the words 'or wrapped' shall be inserted each time after 'cut';

(d) in Section C:

— in the first subparagraph the second sentence shall be replaced by the following:

'Uncut offal must comply with the requirements of Sections A and B.',

— in the last sentence of the first subparagraph 'sliced' shall be deleted,

— the second subparagraph shall be deleted;

(e) the following sentence shall be added to Section D (b):

'In this case the veterinary approval number of the cold store must be given on the accompanying commercial document.';

(f) the following section shall be added:

'F. fresh meat from which the packaging has been removed and which is to be re-packaged in an establishment other than that in which it was first wrapped:

(a) must meat the requirements of Sections A, B, C and D;

(b) must be removed from its packaging and repackaged in a repackaging centre which satisfies the requirements of Chapter I of Annex I and is approved and supervised in accordance with Article 10.'

(3) Article 4 shall be replaced by the following:

'Article 4

A. As from 1 January 1995, Member States may, by way of derogation from Article 3, allow meat from slaughterhouses which do not satisfy the requirements of Chapters I and II of Annex I to be placed on the market for marketing in their national territory, provided the following conditions are met:

(a) the slaughterhouses in question must:

(i) handle not more than 20 livestock units per week with a maximum of 1 000 livestock units per year;

(ii) satisfy the requirements of Annex I, Chapters V and VII, point 66 first, second and fourth paragraphs and point 67 of Chapter XIV and point 69 of Chapter XV, with the exception of the requirements relating to imported fresh meat, and points 71, 72 and 73;

(iii) fulfil the requirements of Annex II;

(iv) notify the veterinary service in advance of the time of slaughter and the number and the origin of the animals to allow it to carry out the *ante mortem* inspection in accordance with Chapter VI of Annex I, either on the farm or at the slaughterhouse.

(b) the operator of the slaughterhouse, the owner or his agent must keep a register of:

— animals entering the establishment and slaughter products leaving it,

— the checks carried out,

— the results of those checks.

This information shall be communicated to the competent authority at its request;

(c) the official veterinarian or an auxiliary must carry out the *post-mortem* inspection of the meat in accordance with Annex I, Chapter VIII, in compliance with the requirements of Annex I, Chapter VII, point 32. Where the meat has lesions or appears to have deteriorated, the *post-mortem* inspection must be carried out by the official veterinarian. The official veterinarian or the auxiliary under his responsibility must regularly monitor compliance with the hygiene rules laid down in Chapters V and VII of Annex I.

When applying this Article, Member States shall use the following conversion rates:

(i) *beef and veal*

— adult bovine animals within the meaning of Regulation (EEC) No 805/68 and solipeds: 1 livestock unit

— other bovines: 0,50 livestock unit

(ii) *pigmeat*

— pigs with a live weight of over 100 kg: 0,20 livestock unit

— other pigs [a]: 0,15 livestock unit

(iii) *other meat*

— sheep and goats: 0,10 livestock unit

— lambs, kids and piglets of less than 15 kg live weight: 0,05 livestock unit.

B. Within the limit of 1 000 livestock units referred to in Section A, first subparagraph, subdivision (a) (i), Member States may derogate from the weekly limit laid down therein to take account of the need to slaughter lambs and kids in the period leading up to religious festivals, provided that the official veterinarian is present at the time of slaughter, that the hygiene requirements are complied with and that the meat has not been frozen before being placed on the market.

C. The maximum amounts provided for in Section A, first subparagraph, subdivision (a) (i) may be applied to individual operators slaughtering on their own account at quite separate times in the week in an establishment which satisfies the following requirements:

(a) the owner of the establishment or any other person using this establishment has received specific training, recognized by the competent authority, in production hygiene;

(b) the animals to be slaughtered are the property of the owner of the establishment, or of a self-employed butcher or have been purchased by them to meet the requirements referred to in point (d);

(c) the meat is produced in premises which meet the requirements of Annex II;

(d) production must be confined to supplying establishments belonging to the butchers referred to in (b) and to sale on the spot to the consumer or to local bodies.

Where several individual slaughter quantities are added up, the maximum amounts provided for in Section A, first subparagraph, subdivision (a) (i) may be raised to 30 livestock units per week and 1 500 livestock units per year for the slaughterhouse meeting the conditions set out in the first subparagraph. Member States availing themselves of this possibility shall forward the list of establishments benefiting from these provisions to the Commission.

D. Under the procedures provided for in Article 16, Member States may, at their request, be authorized to apply the requirements of Section A to slaughterhouses situated in regions suffering from special geographical constraints or affected by supply difficulties which handle not more than 2 000 livestock units per year.

E. Derogations may be granted by the competent authority in accordance with Annex II in the case of cutting plants which are not situated in an approved establishment and which produce not more than five tonnes of boned meat per week or the equivalent of bone-in meat.

The provisions of Annex I, Chapter V, Chapter VII, point 38, Chapter IX — with the exception of the requirement for the temperature of the cutting room laid down in the second sentence of point 46 (c) — and point 48 of Chapter X shall apply to cutting and storage operations in the establishments referred to in the first subparagraph.

F. Meat that comes from the establishments referred to in this Article and that has been judged fit for human consumption, bearing in mind the hygiene and health requirements laid down by this Directive, must be marked with a national stamp which cannot be confused with the Community stamp and may in particular not be oval. However, this stamp shall not be necessary for cuts which have not been packaged.

G. Member States may also allow derogations from the minimum requirements of Chapter I of Annex I for low-capacity cold stores in which only packaged meat and other foodstuffs are stored. Sweden may, until 20 June 1997, authorize packaged meat and non-packaged meat to be stored in one and the same cold store by means of an appropriate separation.

H. Slaughterhouses benefiting from the derogations provided for in this Article shall be subject to the Community inspection required for approved establishments.

[a] Game animals being treated in the same way as the respective species for the purposes of applying the conversion rates.';

(4) The following Article shall be inserted:

'*Article 4a*

1. Member States shall communicate, by 31 December 1995, the list of the establishments