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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

(OJ L 368, 31.12.1994, p. 10)

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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

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 minced meat and meat preparations are included in the list of products in Annex II to the Treaty; whereas the production of and trade in minced meat and meat preparations constitute an important source of income for part of the farming population;

Whereas in order to ensure the rational development of the industry producing such meat and to increase productivity, public health rules for the production and placing on the market of such meat must be laid down at Community level;

Whereas the laying down of such rules improves the protection of public health and consequently facilitates the completion of the internal market;

Whereas, to achieve this purpose, it is necessary to repeal 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 ([4]), and to replace it by this Directive;

Whereas meat which has not undergone any treatment — other than cold treatment — is subject to the requirements of Directives 64/433/EEC ([5]) and 71/118/EEC ([6]); whereas products which have undergone treatment modifying the characteristics of fresh meat are regulated by Directive 77/99/EEC ([7]); whereas the production of other products, whether they are presented in the form of minced meat or meat preparations, should as a result be subject to the requirements of this Directive;

Whereas to take account of consumption habits in some Member States, and of the risk presented by some of those products if they are eaten lightly cooked, very strict requirements should be maintained ►C1 for minced meat and meat preparations which may be traded; ◄

Whereas the fundamental criterion which the Community must adopt as regards the functioning of the internal market is that of a high standard of consumer protection;

Whereas Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ([8]) and Council Directive 89/396/EEC of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs ([9]) are applicable;

([1]) OJ No C 84, 2. 4. 1990, p. 120 and OJ No C 288, 6. 11. 1991, p. 3.
([2]) OJ No C 183, 15. 7. 1991, p. 59.
([3]) OJ No C 225, 10. 9. 1990, p. 1.
([4]) OJ No L 382, 31. 12. 1988, p. 3.
([5]) OJ No L 121, 29. 7. 1964, p. 2012/64.
([6]) OJ No L 55, 8. 3. 1971, p. 23.
([7]) OJ No L 26, 31. 1. 1977, p. 85.
([8]) OJ No L 33, 8. 2. 1979, p. 1.
([9]) OJ No L 186, 30. 6. 1989, p. 21.

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Whereas a system of approval should be introduced for the establishments which meet the health requirements laid down by this Directive, together with a Community inspection procedure to ensure that the conditions for such approval are observed;

Whereas that system should be based on the principle of self-monitoring by the establishments;

Whereas health marking of meat products is the best way of satisfying the competent authority of the place of destination that a consignment complies with the provisions of this Directive; whereas the health certificate should be maintained for the purposes of verifying the destination of certain products;

Whereas the rules, principles and safeguard measures established by 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 ([1]) should apply here;

Whereas, in the context of intra-Community trade, the rules laid down in Directive 89/662/EEC ([2]) should also be applied;

Whereas the rules applicable to imports from third countries should be defined;

Whereas the Commission should be entrusted with the task of adopting certain measures for implementing this Directive; whereas, to that end, procedures should be laid down establishing close and effective cooperation between the Commission and the Member States within the Standing Veterinary Committee,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

Article 1

1. This Directive lays down rules for the production, placing on the market in the Union and importing of meat preparations and minced meat.

2. This Directive shall not apply to meat preparations and minced meat which are produced in retail shops or in premises adjacent to sales points, with a view to sale there directly to the final consumer, such operations remaining subject to the health checks required by national rules governing supervision of the retail trade.

3. This Directive shall not apply to mechanically recovered meat for industrial use which undergoes heat treatment in establishments approved in accordance with Directive 77/99/EEC.

4. National rules applicable to the production and placing on the market of minced meat intended for use as raw material for the manufacture of the products referred to in Article 21 (a) shall be unaffected by this Directive.

Article 2

For the purposes of this Directive:

1. the definitions contained in Article 2 of Directives 64/433/EEC, 71/118/EEC and 72/462/EEC ([3]) shall apply as necessary;

2. the following definitions shall apply;

   (a) minced meat: meat which has been minced into fragments or passed through a spiral-screw mincer;

([1]) OJ No L 373, 31. 12. 1990, p. 1.
([2]) OJ No L 395, 30. 12. 1989, p. 13.
([3]) OJ No L 302, 31. 12. 1972, p. 28.

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(b) meat preparations: meat within the meaning of Article 2 of Directives 64/433/EEC, 71/118/EEC and 92/45/EEC [1], and meat satisfying the requirements of Articles 3, 6 and 8 of Directive 91/495/EEC [2] which has had foodstuffs, seasonings or additives added to it or which has undergone a treatment insufficient to modify the internal cellular structure of the meat and thus to cause the characteristics of the fresh meat to disappear;

(c) seasonings: salt intended for human consumption, mustard, spices and aromatic spice extracts, aromatic herbs and aromatic extracts thereof;

(d) production plant: any plant in which minced meat or meat preparations are produced:

— which is located in a cutting plant and satisfies the requirements of Chapter I of Annex I to this Directive,

— which in the case of the production of meat preparations, is located in an establishment fulfilling the requirements of Chapter III of Annex I to this Directive,

— which, if it is not located on the premises of, or in an annex to, an establishment approved under Directives 64/433/EEC, 71/118/EEC or 77/99/EEC, fulfils the requirements of point 2 of Chapter I or point 2 of Chapter III of Annex I to this Directive;

(e) trade: trade between Member States within the meaning of Article 9 (2) of the Treaty;

(f) competent authority: the central authority of a Member State competent to carry out veterinary checks or any authority to which it has delegated that power.

CHAPTER II

Placing on the market of minced meat

Article 3

1. Each Member State shall ensure that only fresh meat obtained from bovine animals, pigs, sheep or goats and presented in the form of minced meat, which meets the following requirements is traded:

(a) it must have been prepared from striated muscle [a] — except heart muscle — which meets the requirements of:

(i) Article 3 of Directive 64/433/EEC; or

(ii) Directive 72/462/EEC;

and has been inspected in accordance with Directive 90/675/EEC.

In the case of fresh pigmeat, it must furthermore have been examined for trichinae in accordance with Article 2 of Directive 77/96/EEC [3] or have undergone cold treatment as referred to in Annex IV to that Directive;

(b) it must have been prepared, in accordance with the requirements of Chapter II of Annex I in a plant which:

(i) meets the requirements of points 1, 2 and 3 of Chapter I of Annex I, and

(ii) has been approved and is included on the list(s) drawn up in accordance with Article 8 (1);

(c) it must have been inspected in accordance with Chapter V of Annex I and with Article 8;

d) it must be marked and labelled in accordance with Chapter VI of Annex I;

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(1) OJ No L 268, 14. 9. 1992, p. 35.
(2) OJ No L 268, 24. 9. 1991, p. 41.
(a) Including the adjoining fatty tissues.
(3) OJ No L 26, 31. 1. 1977, p. 67.

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(e) it must have been wrapped, packaged and stored in accordance with the respective provisions of Chapters VII and VIII of Annex I;

(f) it must be transported in accordance with Chapter IX of Annex I;

(g) it must, during transport, be accompanied by:

(i) an accompanying commercial document which must:

— be drawn up by the dispatching establishment,

— bear the veterinary approval number of the approved production plant and in the case of frozen minced meat, the month and year of freezing in clear,

— for minced meat intended for Finland and Sweden, bear one of the indications provided for in the third indent ►C1 of Part IV of Annex IV to Directive 64/433/EEC, ◄

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

However, at the request of the competent authority in the Member State of destination, ►C1 a health certificate must be provided ◄ when meat is intended for export to a third country after mincing. The cost of such certification shall be borne by the operators:

(ii) a health certificate ►C1 in accordance with Annex III, ◄ in the case of minced meat from a production plant situated in a restricted region or area or minced meat to be sent to another Member State, after transit through a third country in a sealed lorry.

2. Minced meat must meet the following requirements in addition to those listed in paragraph 1:

(a) the fresh meat from which it is obtained must:

(i) where it has been frozen or deep-frozen, be obtained from fresh boned meat which has been stored for no longer than 18 months for beef and veal, 12 months for sheepmeat and six months for pigmeat, after freezing or deep-freezing, in a cold store approved in accordance with Article 10 of Directive 64/433/EEC. However, the competent authority may authorize the boning of pigmeat and sheepmeat on the spot immediately before mincing where this operation is carried out in satisfactory conditions of hygiene and quality;

(ii) where it has been chilled, be used:

— within no more than six days after slaughter of the animals, or

— within no more than 15 days after slaughter of the animals in the case of boned, vacuum-packed beef and veal;

(b) the minced meat must have undergone cold treatment within a period of not more than one hour after portioning and wrapping, except where processes requiring the lowering of the internal temperature of the meat during production are used;

(c) the minced meat must be packaged and presented in one of the following forms:

(i) chilled and in this case obtained from meat as described in (a) (ii) and cooled to an internal temperature below + 2ºC in the shortest time possible.

However, the addition of a limited quantity of frozen meat satisfying the conditions laid down in (a) (i) shall be authorized to accelerate the refrigeration process provided that this addition is mentioned on the label. In such cases, the period referred to above must not exceed one hour;