Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC

COUNCIL DIRECTIVE 92/118/EEC

of 17 December 1992

laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposals from the Commission[(1)],

Having regard to the opinions of the European Parliament[(2)],

Having regard to the opinions of the Economic and Social Committee[(3)],

Whereas products of animal origin are included in the list of products in Annex II to the Treaty; whereas the placing on the market of such products constitutes an important source of income for part of the farming population;

Whereas in order to ensure rational development in this sector and increase productivity, animal health and public health rules for the products in question should be laid down at Community level;

Whereas the Community must adopt the measures intended progressively to establish the internal market consisting of an area without internal frontiers, over a period expiring on 31 December 1992;

Whereas in view of the abovementioned objectives the Council has laid down animal health rules applicable to fresh meat, poultrymeat, meat products, game meat, rabbit meat and milk products;

Whereas, save where otherwise provided, trade in products of animal origin must be liberalized, without prejudice to recourse to possible safeguard measures;

Whereas, given the significant risk of the spread of diseases to which animals are exposed, for certain products of animal origin particular requirements should be specified to be imposed when they are placed on the market for the purposes of trade, particularly when intended for regions with a high health status;

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Whereas, when Directive 92/65/EEC was adopted, the Commission agreed to disassociate the animal health aspects applicable to animals from those applicable to products;

Whereas, so as to allow checks at borders between Member States to be abolished on 1 January 1993, animal health and public health rules should be fixed to apply to all products subject to such checks trade in and imports of which have not yet been harmonized at Community level;

Whereas, to achieve this objective, certain existing rules should be adapted for the adoption of the aforesaid measures;

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

Whereas the accompanying document for 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 public health or animal health certificate should be maintained for the purposes of verifying the destination of certain imported 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[(4)] should apply here;

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

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;

Whereas, in view of the particular supply difficulties arising from its geographical situation, special derogations should be permitted for the Hellenic Republic;

Whereas the adoption of specific rules for the products covered by this Directive is without prejudice to the adoption of rules on food hygiene and safety in general, on which the Commission has submitted a proposal for a framework Directive,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

General provisions

Article 1

This Directive lays down the animal health and public health requirements governing trade in and imports into the Community of products of animal origin (including trade samples taken from such products) not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC[(5)] and, as regards pathogenic agents, to Directive 90/425/EEC.

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This Directive shall be without prejudice to the adoption of more detailed rules on animal health in the framework of the aforesaid specific rules nor the maintenance of restrictions on trade or imports of products covered by the specific rules referred to in the first paragraph based on the rules of public health.

Article 2

1 For the purposes of this Directive:

a *trade means trade as defined by Article 2 (2) of Directive 89/662/EEC*;

b *trade sample means a sample of no commercial value, taken on behalf of the owner or the person responsible for an establishment, which is representative of a given product of animal origin produced by that establishment, or constitutes a specimen of a product of animal origin the manufacture of which is contemplated, and which, for the purposes of subsequent examination, must bear a reference to the type of product, its composition and the species of animal from which it was obtained*;

c *serious transmissible disease means all diseases covered by Directive 82/894/EEC*[6]

d *pathogenic agents jmeans any collection or culture of organisms or any derivative, present either alone or in the form of a manipulated combination of such a collection or culture of organisms capable of causing disease in any living being (other than man) and any modified derivatives of these organisms, which can carry or transmit an animal pathogen, or the tissue, cell culture, secretions or excreta by which or by means of which an animal pathogen can be carried or transmitted; this definition does not include the immunological veterinary medicinal products authorized pursuant to Directive 90/677/EEC*[7];

[[F1]e processed animal protein intended for animal consumption means animal protein which has been treated so as to render it suitable for direct use as a feedingstuff or as an ingredient in a feedingstuff for animals. It includes fishmeal, meatmeal, bonemeal, hoofmeal, hornmeal, bloodmeal, feathermeal, dry greaves and other similar products including mixtures containing these products;**]**

f *processed animal protein intended for human consumption means greaves, meatmeal and pork-rind powder referred to in Article 2 (b) of Directive 77/99/EEC*[8]**[**[F2].**]**

[[F1]g apiculture product means honey, beeswax, royal jelly, propolis or pollen, not intended for human consumption or for industrial use.**]**

2 In addition, the definitions contained in Article 2 of Directives 89/662/EEC, 90/425/EEC and 90/675/EEC shall apply *mutatis mutandis*.

Textual Amendments

F1 Deleted by Directive 2002/33/EC of the European Parliament and of the Council of 21 October 2002 amending Council Directives 90/425/EEC and 92/118/EEC as regards health requirements for animal by-products.

F2 Substituted by Directive 2002/33/EC of the European Parliament and of the Council of 21 October 2002 amending Council Directives 90/425/EEC and 92/118/EEC as regards health requirements for animal by-products.

Article 3

Member States shall ensure that:

— trade in and imports of products of animal origin referred to in Article 1 **[**[F1]together with gelatins not intended for human consumption **]**are not prohibited or restricted for animal health or public health reasons other than those arising from the application

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of this Directive or from Community legislation, and in particular any safeguard measures taken,

— **[**F2any new product of animal origin intended for human consumption whose placing on the market in a Member State is authorised after the date provided for in Article 20 may not be the subject of trade or importation until a decision has been taken in accordance with the first paragraph of Article 15 after evaluation, if appropriate in the light of the opinion of the Scientific Veterinary Committee set up by Decision 81/651/EEC, of the real risk of the spread of serious transmissible diseases which could result from movement of the product, not only for the species from which the product originates but also for other species which could carry the disease, become a focus of disease or a risk to human health,**]**

— the other products of animal origin referred to in Article 2 (b) of Directive 77/99/EEC may not be the subject of trade or importation from third countries unless they meet the requirements of that Directive and the relevant requirements of this Directive.

Textual Amendments

F1 Deleted by Directive 2002/33/EC of the European Parliament and of the Council of 21 October 2002 amending Council Directives 90/425/EEC and 92/118/EEC as regards health requirements for animal by-products.

F2 Substituted by Directive 2002/33/EC of the European Parliament and of the Council of 21 October 2002 amending Council Directives 90/425/EEC and 92/118/EEC as regards health requirements for animal by-products.

CHAPTER II

Provisions applicable to trade

Article 4

Member States shall take the necessary measures to ensure that, for the purposes of applying Article 4 (1) of Directive 89/662/EEC and Article 4 (1) (a) of Directive 90/425/EEC, the products of animal origin referred to in **[**F3**[**X1Annex I**]** and the second and third indents of Article 3 of this Directive may, without prejudice to the particular provisions to be adopted in implementation of Articles 10 (3) and 11, be the subject of trade only if they satisfy the following requirements:

1. they must meet the requirements of Article 5 and the specific requirements laid down in Annex I as regards animal health aspects**[**F4**[**X1 and Annex II as regards public health aspects**]]**,

2. they must come from establishments which:

   (a) undertake, in the light of the specific requirements laid down in **[**X1Annex I**]]** for the products the establishment produces, to:

   — comply with the specific production requirements set out in this Directive,

   — establish and implement methods of monitoring and checking the critical points on the basis of the processes used,

   — depending on the products, take samples for analysis in a laboratory recognized by the competent authority for the purpose

of checking compliance with the standards established by this Directive,

— keep a record, whether written or otherwise recorded, of the information obtained pursuant to the preceding indents for presentation to the competent authority. The results of the various checks and tests in particular shall be kept for at least two years,

— guarantee the administration of marking and labelling,

— should the result of the laboratory examination or any other information available to them reveal the existence of a serious animal health or public health hazard, inform the competent authority,

— consign, for purposes of trade, only products accompanied by a commercial document indicating the nature of the product, the name and, where appropriate, the veterinary approval number of the establishment of production;

(b) they are under supervision by the competent authority to ensure that the operator or manager of the establishment complies with the requirements of this Directive;

(c) they were registered by the competent authority on the basis of assurances from the establishment guaranteeing compliance with the requirements of this Directive.

Editorial Information

X1 Substituted by Corrigendum to Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC (Official Journal of the European Union L 157 of 30 April 2004).

Textual Amendments

F3 Substituted by Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC.

F4 Deleted by Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC.

Article 5

Member States shall ensure that every necessary measure is taken to guarantee that products of animal origin referred to in **[**F3**[**X1Annex I**]]** are not dispatched for purposes of trade from any holding, situated in a zone subject to restrictions because of the occurrence of a disease to which the species from which the product is derived is susceptible or from any establishment or zone from which movements or trade would constitute a risk to the animal health status of the Member States except where products are heat-treated in accordance with Community legislation.