COUNCIL DIRECTIVE 92/47/EEC

of 16 June 1992

on the conditions for granting temporary and limited derogations from specific Community health rules on the production and placing on the market of milk and milk-based products

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 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 milk and milk products are included on the list of products in Annex II to the Treaty; whereas production of and trade in such milk and products constitute an important source of income for the farming population;

Whereas, in order to ensure the rational development of this sector, to increase its productivity and progressively to establish the conditions for an internal market, health rules applying to production and placing on the market have been laid down at Community level by Directive 92/46/EEC (4)

Whereas it is possible that, because of particular circumstances, some establishments will be unable, by the date of application of the said Directive, to comply with all of the specific rules laid down; whereas, in order to take account of local situations and to prevent abrupt closures of establishments, arrangements should be made for temporary and limited derogations to be granted for establishments in operation before 1 January 1993;

Whereas the granting of derogations from specific Community health rules to certain establishments must be without prejudice to the requirement that all operations connected with production and placing on the market conform to the hygiene rules laid down by the aforesaid Directive;

Whereas, to forestall any risk of abuse, these derogations must be strictly controlled by the Commission; whereas to this end there should be a procedure for close and effective cooperation between the Commission and the Member States within the Standing Veterinary Committee,

(1) OJ No C 84, 2. 4. 1990, p. 100.
(2) OJ No C 183, 15. 7. 1991, p. 60.
(3) OJ No C 332, 31. 12. 1990, p. 62.
(4) See page 1 of this Official Journal.

HAS ADOPTED THIS DIRECTIVE

Article 1

Member States shall ensure that from 1 January 1998:

— all establishments fulfil the requirements of Directive 92/46/EEC,

— drinking milk and milk-based products from such establishments bear the health mark specified in Annex C, Chapter IV.A.3 of Directive 92/46/EEC.

Article 2

1. Member States may, until 31 December 1997, authorize establishments which, on the date on which this Directive is notified, have not been judged to comply with the requirements laid down by Directive 92/46/EEC for their approval, to derogate from some of the requirements laid down in Chapters I and V of Annex B to that Directive if drinking milk and milk-based products from such establishments do not bear the health mark specified in Annex C, Chapter IV.A.3 of the said Directive and are not intended for trade.

2. Derogations as referred to in paragraph 1 may be granted only to establishments which have, before 1 April 1993, submitted an application for a derogation to the competent national authority.

This application must be accompanied by a work plan and programme indicating the period within which it would be possible for the establishment to comply with the requirements referred to in paragraph 1.

Where financial assistance is requested from the Community, only applications complying with the requirements of Directive 92/46/EEC can be accepted.

Member States shall submit to the Commission before 1 July 1993 a list of the establishments for which it is proposed to grant a derogation. This list shall, for each individual establishment, specify the type and duration of the derogations envisaged, the nature of the products manufactured, the checks to be made on products from the establishment in question and the staff responsible for carrying out those checks.

Establishments which have not submitted applications for a derogation by the date referred to in the first subparagraph or