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COUNCIL DIRECTIVE 92/45/EEC

of 16 June 1992

on public health and animal health problems relating to the killing of wild game and the placing on the market of wild-game meat

(OJ L 268, 14.9.1992, p. 35)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive 92/116/EEC of 17 December 1992	L 62	1	15.3.1993
►**M2**	Council Directive 96/23/EC of 29 April 1996	L 125	10	23.5.1996
►**M3**	Council Directive 97/79/EC of 18 December 1997	L 24	31	30.1.1998
►**M4**	Council Regulation (EC) No 806/2003 of 14 April 2003	L 122	1	16.5.2003

Amended by:

►**A1**	Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
	(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995
►**A2**	Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003

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COUNCIL DIRECTIVE 92/45/EEC

of 16 June 1992

on public health and animal health problems relating to the killing of wild game and the placing on the market of wild-game meat

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 game meat is included in the list of products in Annex II to the Treaty; whereas the placing on the market of wild game meat constitutes an additional source of income for part of the farming population;

Whereas, in order to ensure the rational development of this sector and to improve productivity, rules concerning public health and animal health problems affecting the production and placing on the market of wild game meat must be laid down at Community level;

Whereas disparities as regards animal health and public health conditions in the Member States should be eliminated in order to encourage intra-Community trade in such meat, with a view to the completion of the internal market;

Whereas diseases communicable to domestic animals and humans may be spread by such meat; whereas it is necessary to lay down rules enabling these risks to be controlled;

Whereas it is necessary to lay down the hygiene conditions in which wild game meat must be obtained, processed and inspected, in order to prevent food-borne infections or food poisoning;

Whereas it is necessary to stipulate the hygiene rules to be complied with by wild game processing houses for the purposes of approval for trade;

Whereas, in respect of the organization of, and the follow-up to, the checks to be carried out by the Member State of destination and the safeguard measures to be implemented, reference should be made to general rules laid down in Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ([4]);

Whereas wild game and wild-game meat imported from third countries should be subject to the minimum requirements laid down by this Directive for trade between Member States, and compliance therewith should be monitored in accordance with the principles and rules set out in Directive 90/675/EEC ([5]);

Whereas it is appropriate to permit derogations for small quantities of wild game meat;

Whereas it is appropriate to grant temporary derogations to allow wild game processing houses to comply with the new requirements;

([1]) OJ No C 327, 30. 12. 1989, p. 40, and OJ No C 311, 12. 12. 1990, p. 5.
([2]) OJ No C 260, 15. 10. 1990, p. 154.
([3]) OJ No C 124, 21. 5. 1990, p. 7.
([4]) OJ No L 395, 30. 12. 1989, p. 13. Last amended by Directive 91/496/EEC (OJ No L 268, 24. 9. 1991, p. 56).
([5]) 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 (OJ No L 373, 31. 12. 1990, p. 1). Amended by Directive 91/496/EEC (OJ No L 268, 24. 9. 1991, p. 56).

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Whereas the Commission should be charged with adopting measures to implement this Directive; whereas, to that end, a procedure should be set up establishing close and effective cooperation between the Commission and the Member States within the Standing Veterinary Committee;

Whereas the deadline for transposition into national law, set at 1 January 1994 in Article 23, should not affect the abolition of veterinary checks at frontiers on 1 January 1993,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

General provisions

Article 1

1. This Directive lays down public health and animal health rules applicable to the killing of wild game and to the preparation and placing on the market of wild game meat.

2. This Directive shall not apply to:

(a) small numbers of wild game, unskinned or unplucked, and, in the case of small wild game, ineviscerated, supplied directly by the hunter to the consumer or to the retailer;

(b) small quantities of wild-game meat supplied directly to the final consumer;

(c) the cutting and storage of wild-game meat in retail shops or in premises adjacent to sales points, where the cutting and storage are performed solely for the purpose of supplying the consumer directly on the spot.

The above operations shall continue to be subject to the public health checks provided for in national rules governing retailing.

3. The provisions of this Directive concerning trade or imports from third countries shall not apply to trophies or to killed wild game carried by travellers in their private vehicle provided that only a small quantity of small wild game or a single large wild game animal is involved and the circumstances indicate that there is no question of the meat of such game being intended for trade or commercial use, and provided that the game in question does not come from a country or a part of a country trade from which is prohibited pursuant to Article 11 (2) and 3 or Article 18.

Article 2

1. For the purposes of this Directive, the following definitions shall apply:

(a) ‘wild game’: wild land mammals which are hunted (including wild mammals living within an enclosed area under conditions of freedom similar to those enjoyed by wild game) and wild birds which are not covered by Article 2 of Council Directive 91/495/EEC of 27 November 1990, concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat ([1]);

(b) ‘large wild game’: wild ungulates;

(c) ‘small wild game’: wild mammals of the Leporidae family and wild game birds intended for human consumption;

(d) ‘wild-game meat’: all parts of wild game which are fit for human consumption;

(e) ‘wild game processing house’: an establishment approved in accordance with Article 7 in which wild game is processed and

([1]) OJ No L 268, 24. 9. 1991, p. 41.

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wild game meat is obtained and inspected in accordance with the hygiene rules laid down in this Directive;

(f) 'collection centre': any place where killed wild game is kept in accordance with the hygiene rules in Annex I, Chapter IV (2) prior to being transported to a processing house;

(g) 'placing on the market': holding or displaying for sale, offering for sale, selling, delivering or any other form of placing on the market of wild game meat for human consumption in the Community, excluding supplies pursuant to Article 1 (2);

(h) 'trade': trade between Member States within the meaning of Article 9 (2) of the Treaty.

2. For the purposes of this Directive the definitions in Article 2 of Directive 89/662/EEC and Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market [1], and the definition of fresh meat in Article 2 (b) of Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat [2], shall apply as necessary.

CHAPTER II

Provisions applicable to Community production and trade

Article 3

1. Member States shall ensure that wild game meat:

(a) comes from wild game which:

— has been killed in a hunting area by means authorized under national legislation governing hunting,

— does not come from a region subject to restrictions pursuant to Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat [3], Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat [4] and Council Directive 91/495/EEC or from a hunting area subject to restrictions pursuant to Articles 10 and 11 of this Directive,

— immediately after killing has been prepared in accordance with Annex I, Chapter III, and transported within a maximum of 12 hours to a processing house as referred to in (b) or to a collection centre where it must be chilled to the temperatures specified in Annex I, Chapter III, and from which it must be taken to a processing house as referred to in (b) within 12 hours or, in the case of remote regions where climatological conditions so permit, within a period to be fixed by the competent authority to enable the official veterinarian of the said processing house to carry out the post mortem inspection provided for in Annex I, Chapter V, under satisfactory conditions. ►A1 The Council, acting on a proposal from the Commission, may lay down specific rules applicable to the collection of wild game under special climatic conditions ◄;

(b) is obtained:

(i) either in a wild game processing house fulfilling the general conditions of Annex I, Chapters I and II, and approved for the purposes of the present Chapter in accordance with Article 7;

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(1) OJ No L 224, 18. 8. 1990, p. 29. Last amended by Directive 91/496/EEC (OJ No L 268, 24. 9. 1991, p. 56).

(2) OJ No L 121, 29. 7. 1964, p. 2012/64. Last amended by Directive 91/497/EEC (OJ No L 268, 24. 9. 1991, p. 69).

(3) OJ No L 302, 31. 12. 1972, p. 24. Last amended by Directive 91/266/EEC (OJ No L 134, 29. 5. 1991, p. 45).

(4) OJ No L 268, 24. 9. 1991, p. 35.

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(ii) in the case of large wild game, in an establishment approved in accordance with Article 10 of Directive 64/433/EEC, or, in the case of small wild game, in accordance with Article 5 of Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat [1] provided that:

— such game is skinned in rooms separate from those reserved for meat covered by those Directives, or at different times,

— such establishments are given special approval for the purposes of this Directive,

— measures are taken to allow clear identification of meat obtained pursuant to the present Directive and meat obtained pursuant to Directives 64/433/EEC and 71/118/EEC;

(c) comes from killed animals which have undergone visual inspection by the official veterinarian:

— to detect any anomalies. The official veterinarian may base his diagnosis on any information supplied by the hunter, where appropriate on the basis of a certificate laid down by the authority responsible for hunting rules, on the behaviour of the animal before killing,

— to check that death is not due to causes other than hunting;

(d) comes from wild game which:

— has been handled under satisfactory hygiene conditions, in accordance with Annex I, Chapters III and IV,

— has undergone, in accordance with Annex I, Chapter V, post-mortem inspection by an official veterinarian or, by auxiliaries holding the professional qualifications to be specified in accordance with the procedure laid down in Article 22, acting under the supervision of the official veterinarian,

— has not shown any change except for traumatic lesions which occurred during killing or localized malformations or changes, provided that it is established, if necessary by appropriate laboratory tests, that these do not render the meat unfit for human consumption or dangerous to human health,

— on which, in the case of small wild game which has not immediately after killing been eviscerated in accordance with Annex I, Chapter V (1), an official veterinary health inspection has been carried out on a representative sample of animals from the same source.

If the official veterinarian finds a disease communicable to man or defects as referred to in Annex I, Chapter V (4), he must carry out more checks on the entire batch. In the light of the results of these further checks, he must either exclude the entire batch from human consumption or inspect each carcase individually.

2. The official veterinarian must ensure that wild game meat is excluded from human consumption:

(i) if it is found to contain defects as referred to in Annex I, Chapter V (3) (e), or if it has been seized in accordance with paragraph 4 of that Chapter;

(ii) if the checks provided for in the third indent of paragraph 1 (d) of this Article have revealed the presence of a disease communicable to man;

(iii) if it comes from animals which have ingested substances which are likely to make the meat dangerous or harmful to human health and on which a decision has been taken, by the procedure laid down in Article 22, after the opinion of the Scientific Veterinary Committee has been obtained. Pending the implementation of such a decision, national rules on these substances shall remain in force, subject to the general provisions of the Treaty;

[1] OJ No L 55, 8. 3. 1971, p. 23. Last amended by Directive 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48).