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COUNCIL DIRECTIVE 92/5/EEC

of 10 February 1992

amending and updating Directive 77/99/EEC on health problems affecting intra-Community trade in meat products and amending Directive 64/433/EEC

(OJ L 57, 2.3.1992, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**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

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COUNCIL DIRECTIVE 92/5/EEC

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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 opinion of the European Parliament [2],

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

Whereas meat from bovine animals, swine, sheep and goats and domestic solipeds, poultrymeat, game meat and treated products derived from such meat are included in the list of products in Annex II to the Treaty; whereas production of and trade in these products constitute an important source of income for part of the farming population;

Whereas, in order to ensure the rational development of this sector and to increase productivity, public health rules governing production and placing on the market must be laid down at Community level;

Whereas the Community has to adopt measures for the progressive establishment of the internal market over a period expiring on 31 December 1992;

Whereas Directive 77/99/EEC [4] laid down the health requirements to be complied with in intra-Community trade in meat products;

Whereas Directive 89/662/EEC [5] laid down rules on the checks to be applied with a view to the completion of the internal market, and in particular abolished veterinary checks at frontiers between Member States;

Whereas to take account of the abolition of the said checks and of the introduction of more stringent guarantees at origin when it is no longer possible to distinguish between products for the domestic market and products to be marketed in another Member State, the requirements of Directive 77/99/EEC should be adapted and extended to all production;

Whereas the object of this adaptation must be in particular to standardize health requirements for the production, storage and transport of meat products and other products of animal origin intended for human consumption;

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 low-capacity establishments should be approved by means of simplified structure and infrastructure criteria, while complying with the rules of hygiene laid down in this Directive;

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(1) OJ No C 84, 2. 4. 1990, p. 89, OJ No C 327, 30. 12. 1989, p. 25, OJ No C 262, 14. 10. 1981, p. 3, OJ No C 267, 11. 10. 1982, p. 59, OJ No C 296, 5. 11. 1991, p. 8.

(2) OJ No C 240, 16. 9. 1991, p. 6, OJ No C 113, 7. 5. 1990, p. 205.

(3) OJ No C 332, 31. 12. 1990, p. 94, OJ No C 62, 2. 3. 1990, p. 25, OJ No C 168, 10. 7. 1990, p. 8, OJ No C 124, 21. 5. 1990, p. 15.

(4) OJ No L 26, 31. 1. 1977, p. 85. Directive as last amended by Directive 85/328/EEC (OJ No L 168, 28. 6. 1985, p. 28).

(5) OJ No L 395, 30. 12. 1989, p. 13. Directive as amended by Directive 90/675/EEC (OJ No L 373, 31. 12. 1990, p. 1).

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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 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 for the same reasons remote regions should be given additional time to comply with the requirements of this Directive;

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;

Whereas for the sake of clarity Directive 77/99/EEC should be updated and Directive 64/433/EEC [2] on health problems affecting intra-Community trade in fresh meat should be adapted,

HAS ADOPTED THIS DIRECTIVE:

Article 1

As from 1 January 1993 the title, Articles 1 to 21 and the Annexes to Directive 77/99/EEC shall be replaced by the text annexed to this Directive.

Article 2

Directive 91/497/EEC is hereby amended as follows:

1. In the title, the words ‘amending and consolidating’ shall be replaced by ‘amending and updating’ and the words ‘and amending Directive 72/462/EEC’ shall be added.
2. Article 1 shall be replaced by the following:

   ‘Article 1

   As from 1 January 1993 the title and Articles of Directive 64/433/EEC shall be replaced in accordance with the Annex to this Directive.’
3. In the Annex, in the title of Directive 64/433/EEC, the reference to ‘26 June 1964’ shall be deleted.
4. In Chapter XII of Annex I to Directive 64/433/EEC, in the third paragraph of point 60, the following sentence shall be added:

   ‘This requirement may be waived for frozen meat intended to be used without further processing as a raw material for the products referred to in Directive 77/99/EEC or Directive 88/657/EEC.’

[1] OJ No L 373, 31. 12. 1990, p. 1.
[2] OJ No 121, 29. 7. 1964, p. 2012/64. Directive as last amended by Directive 91/497/EEC (OJ No L 268, 24. 9. 1991, p. 69).

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Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1993, except in the case of:

— remote regions recognized in accordance with Article 17 of Directive 90/675/EEC, including — as regards the Kingdom of Spain — the Canary Islands, and with Article 13 of Directive 91/496/EEC,

— establishments situated in the new Länder of the Federal Republic of Germany covered by restructuring plans, in respect of which they shall comply with this Directive not later than 1 January 1995 and

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— for certain establishments located in Sweden, where Sweden must conform to this Directive at the latest on 1 January 1996.

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They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 4

This Directive is addressed to the Member States.

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ANNEX

'Council Directive on health problems affecting the production and marketing of meat products and certain other products of animal origin

Article 1

1. This Directive lays down health rules for the production and placing on the market of meat products and other products of animal origin intended, after treatment, for human consumption or for the preparation of other foodstuffs.

2. This Directive shall not apply to the preparation and storage, in retail shops or in premises adjacent to sales points, of meat products and other products of animal origin intended for human consumption, where the preparation and storage are performed solely for the purpose of supplying the consumer directly.

Article 2

For the purposes of this Directive the following definitions shall apply:

(a) meat products: products prepared from or with meat which has undergone treatment such that the cut surface shows that the product no longer has the characteristics of fresh meat.

However, the following shall not be regarded as meat products:

(i) meat which has undergone only cold treatment; such meat shall remain subject to the rules in the Directives referred to in (d);

(ii) products subject to 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 ([1]);

(b) other products of animal origin:

(i) meat extracts;

(ii) rendered animal fat: fat derived from rendering meat, including bones, and intended for human consumption;

(iii) greaves: the protein-containing residue of rendering, after partial separation of fat and water;

(iv) gelatin;

(v) meat powder, powdered rind, salted or dried blood, salted or dried blood plasma;

(vi) stomachs, bladders and intestines, cleaned, salted or dried, and/or heated;

(c) prepared meat meals; wrapped meat products corresponding to culinary preparations, cooked or pre-cooked and preserved by cold;

(d) meat: meat as defined in:

— Article 2 (a) of Directive 64/433/EEC,

— Article 2 of Directive 71/118/EEC,

— Article 2 of Directive 72/461/EEC,

— Article 2 of Directive 72/462/EEC,

— Article 2 of Directive 88/657/EEC,

— Article 2 (1) and (2) of Directive 91/495/EEC;

(e) raw material: any animal product used as an ingredient to obtain products referred to in (a) and (b) or used in the preparation of prepared meals;

(f) treatment: chemical or physical process such as heating, smoking, salting, marinating, curing or drying, intended to lengthen the preservation of meat or animal products whether or not associated with other foodstuffs, or a combination of these various processes;

(g) heating: use of dry or damp heat;

(h) salting: use of salt;

(i) curing: distribution of salts throughout the product;

(j) maturing: treatment of salted raw meat, applied under climatic conditions which, in the course of a slow and gradual reduction of humidity, are capable of generating natural fermentation or enzymatic processes, involving changes over a period of time which give the product typical

([1]) OJ No L 382, 31. 12. 1988, p. 3.