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COUNCIL DIRECTIVE

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

(91/495/EEC)

(OJ L 268, 24.9.1991, p. 41)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive 92/65/EEC of 13 July 1992	L 268	54	14.9.1992
►**M2**	Council Directive 92/116/EEC of 17 December 1992	L 62	1	15.3.1993
►**M3**	Council Directive 94/65/EC of 14 December 1994	L 368	10	31.12.1994
►**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

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

(91/495/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 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 rabbit meat and farmed game meat are included in the list of products in Annex II to the Treaty; whereas rabbit and game farming are generally included in the farming sector; whereas this farming constitutes a 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 rabbit meat and farmed 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 rabbit meat and farmed game meat, with a view to the completion of the internal market;

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

Whereas the meat in question must be treated in good hygienic conditions in order to avoid food-borne infections and intoxications;

Whereas Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community ([4]), as last amended by Directive 89/162/EEC ([5]), lays down the conditions for notification of animal diseases in the Community; whereas it is opportune to have, for certain contagious diseases affecting farmed game, the same information as for other domestic animals;

Whereas Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat ([6]), as last amended by Directive 89/662/EEC ([7]) and Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat ([8]), as last amended by Directive 90/539/EEC ([9]), lay down the health requirements for, respectively, fresh meat and fresh poultrymeat; whereas farmed wildlife used for game production is similar to farmed mammals and farmed birds; whereas it is therefore opportune to extend to farmed game meat, while taking into account certain specific aspects, the health rules already applied for trade in fresh meat and poultrymeat;

([1]) OJ No C 327, 30. 12. 1989, p. 40.
([2]) OJ No C 260, 15. 10. 1990, p. 154.
([3]) OJ No C 124, 21. 5. 1990, p. 7.
([4]) OJ No L 378, 31. 12. 1982, p. 58.
([5]) OJ No L 61, 4. 3. 1989, p. 48.
([6]) OJ No 121, 29. 7. 1964, p. 2012/64.
([7]) OJ No L 395, 30. 12. 1989, p. 13.
([8]) OJ No L 55, 8. 3. 1971, p. 23.
([9]) OJ No L 303, 31. 10. 1990, p. 6.

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Whereas it is appropriate to lay down exceptions for small quantitites of rabbit meat and farmed game meat used for local 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 the general rules laid down in Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zoo-technical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ([1]);

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

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

General rules

Article 1

This Directive lays down requirements concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat.

Article 2

For the purposes of this Directive, the definitions given in Article 2 of Directive 64/433/EEC and in Article 2 of Directive 71/118/EEC shall apply.

The following definitions shall also apply:

1. 'rabbit meat': all parts of domestic rabbit which are fit for human consumption;
2. 'farmed game meat': all parts of wild land mammals and wild birds — including the species referred to in Article 2 (1) of Directive 90/539/EEC ►**M1** and ratites *(Ratitae)* ◄ — bred, reared and slaughtered in captivity which are fit for human consumption;
3. 'farmed game': land mammals, ►**A1** including reindeer ◄ or birds, which are not considered as domestic and not referred to in Article 1 (1) of Directive 64/433/EEC or ►**M2** in Article 2 of Directive 71/118/EEC ◄, but which are farmed as domestic animals. However, wild mammals living within an enclosed territory under conditions of freedom similar to those enjoyed by wild game shall not be deemed farmed game;
4. 'country of production': the Member State in the territory of which the farm of production is situated.

CHAPTER II

Rules applicable to the production and placing on the market of rabbit meat

Article 3

1. Member States shall see to it that rabbit meat:

(a) is obtained in an establishment fulfilling the general conditions of Directive 71/118/EEC and approved for the purposes of this chapter in accordance with Article 14;

([1]) OJ No L 224, 18. 9. 1990, p. 29.

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(b) comes from animals from farms or areas in which bans have not been imposed for veterinary inspection reasons;

(c) comes from animals which have undergone ante-mortem inspection by an official veterinarian or by assistants, in accordance with Article 4 of Directive 71/118/EEC, such inspection being in accordance with Chapter I of Annex I to this Directive and which have been deemed suitable for slaughter following such inspection;

(d) has been treated under satisfactory hygiene conditions similar to those provided for in Chapter V of Annex I to Directive 71/118/EEC, except for those in points 28a and 28b;

(e) has undergone, in accordance with Chapter II of Annex I to this Directive, post-mortem inspection by an official veterinarian or, pursuant to Article 4 of Directive 71/118/EEC, by assistants, and has not shown any change except for traumatic lesions which occurred shortly before slaughter or localized malformations or changes, provided that it is established, if necessary by appropriate laboratory tests, that these do not render the carcase or offal unfit for human consumption or dangerous to human health;

(f) bears a health mark in accordance with Chapter III of Annex I to this Directive.

A decision may be taken, where appropriate, to amend or supplement the provisions of the aforementioned Chapter in accordance with the procedure provided for in Article 20, in order to take into account notably the different forms of presentation, providing they conform to the rules covering hygiene; in particular, and by way of derogation from the said Chapter, the said procedure shall determine — before 1 January 1992 for the first time — the conditions under which the marketing, in large packages, which have not been marked in accordance with section 11.3 (a) of the said Chapter, of carcases, parts of carcases or of offal may be authorized;

(g) is stored in accordance with Chapter IV of Annex I to this Directive after post-mortem inspection under satisfactory hygiene conditions in establishments approved in accordance with Article 14 or in stores approved in accordance with Community rules;

(h) has been transported under satisfactory hygiene conditions in accordance with Chapter V of Annex I to this Directive;

(i) in the case of parts of carcases or boned meat, has also been obtained in conditions similar to those provided for in Article 3 of Directive 71/118/EEC, in establishments specially approved for this purpose in accordance with Article 14 of this Directive.

2. Each Member State shall also see to it that fresh rabbit meat sent to the territory of another Member State is accompanied by a health certificate during its transport to the country of destination.

The original of the health certificate, which must accompany the fresh rabbit meat during its transport to the consignee, must be issued by an official veterinarian at the moment of loading. The health certificate must correspond, in presentation and context, to the model in Annex II; it must be drawn up at least in the language or languages of the country of destination and must contain the information provided for in the model in the said Annex.

Article 4

1. By way of derogation from Article 3, Member States may authorize:

(a) the direct supply of rabbit meat by a small producer to a private individual for his own consumption;

(b) the supply of fresh rabbit meat in small quantities, by farmers who produce rabbits on a small scale:

— either directly to the final consumer at those local markets which are closest to their farms,

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— or to a retailer with a view to direct sale to the final consumer, provided that such retailer conducts his business in the same locality as that of the producer or in a neighbouring locality.

The said possible derogation shall not include itinerant sales, mail order sales and, as far as the retailer is concerned, sales on a market.

2. Member States shall take the measures necessary to ensure the health control of these operations provided for in paragraph 1 and to adopt rules enabling the original holding of such meat to be traced.

3. Under the procedure laid down in Article 20, the Commission may adopt the detailed rules for applying this Article and in particular, at the request of Member State, fix the maximum limits of quantities which may be supplied pursuant to paragraph 1.

CHAPTER III

Rules applicable to the production and marketing of farmed game meat

Article 5

Member States shall ensure that intra-Community trade in farmed game meat is subject:

(a) where farmed game birds are concerned, to the requirements of Council Directive 91/494/EEC of 26 June 1990 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat ([1]);

(b) where other species of farmed game are concerned, to the requirements of Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat ([2]), as last amended by Directive 89/662/EEC.

Article 6

1. Farmed game meat obtained from cloven-hoofed wild land mammals shall fulfil the relevant conditions referred to in Article 3 and Article 5 (b) to (k) of Directive 64/433/EEC, provided that the original herd undergoes regular veterinary inspection and is not under any restrictions following the survey performed according to Article 11 or as a result of veterinary inspection. The detailed rules for this inspection shall be laid down in accordance with the procedure set out in Article 20.

The animals in question shall be treated at different times from bovine animals, swine, sheep and goats.

The health certificate which must accompany such meat shall correspond to the model in Annex IV to this Directive.

Meat from farmed wild pigs or other species sensitive to Trichina infestation shall be subjected to examination by digestion in accordance with Council Directive 77/96/EEC of 21 December 1976 on examination for Trichinae (trichinella spiralis) upon importation from third countries of fresh meat derived from domestic swine ([3]) as last amended by Directive 89/321/EEC ([4]).

2. Notwithstanding paragraph 1, the official service may authorize the slaughter of farmed game in the place of origin, where it cannot be transported, in order to avoid any risk for the handler or to protect

([1]) See page 35 of this Official Journal.
([2]) OJ No L 302, 31. 12. 1972, p. 24.
([3]) OJ No L 26, 31. 1. 1977, p. 67.
([4]) OJ No L 133, 17. 5. 1989, p. 33.