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COUNCIL DIRECTIVE

of 26 June 1991

on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat

(91/494/EEC)

(OJ L 268, 24.9.1991, 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 93/121/EC of 22 December 1993	L 340	39	31.12.1993
►**M3**	Council Directive 1999/89/EC of 15 November 1999	L 300	17	23.11.1999

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on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat

(91/494/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 poultrymeat is included in the list of products in Annex II to the Treaty; whereas the breeding and rearing of poultry is included in the farming sector and constitutes a source of income for part of the farming population;

Whereas disparities between Member States should be removed by laying down rules regarding the animal health aspects of intra-Community trade in fresh poultrymeat in order to ensure the rational development of that sector and improve productivity by encouraging intra-Community trade, with a view to the completion of the internal market;

Whereas, in particular, to improve information concerning the state of health of the poultry from which fresh meat for consignment to another Member State comes, it should be stipulated that the poultry must either have been reared on the territory of the Community or have been imported from third countries in accordance with Chapter III of Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade and imports from third countries of poultry and hatching eggs [4];

Whereas, in order to prevent it from propagating epizootic diseases, fresh meat coming from a holding or area which, in accordance with Community rules, has been placed under health restrictions or from an area infected by avian influenza or Newcastle disease should be excluded from intra-Community trade;

Whereas care should be taken that fresh poultrymeat that does not comply with Community rules should not be given the health mark provided for in Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat [5], as last amended by Directive 90/484/EEC [6]; whereas, such meat may, however, be put to other uses provided that it has undergone treatment designed to destroy the germs of diseases, in which case it will bear a special mark to that effect;

Whereas, in respect of the organization of and the follow-up to the checks being 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 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market [7];

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(1) OJ No C 327, 30. 12. 1989, p. 72.
(2) OJ No C 183, 15. 7. 1991.
(3) OJ No C 124, 21. 5. 1990, p. 12.
(4) OJ No L 303, 31. 10. 1990, p. 6.
(5) OJ No L 55, 8. 3. 1971, p. 23.
(6) OJ No L 267, 29. 9. 1990, p. 45.
(7) OJ No L 395, 31. 12. 1989, p. 13.

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Whereas provision should be made so that inspections may be carried out by the Commission;

Whereas, in the interests of the harmonious development of intra-Community trade; Community arrangements should be defined in respect of imports from third countries;

Whereas defining the said arrangements requires in particular that a list be drawn up of third countries or parts of third countries from which fresh poultrymeat may be imported and that a certificate be produced;

Whereas the Commission's veterinary experts should be instructed to carry out checks in third countries in order to determine whether the Community rules are complied with;

Whereas the rules and general principles governing checks on fresh poultrymeat will be determined later as part of the measures to be taken to bring about the internal market;

Whereas Directive 90/539/EEC should be amended in order to take into account the contents of this Directive, with a view in particular to ensure parallelism with regard to the date on which Member States must comply with the new health rules;

Whereas the provisions of this Directive will have to be reviewed in the context of the completion of the internal market;

Whereas provision should be made for a procedure establishing close cooperation between the Commission and the Member States within the Standing Veterinary Committee;

Whereas it is advisable to allow time to introduce harmonized rules concerning Newcastle disease,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

General provisions

Article 1

This Directive lays down animal health requirements governing intra-Community trade in and imports from third countries of fresh poultrymeat.

Article 2

For the purposes of this Directive, the definitions, and especially those for poultry, set out in Article 2 of Directive 90/539/EEC shall also apply.

Moreover:

(a) 'meat' means any parts of poultry which are fit for human consumption;

(b) 'fresh meat' means any meat, including meat vacuum-wrapped or wrapped in a controlled atmosphere, which has not undergone any treatment other than cold treatment to ensure its preservation.

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CHAPTER II

Rules governing intra-community trade

Article 3

A. In order to be traded within the Community fresh meat must have been obtained from poultry which:

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1. has been held in the Community territory since hatching or has been imported from third countries in accordance with the requirements of Chapter III of Directive 90/539/EEC;

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2. comes from a holding:

   — which has not been placed under animal health restrictions in connection with a poultry disease,

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   — which is not located in an area which for animal health reasons is subject to restrictive measures involving controls on poultrymeat in accordance with Community legislation as a result of an outbreak of disease to which poultry is susceptible;

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3. during transport to the slaughterhouse did not come into contact with poultry suffering from avian influenza or Newcastle disease; such transport through an area which has been declared an avian influenza or Newcastle disease infection area shall be prohibited unless major road or rail links are used;

4. comes from slaughterhouses in which, at the time of slaughter, no case of avian influenza or Newcastle disease had been recorded.

   Any fresh meat which is suspected of having been contaminated at the slaughterhouse, cutting plant or storage depot or in the course of transport must be excluded from trade;

5. is marked in accordance with Articles 4 and 5.

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B. Exempted from this chapter are national controls governing meat:

   — contained in the personal luggage of travellers and intended for their personal consumption,

   — in small consignments to private individuals, provided that the said consignments are not of a commercial nature,

   — for consumption by the crew and passengers on board means of transport operating internationally.

Article 4

Fresh poultrymeat covered by this Directive shall be given the health mark specified in Article 3 (1) A (e) of Directive 71/118/EEC, provided that it meets the requirements laid down in Article 3 (A) of this Directive and that it comes from poultry slaughtered in accordance with the hygiene requirements laid down in Directive 71/118/EEC.

Article 5

1. Notwithstanding Article 4, and insofar as it is not intended for intra-Community trade in fresh meat, fresh poultrymeat which does not satisfy the requirements laid down in Article 3 (A) (2) (3) and the first

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subparagraph of (4) may carry a mark in accordance with Article 3 (1) A (e) of Directive 71/118/EEC, provided that this mark is immediately:

(a) either overstamped in such a way that the health mark defined in point 44.1 (a) and (b) of Chapter X of Annex I to Directive 71/118/EEC is covered by a diagonal cross consisting of two straight lines crossing at right angles, with the point of intersection in the centre of the stamp and the information thereon remaining legible;

(b) or replaced by a single special mark consisting of the health mark defined in point 44 (a) and (b) of Chapter X of Annex I to Directive 71/118/EEC, overstamped in accordance with point (a) of this paragraph.

The provisions of point 43 of Chapter X of Annex I to Directive 71/118/EEC shall apply *mutatis mutandis* to the keeping and use of marking instruments.

2. The meat referred to in paragraph 1 must be obtained, cut, transported and stored separately from, or not at the same time as, meat intended for intra-Community trade in fresh meat and must be used in such a way as to avoid it being introduced into meat products intended for intra-Community trade unless they have undergone the treatment specified in Article 4 (1) of Directive 80/215/EEC ([1]) as last amended by Directive 89/662/EEC.

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3. By way of derogation from paragraphs 1 and 2 and in the event of an epizootic of Newcastle disease, fresh poultrymeat may be marked in accordance with Article 3 (1)(A)(e) of Directive 71/118/EEC with the health mark described in Annex I, Chapter X, point 44(a) and (b) to Directive 71/118/EEC, provided that such meat comes from poultry which:

(a) comes from a holding situated within the surveillance zone as defined in Article 9 (1) of Directive 92/66/EEC, but not the protection zone defined in Article 9 (1) of Directive 92/66/EEC, and with respect to which, following an epidemiological examination, no contact with an infected holding has been recorded;

(b) comes from a flock where a virological examination giving a negative result is carried out on a representative sample of the flock five days before shipment of the poultry; the sampling must be carried out by a veterinarian designated by the competent authority;

(c) comes from a holding where no signs or clinical symptoms have been found which could indicate the presence of Newcastle disease following a clinical examination by a veterinarian designated by the competent authorities; such examination must have been carried out within the 24 hours before consignment of the poultry;

(d) without prejudice to the provisions of Article 3(A)(3), is directly transported from the holding of origin to the slaughterhouse; the means of transport used must be sealed by the official veterinarian and cleaned and disinfected before and after each transport;

(e) is examined in the slaughterhouse at the time of the ante or post-mortem inspection, with a view to detecting symptoms of Newcastle disease.

Member States invoking these provisions shall inform the other Member States and the Commission within the Standing Veterinary Committee of the measures they adopt in this matter.

The general criteria for sampling, frequency of sampling and any conditions to be observed in implementing (a), (b) and (c) shall be laid down in accordance with the procedure provided for in Article 17, after consultation of the Scientific Veterinary Committee and before 1 January 1995.

([1]) OJ No L 47, 21. 2. 1980, p. 4.