COUNCIL

COUNCIL DIRECTIVE

of 22 September 1987

amending Directive 80/215/EEC on animal health problems affecting intra-Community trade in meat products

(87/491/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 Article 4 (1) of Directive 80/215/EEC (4), as last amended by Regulation (EEC) No 3768/85 (5), defines the types of treatment likely to destroy agents responsible for livestock diseases in meat products with a view to permitting intra-Community trade in such products under certain conditions;

Whereas experience gained and advances in scientific knowledge and meat technology enable a new treatment providing the requisite guarantees to be used;

Whereas the Scientific Veterinary Committee has delivered a favourable opinion regarding the use of the new treatment for preparing pigmeat products in Member States in which African swine fever is prevalent;

Whereas the inclusion of this treatment amongst the others already prescribed will facilitate free movement in the Community, which will increase the value of production while avoiding the risk of spreading disease;

Whereas there is at present some uncertainty as to which provisions of the Treaty can serve as a basis for the adoption of the measures in question, in particular pending the judgment to the handed down by the Court of Justice in Case No 68/86; whereas, exceptionally, the sole legal basis must therefore, for the time being, be the Treaty itself,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 3 of Directive 80/215/EEC is hereby amended as follows:

(a) In the first indent, 'Article 1 of Council Directive 64/433/EEC' is replaced by 'Article 2 of Council Directive 64/433/EEC'.

(b) in the second indent, '(a)' is deleted.

Article 2

Article 4 of Directive 80/215/EEC is hereby amended as follows:

1. Paragraph 1 is amended as follows:

(a) In the introductory words, 'Article 1 of Directive 64/433/EEC' is replaced by 'Article 2 of Directive 64/433/EEC'.

(b) Point (a) is replaced by the following:

'(a) heat treatment carried out:

(i) either in a hermetically sealed container, with an Fc value of 3,00 or more;

(ii) or under the following conditions — in so far as the products concerned are prepared exclusively from or with pigmeat from farms or, in the case of the Member States referred to in Article 7a (1), from areas not subject to banning orders on health policy grounds, following the establishment of the existence of African swine fever:

— the meat must be fully boned and the main lymphatic glands removed,

— the piece of meat to be treated mus not weigh more than five kilograms,

(1) OJ No C 55, 3. 3. 1987, p. 10.
(2) OJ No C 156, 15. 6. 1987, p. 183.
(3) OJ No C 68, 16. 3. 1987, p. 2.
(4) OJ No L 47, 21. 2. 1980, p. 4.
(5) OJ No L 362, 31. 12. 1985, p. 8.