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►B ►M6 **COUNCIL DIRECTIVE**

**of 29 January 1985**

**on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC**

**(amended and consolidated)**

(85/73/EEC) ◄

(OJ L 32, 5.2.1985, p. 14)

Amended by:

| | | Official Journal | | |
|---|---|---|---|---|
| | | No | page | date |
| ►M1 | Council Directive 88/409/EEC of 15 June 1988 | L 194 | 28 | 22.7.1988 |
| ►M2 | Council Directive 93/118/EC of 22 December 1993 | L 340 | 15 | 31.12.1993 |
| ►M3 | Council Directive 94/64/EC of 14 December 1994 | L 368 | 8 | 31.12.1994 |
| ►M4 | Council Directive 95/24/EC of 22 June 1995 | L 243 | 14 | 11.10.1995 |
| ►M5 | Council Directive 96/17/EC of 19 March 1996 | L 78 | 30 | 28.3.1996 |
| ►M6 | Council Directive 96/43/EC of 26 June 1996 | L 162 | 1 | 1.7.1996 |
| ►M7 | Council Directive 97/79/EC of 18 December 1997 | L 24 | 31 | 30.1.1998 |

NB: This consolidated version contains references to the European unit of account and/or the ecu, which from 1 January 1999 should be understood as references to the euro — Council Regulation (EEC) No 3308/80 (OJ L 345, 20.12.1980, p. 1) and Council Regulation (EC) No 1103/97 (OJ L 162, 19.6.1997, p. 1).

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# COUNCIL DIRECTIVE

**of 29 January 1985**

**on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/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 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, in order to make the health safeguards offered to the consumer uniform, Directive 64/433/EEC ([4]), as last amended by Directive 83/90/EEC ([5]), provided for the implementation of health inspections and controls in respect of fresh meat likely to be involved in intra-Community trade;

Whereas, in order to safeguard human and animal health within the Community, Directive 72/462/EEC ([6]), as last amended by Directive 83/91/EEC ([7]), provides for health controls to be carried out by the competent authorities of the Member States upon importation of fresh meat and for inspections to be carried out by veterinary experts of the Member States and the Commission within the exporting third countries;

Whereas Directive 64/433/EEC relates only to fresh meat likely to be involved in intra-Community trade; whereas, however, the authorities of the Member States have introduced national controls for fresh meat intended solely for the national market;

Whereas Council Directive 71/118/EEC ([8]), as last amended by Directive 84/642/EEC ([9]), makes provision for health inspections and controls for fresh poultrymeat;

Whereas these health inspections and controls give rise to the collection of fees which are at present financed in different ways in the individual Member States; whereas these differences are liable to affect the conditions of competition between lines of production which are for the most part covered by common organizations of the markets;

Whereas, in order to remedy this situation, harmonized rules on the financing of the said health inspections and controls should be laid down;

Whereas, owing to the provisions and administrative procedures of national management and financing, a further two-year period should be granted so as to allow the Hellenic Republic to apply the necessary machinery for collecting the fees relating to inspections and controls,

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([1]) OJ No C 168, 28. 6. 1984, p. 4, OJ No C 97, 29. 4. 1981, p. 12 and OJ No C 162, 22. 6. 1984, p. 10.
([2]) OJ No C 87, 5. 4. 1982, p. 116 and opinion delivered on 17 January 1985 (not yet published in the Official Journal).
([3]) OJ No C 307, 19. 11. 1984, p. 1 and opinion delivered on 12 December 1984 (not yet published in the Official Journal).
([4]) OJ No 121, 29. 7. 1964, p. 2012/64.
([5]) OJ No L 59, 5. 3. 1983, p. 10.
([6]) OJ No L 302, 31. 12. 1972, p. 28.
([7]) OJ No L 59, 5. 3. 1983, p. 34.
([8]) OJ No L 55, 8. 3. 1971, p. 23.
([9]) OJ No L 339, 27. 12. 1984, p. 26.

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HAS ADOPTED THIS DIRECTIVE:

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*Article 1*

Member States shall ensure, in accordance with the arrangements laid down in Annex A, that a Community fee is collected to cover the costs occasioned by inspections of and controls on the products listed in that Annex, including those aimed at ensuring animal production in slaughterhouses, in accordance with the requirements of Directive 93/119/EEC.

*Article 2*

Member States shall ensure, in accordance with the arrangements laid down in Annex B, that a Community fee is collected to cover the costs occasioned by the inspections and controls provided for by Directive 96/23/EC ([1]).

*Article 3*

Member States shall ensure, in accordance with the arrangements laid down in Annex C, that a Community fee is collected to cover the costs occasioned by inspections of and controls on the live animals listed in that Annex.

*Article 4*

1. Pending the adoption of provisions governing Community fees, Member States shall ensure the financing of inspections and controls not covered by Articles 1, 2 and 3.

2. For the purposes of paragraph 1, Member States may charge national fees in accordance with the principles adopted for Community fees.

*Article 5*

1. The Community fees shall be set at a level which covers the costs borne by the competent authority in respect of:

— salary costs and social-security costs involved in the inspection service,

— administrative costs incurred in carrying out controls and inspections, which may include the expenditure required for in-service training of inspectors,

for the controls and inspections referred to in Articles 1, 2 and 3.

2. No direct or indirect refund of the fees provided for in this Directive shall be permitted. However the possible application by a Member State of the standard average provided for in Annexes A, B and C shall not be considered an indirect refund in the assessment of individual cases.

3. Member States shall be authorized to charge an amount exceeding the levels of the Community fees provided that the total fees charged by each Member State do not exceed the actual cost of inspection.

4. Without prejudice to the choice of the authority empowered to charge Community fees, Community fees shall replace all other health-inspection charges or fees levied by the Member States' national, regional or local authorities for the inspections and controls referred to in Articles 1, 2 and 3 and the certification thereof.

This Directive shall not prevent Member States from charging fees for combating epizootic and enzootic diseases.

([1]) OJ No L 125, 23. 5. 1996, p. 10.

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*Article 6*

1. Member States shall regularly communicate to the Commission

— data concerning the distribution and use of Community fees; they must be able to justify their methods of calculation,

— the conversion rates adopted each year in accordance with Article 7,

— the place or places where Community fees are charged, giving any explanations necessary.

2. As part of the on-the-spot checks to be carried out by the Commission, the Commission may, in collaboration with the competent national authorities, verify whether the provisions of this Directive are being applied.

3. Where a Member State considers that the controls in another Member State are not carried out satisfactorily and that the fees provided for in this Directive do not cover the cost of the controls, or do not cover them adequately, it shall have recourse to the relevant provisions of Directive 89/608/EEC and in particular to Articles 10 and 11 thereof.

*Article 7*

1. The rate of conversion into national currency of the amounts in ecus specified in this Directive shall be that published annually on the first working day of September in the C series of the *Official Journal of the European Communities*.

The rate shall apply with effect from 1 January in the following year.

2. By way of derogation from paragraph 1:

— for 1994 Member States shall use the conversion rate applicable on 1 September 1992,

— for the years 1995 to 1998 Member States shall use the average of the conversion rates published in accordance with paragraph 1 for the preceding three years.

*Article 8*

Acting by a qualified majority on a proposal from the Commission, the Council may amend Annexes A, B and C to this Directive with a view, in particular, to establishing standard levels for Community fees, laying down detailed rules for their implementation and providing for exceptions.

*Article 9*

1. The Hellenic Republic shall be authorized to derogate from the principles laid down in this Directive where, because of geographical characteristics, the costs of charging a fee in geographically remote regions are greater than the yield from the fee.

The Greek authorities shall inform the Commission of the territorial extent of the derogations granted.

That information shall be accompanied by any explanations necessary.

2. In the case of other outermost regions, other Member States may be authorized, in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC, to benefit from the same derogations.

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*ANNEX A*

## CHAPTER I

**Fees applicable to meat covered by Directives 64/433/EEC, 71/118/EEC, 91/495/EEC and 92/45/EEC**

The fee referred to in Article 1 is fixed in accordance with Article 5 (1), as follows:

1. Without prejudice to points 4 and 5, Member States will collect for inspection costs relating to slaughter the following standard amounts:

   (a) beef and veal:

   — adult bovine animals: ECU 4,5 per animal,

   — young bovine animals: ECU 2,5 per animal;

   (b) solipeds/equidae: ECU 4,4 per animal;

   (c) pigmeat: animals of a carcase weight

   — of less than 25 kg: ECU 0,5 per animal,

   — equal to or greater than 25 kg: ECU 1,30 per animal;

   (d) sheepmeat and goatmeat: animals of a carcase weight

   — of less than 12 kg: ECU 0,175 per animal,

   — of between 12 and 18 kg: ECU 0,35 per animal,

   — of more than 18 kg: ECU 0,5 per animal;

   (e) poultrymeat:

   (i) either at a standard rate as follows:

   — for broilers, other young poultry for fattening weighing less than 2 kg and for cast hens: ECU 0,01 per animal,

   — other young poultry for fattening of a carcase weight equal to or greater than 2 kg: ECU 0,02 per animal,

   — other heavy adult poultry weighing 5 kg or more: ECU 0,04 per animal;

   (ii) or, where a Member State decides not to make the distinction between categories of poultry as in (i), at ECU 0,03 per bird;

   (f) rabbit meat and meat of small game birds or ground game:

   — for rabbits and small game birds and ground game, the standard rates laid down in (e);

   — for the following land mammals:

   — wild boar: the rates laid down in (c), increased if the levels are insufficient to cover this cost, the cost of the trichinioscopic exam provided for in Directive 92/45/EEC,

   — ruminants: the rates laid down in (d).

2. The controls and inspections connected with the cutting operations referred to in, *inter alia*, Article 3 (1) (B) of Directive 64/433/EEC and Article 3 (1) (B) of Directive 71/118/EEC must be covered

   (a) either: at a standard rate by the addition of a standard amount of ECU 3 per tonne on meat entering a cutting plant.

   That amount is added to the amounts referred to in 1 above;

   (b) or: by charging the actual costs of inspection per hour worked.

   Where the cutting operations are carried out in the establishment where the meat is obtained, the amounts laid down in the first subparagraph shall be reduced by up to 55 %.

   A Member State which opts to levy fees by the hour worked must be able to demonstrate to the Commission that the actual costs cannot be covered by charging fees in accordance with (a).

3. Member States must charge an amount corresponding to the actual expenditure necessary for controls or inspections of meat being stored pursuant to, inter alia, Article 3 (1) (D) of Directive 64/433/EEC and Article 3 (1) (C) of Directive 71/118/EEC.

   The detailed rules for applying this paragraph may be laid down by the procedure provided for in Article 16 of Directive 64/433/EEC or Article 21 of Directive 71/118/EEC with a view in particular to settling the cases of intervention meat and meat subject to short-term storage in successive cold stores.