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COUNCIL DIRECTIVE

of 7 February 1983

amending Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries and Directive 77/96/EEC on the examination for trichinae (trichinella spiralis) upon importation from third countries of fresh meat derived from domestic swine

(83/91/EEC)

(OJ L 59, 5.3.1983, p. 34)

Corrected by:

►**C1** Corrigendum, OJ L 211, 3.8.1983, p. 30 (83/91/EEC)

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(83/91/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 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 Directive 72/462/EEC [4], as last amended by Directive 81/476/EEC [5], lays down health and veterinary inspection requirements for the importation of bovine animals and swine and fresh meat from third countries:

Whereas, since the adoption of the aforementioned Directive, advances in scientific knowledge and technology have occurred; whereas account should be taken of the experience gained during the course of the checks which Community veterinarians have carried out in third countries; whereas it is desirable that Community rules be adapted in the light of these developments;

Whereas in certain respects the methods designed to ensure the protection of the health quality of fresh meat may be regarded as in line with Community standards because of additional or alternative health guarantees which should be examined in each individual establishment;

Whereas in relation to prohibiting imports of bovine animals from third countries infected with blue-tongue it is now accepted that a 12-month period of freedom is more appropriate and will provide a better guarantee for Community herds;

Whereas guarantees which may be sought for bovine animals in relation to tuberculosis and brucellosis and for swine in relation to brucellosis can be adapted to Community standards by means of additional or alternative guarantees;

Whereas in order to prevent transmission of certain infectious or contagious diseases which may occur solely by the presence of animals, the animal health inspections on animals intended for import to the Community as well as on those in transit should be carried out immediately upon their arrival in the territory of the Community;

Whereas following that animal health inspection, the measures which should be taken by the Member State should be clearly defined;

Whereas, in order to reduce the number of documents, the animal health certificate and the public health certificate should appear on the same sheet of paper whenever possible;

Whereas the definitions of tuberculosis-free and brucellosis-free herds should be brought up to date;

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(1) OJ No C 250, 30. 9. 1981, p. 3 and OJ No C 293, 9. 11. 1982, p. 6.
(2) OJ No C 267, 11. 10. 1982, p. 54.
(3) OJ No C 64, 15. 3. 1982, p. 18.
(4) OJ No L 302, 31. 12. 1972, p. 28.
(5) OJ No L 186, 8. 7. 1981, p. 20.

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Whereas fresh meat of cloven-hoofed wild animals and wild solipeds should be included within the scope of Directive 72/462/EEC in order that the list of third countries from which such meat may be imported into the Community can be drawn up;

Whereas in general the same basic guarantees with regard to public health and animal health should be required in intra-Community trade as in trade with third countries; whereas the technical annexes to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine [1] and Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat [2], both Directives as last amended by Directive 81/476/EEC, should also be applicable to importation from third countries;

Whereas the procedure should be adopted whereby changes can be made, in the light of technical advances and of experience, to the technical requirements regarding methods of examination, screening laboratories and the procedure for marking examined meat which are contained in the Annex to Council Directive 77/96/EEC of 21 December 1976 on the examination for trichinae (Trichinella spiralis) upon importation from third countries of fresh meat derived from domestic swine [3], as last amended by Directive 81/476/EEC;

Whereas, action should be taken to correct certain terminological deficiencies, especially as regards the correspondence between the various language versions, which could lead to difficulties in the application of the provisions concerned,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 72/462/EEC is hereby amended as follows:

1. Articles 1 to 28 shall be replaced by the following:

'CHAPTER I

General provisions

Article 1

1. This Directive shall apply to imports from third countries of:

— domestic bovine animals and swine for breeding, production or slaughter,

— fresh meat from domestic animals of the following species: bovine animals (including buffalo), swine, sheep and goats and from domestic solipeds,

— for the purposes of Article 3, fresh meat of cloven-hoofed wild animals and wild solipeds, in so far as this concerns permitted importation from certain third countries of origin.

2. This Directive shall not apply to:

(a) animals intended exclusively for grazing or draught purposes, on a temporary basis, in the vicinity of the Community frontiers;

(b) meat forming part of travellers' personal luggage and intended for their personal consumption, in so far as the amount or quantity transported does noet exceed one kilogram per person and provided that the meat comes from a third country or part thereof appearing on the list drawn up in accordance with Article 3 and from which importation is not prohibited under Article 28;

(c) meat sent as small packages to private persons, provided that such meat is not imported by way of trade, that the quantity does not exceed one kilogram and that the meat comes from a

(1) OJ No 121, 29. 7. 1964, p. 1977/64.
(2) OJ No 121, 29. 7. 1964, p. 2012/64.
(3) OJ No L 26, 31. 7. 1977, p. 67.

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third country or part thereof appearing on the list drawn up in accordance with Article 3 and from which importation is not prohibited under Article 28;

(d) meat for consumption by the crew and passengers on board means of transport operating internationally.

Where meat of this kind or kitchen waste is unloaded, it must be destroyed. It is not, however, necessary to destroy meat when it is transferred, directly of after being placed provisionally under customs supervision, from one means of transport to another.

Article 2

For the purposes of this Directive, the definitions given in Articles 2 of Directives 64/432/EEC, 64/433/EEC and in Council Directive 72/461/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries [1], all these Directives, as last amended by Directive 81/476/EEC, shall apply as necessary.

In addition,

(a) "official veterinarian" means the veterinarian designated by the competent central authority of a Member State or a third country;

(b) "country of destination" means the Member State to which animals or fresh meat are sent from a third country;

(c) "third country" means a country in which Directives 64/432/EEC and 64/433/EEC do not apply;

(d) "importation" means the introduction into the territory of the Community of animals or fresh meat from third countries;

(e) "holding" means an officially supervised agricultural, industrial or commercial undertaking situated in the territory of a third country, in which animals for breeding, production or slaughter are regularly kept or bred;

(f) epizootic-free area" means an area in which, according to official findings, the animals have not suffered from any of the contagious or infectious diseases on the list drawn up in accordance with the procedure laid down in Article 29, for a period and within a radius defined in accordance with the same procedure.

Article 3

1. The Council, acting on a proposal from the Commission, shall draw up a list of the third countries or parts thereof from which the Member States shall authorize importation of bovine animals, swine and fresh meat, or one or more of these categories of animals and fresh meat, and of fresh meat of cloven-hoofed wild animals and wild solipeds, taking into account the health situation in these countries or parts thereof. This list may be supplemented or amended according to the procedure laid down in Article 30.

2. In deciding, in the case of both bovine animals and swine and fresh meat, whether a third country or part thereof may appear on the list referred to in paragraph 1, particular account shall be taken of:

(a) the state of health of the livestock, other domestic animals and wildlife in the third country, particular attention being paid to exotic animal diseases and of the environmental health situation in that country, which might endanger public and animal health in the Member States;

(b) the regularity and rapidity of the information supplied by the third country relating to the existence of infectious or contagious animal diseases in its territory, in particular those diseases

[1] OJ No L 302, 31. 12. 1972, p. 24.

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mentioned in Lists A and B of the International Office of Epizootic Diseases;

(c) the country's rules on animal disease prevention and control;

(d) the structure of the veterinary services in the country and their powers;

(e) the organization and implementation of measures to prevent and control infectious or contagious animal diseases.

3. The list referred to in paragraph 1 and all amendments thereto shall be published in the *Official Journal of the European Communities*.

Article 4

1. In accordance with the procedure laid down in Article 29, one or more lists shall be drawn up of establishments from which Member States may authorize importation of fresh meat. The list or lists may be amended or supplemented in accordance with the procedure laid down in Article 30.

2. In deciding whether a slaughterhouse, a cutting plant or a store situated outside a slaughterhouse or plant may appear on one of the lists referred to in paragraph 1, particular account shall be taken of:

(a) the guarantees which the third country can offer with regard to compliance with this Directive;

(b) the third country's regulations with regard to the administration to animals for slaughter of any substance which might affect the wholesomeness of the meat;

(c) compliance in each particular case with this Directive and with Annex I to Directive 64/433/EEC.

However, derogations shall be permitted, in accordance with the procedure laid down in Article 29, from the second, third and fourth indents of paragraph 13 (c), and paragraphs 24 and 41 (C) of the said Annex, where the third country concerned provides similar guarantees; in that case, health conditions no less strict than those imposed in that Annex shall be imposed on a case-by-case basis in accordance with that procedure;

(d) the organization of the meat inspection service or services of the third country, the powers of this service or these services and the supervision to which it or they is or are subject.

3. A slaughterhouse, a cutting plant or a store situated outside a slaughterhouse or cutting plant may not appear on the list or lists provided for in paragraph 1 unless it is situated in one of the third countries or parts thereof on the list referred to in Article 3 (1) and if it has, in addition, been officially approved for exports to the Community by the competent authorities of the third country. Such approval shall be subject to observance of the following requirements:

(a) compliance with Annex I to Directive 64/433/EEC;

(b) constant supervision by an official veterinarian of the third country.

4. The list or lists referred to in paragraph 1 and all amendments thereto shall be published in the *Official Journal of the European Communities*.

Article 5

Inspection shall be carried out on the spot by veterinary experts of the Member States and the Commission to verify whether the provisions of this Directive, and in particular Articles 3 (2) and 4 (2) and (3), are being applied in practice.

Should an inspection carried out within the terms of this Article bring to light serious facts ►C1 ———— ◄ against an approved establishment, the Commission shall immediately inform the Member States and forthwith adopt a decision provisionally