COUNCIL DIRECTIVE

of 7 February 1983

amending Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat

(83/90/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, so long as intra-Community trade is hindered by differences between the health requirements of Member States concerning meat, the harmonious functioning of the common market and in particular of the relevant common organization of markets will not have the desired effect;

Whereas, to eliminate such differences, the health provisions of the Member States must be approximated;

Whereas Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat (4), as last amended by Directive 81/476/EEC (5), established the basis for this approximation; whereas in the meantime it has been subject to numerous modifications and further adaptations are necessary to take account of new developments; whereas it should therefore be amended accordingly;

Whereas the object of this approximation must be in particular to standardize health requirements for meat in slaughterhouses and cutting plants and during storage and transportation; whereas the competent authorities of the Member States should be responsible for approving for intra-Community trade slaughterhouses, cutting plants and cold stores which meet the health requirements laid down by this Directive and for ensuring that the conditions for such approval are observed;

Whereas Community control measures should also be introduced to ensure that the standards laid down in this Directive are uniformly applied in all the Member States; whereas the procedure for carrying out such controls should be determined in accordance with a Community procedure within the framework of the Standing Veterinary Committee set up by Decision 68/361/EEC (6);

Whereas provision should be made for using mechanically recovered meat for preparing meat products intended for intra-Community trade;

Whereas the principle should be adopted under which sampling inspections for the presence of residues of substances likely to affect adversely the wholesomeness of fresh meat;

Whereas countries of destination should be enabled to carry out non-discriminatory checks and inspections, subject to compliance with the general provisions of the Treaty, as to whether consignments are complying with the requirements of this Directive;

Whereas at the same time certain terminological shortcomings in the text, in particular as regards the correspondence between the various language versions, should be corrected, since they might create difficulties in the application of the provisions concerned,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 64/433/EEC is hereby amended as follows:

(1) OJ No C 255, 7. 10. 1981, p. 2.
(2) OJ No C 267, 11. 10. 1982, p. 51.
(3) OJ No C 64, 15. 3. 1982, p. 26.
(4) OJ No 121, 29. 7. 1964, p. 2012/64.
(5) OJ No L 186, 8. 7. 1981, p. 20.
(6) OJ No L 255, 18. 10. 1968, p. 23.

1. Articles 1 to 9a shall be replaced by the following:

'*Article 1*

1. This Directive shall apply to intra-Community trade in fresh meat from domestic animals of the following species: bovine animals (including buffalo), swine, sheep and goats, and from domestic solipeds.

2. National regulations governing meat forming part of travellers' personal luggage and intended for their personal consumption, meat sent as small packages to private persons or meat for consumption by the crew and passengers on board means of transport operating commercially between Member States, shall not be affected by this Directive.

Article 2

For the purposes of this Directive:

(a) "meat", means all parts of domestic bovine animals (including buffalo), swine, sheep, goats and solipeds which are suitable for human consumption;

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

(c) "mechanically recovered meat" means meat obtained by mechanical means from flesh-bearing bones apart from the bones of the head, the extremities of the limbs below the carpal and tarsal joints and, in the case of swine, the coccydeal vertebrae, and intended for establishments approved in accordance with Article 6 of Directive 77/99/EEC;

(d) "carcase" means the whole body of a slaughtered animal after bleeding, evisceration and removal of the limbs at the carpus and tarsus, removal of the head, tail and the udder, and in addition, in the case of bovine animals, sheep, goats and solipeds, after flaying;

(e) "offal" means fresh meat other than that of the carcase as defined in (d), even if it remains naturally connected to the carcase;

(f) "viscera" means offal from the thoracic, abdominal and pelvic cavities, including the trachea and oesophagus;

(g) "official veterinarian" means the veterinarian designated by the competent central authority of the Member State;

(h) "exporting country" means the Member State from which fresh meat is sent to another Member State;

(i) "country of destination" means the Member State to which fresh meat is sent from another Member State;

(j) "means of transport" means the freight-carrying parts of motor vehicles, rail vehicles and aircraft and the holds of ships or containers for transport by land, sea or air;

(k) "establishment" means an approved slaughterhouse, an approved cutting plant or an approved store;

(l) "wrapping" means the protection of fresh meat by the use of an initial wrapping or initial container in direct contact with the fresh meat concerned as well as the initial wrapper or initial container itself;

(m) "packaging" means the placing of wrapped fresh meat in a second container as well as the latter container itself.

Article 3

1. Each Member State shall ensure that only fresh meat which meets the following requirements is sent from its territory to that of another Member State:

A. Carcases, half carcases or half carcases cut into no more than three wholesale cuts, and quarters must:

(a) have been obtained in a slaughterhouse approved and supervised in accordance with Article 8;

(b) come from a slaughter animal inspected ante mortem by an official veterinarian in accordance with Annex I, Chapter V and passed fit, as a result of such inspection, for slaughter for the purposes of intra-Community trade in fresh meat;

(c) have been treated under satisfactory hygiene conditions in accordance with Chapter VI of Annex I;

(d) have been inspected post mortem by an official veterinarian in accordance with Chapter VII of Annex I and not have

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 and offal unfit for human consumption or dangerous to human health;

(e) bear a health mark in accordance with Chapter X of Annex I;

(f) be accompanied by a health certificate during transportation to the country of destination, in accordance with Chapter XII of Annex I;

(g) be stored in accordance with Chapter XIII of Annex I after post mortem inspection under satisfactory hygiene conditions in establishments approved in accordance with Article 8 and supervised in accordance with Chapter IX of Annex I;

(h) be transported to the country of destination under satisfactory hygiene conditions in accordance with Chapter XIV of Annex I;

B. Cuts or pieces smaller than those referred to in Section A, or boned meat, must:

(a) have been boned or cut in a cutting plant approved and supervised in accordance with Article 8;

(b) have been boned or cut and obtained in accordance with Chapter VIII of Annex I and come from:

— fresh meat which comes from animals slaughtered in the territory of the Member State and complies with the requirements set out in Section A, except for fresh meat referred to in subparagraphs (f) and (h), and which is transported in accordance with Chapter XIV of Annex I, or

— fresh meat brought in from another Member State and meeting the requirements set out in Section A, or

— fresh meat imported from third countries in accordance with Community provisions in respect of imports of fresh meat from third countries;

(c) have been stored under conditions which comply with Chapter XIII of Annex I in establishments approved in accordance with Article 8 and supervised in accordance with Chapter IX of Annex I;

(d) have been supervised by an official veterinarian in accordance with Chapter IX of Annex I;

(e) meet the packaging requirements laid down in Chapter XI of Annex I;

(f) meet the requirements of Section A (c), (e), (f) and (h).

C. Offal must have come from an approved slaughterhouse or cutting plant in the exporting country and must comply with the requirements of Section A or B.

D. Fresh meat which has been stored in an approved cold store of a Member State in accordance with this Directive or with Directive 72/462/EEC and has not thereafter undergone any handling except in connection with storage, must:

(a) meet the requirements of Section A (c), (e), (g) and (h);

(b) be accompanied by a certificate which corresponds to the model in Annex II during transportation to the country of destination.

This certificate shall be drawn up by the official veterinarian on the basis of the health certificates attached to the consignments of fresh meat when they were put into storage and must, in the case of importation, state the origin of the fresh meat.

2. However, without prejudice to Community animal health requirements, paragraph 1 shall not apply to:

(a) fresh meat brought in with the authorization of the country of destination for uses other than human consumption;

(b) fresh meat intended for exhibition, special studies or analysis, provided that official

control makes it possible to ensure that the meat is not used for human consumption and that, when the exhibition is over or when the special studies or the analysis have been carried out, the meat, with the exception of that used for the purposes of analysis, is destroyed;

(c) fresh meat brought in with the authorization of the country of destination and intended exclusively as supplies for international organizations and military forces stationed in its territory but serving under another flag; in cases referred to in the first subparagraph, the country of destination shall ensure that the meat in question cannot be put to any use other than that for which it was brought into its territory.

3. The official veterinarian may, when carrying out the post mortem inspections referred to in paragraph 1 (A) (d), the supervision referred to in paragraph 1 (B) (d) and supervision of compliance with the requirements of Chapter XIV of Annex I, be helped by assistants placed under his authority and responsibility.

Detailed rules governing this assistance shall, in so far as necessary, be determined in accordance with the procedure laid down in Article 16.

The details of the professional qualifications of the assistants referred to in this paragraph and of the duties they are to perform shall be determined by the Council acting on a proposal from the Commission.

Article 4

1. In addition to the requirements laid down in Article 3, each Member State shall ensure that only fresh meat which meets the following requirements is sent from its territory to that of another Member State:

(a) fresh pigmeat — other than fresh meat which has undergone cold treatment, in accordance with Annex I to Directive 77/96/EEC — must have undergone an examination for trichinosis in accordance with paragraph 41 (D) of Chapter VII of Annex I to this Directive.

Acting unanimously on a Commission proposal accompanied by a report drawn up after consultation with medical and veterinary experts from all the Member States, the Council shall decide whether or not a systematic examination for trichinosis in accordance with the first paragraph is necessary. In the case of a negative decision, the Council shall, at the same time, decide under which circumstances such examination is not necessary.

(b) without prejudice to Article 5 of Directive 81/602/EEC, the animals or meat must have undergone a sampling examination for residues.

This examination shall be carried out to check for both residues of substances having a pharmacological action and of the conversion products thereof and other substances transmitted to meat which are likely to be dangerous to human health.

If the meat examined shows traces of residues in quantities which exceed the permitted tolerances, it must be excluded from intra-Community trade.

These examinations for residues must be carried out in accordance with proven methods which are scientifically recognized, in particular those laid down in Community Directives or other international standards.

It must be possible to assess the examination for residues using reference methods laid down in accordance with the procedure set out in Article 16 after the Scientific Veterinary Committee has expressed its opinion.

In accordance with the same procedure, at least one reference laboratory must be designated in each Member State to carry out the examination for residues in the event of application of Articles 8 and 10.

The Commission shall publish the reference methods and the list of reference laboratories in the *Official Journal of the European Communities*.

2. Acting on a proposal from the Commission, and before 1 January 1985 the Council shall adopt:

— the detailed arrangements for controls,

— the tolerances for the substances referred to in the second subparagraph of paragraph 1 (b),

— the frequency of sampling.

In accordance with the same procedure, a decision may be taken to extend the examinations to substances other than those referred to in the second subparagraph of paragraph 1 (b).

3. After consulting the Scientific Veterinary Committee and before 1 April 1984, the Commission will submit a report, together with suitable proposals, on microbiological controls in the hygienic production of fresh meat.

Article 5

Without prejudice to Directive 81/602/EEC, every Member State shall ensure that the following meat is not sent from its territory to that of another Member State:

(a) Fresh meat from:

(i) male pigs used for breeding,

(ii) cryptorchid and hermaphrodite pigs,

(iii) uncastrated male pigs with a carcase weight in excess of a limit to be fixed by the Council before 1 September 1983,

unless it be meant to undergo one of the treatments provided for in Directive 77/99/EEC, and it bears a special mark to be decided in accordance with the procedure laid down in Article 16;

(b) minced meat, meat cut up in a similar manner and mechanically recovered meat;

(c) fresh meat:

(i) from animals to which stilbenes or stilbene derivatives, their salts or esters or thyrostatic substances have been administered, and meat containing residues of these substances,

(ii) containing residues of other substances having a hormonal action, antibiotics, antimony, arsenic, pesticides, or other substances which are harmful or likely to make the consumption of fresh meat dangerous or harmful to human health, if such residues exceed the permitted level or, where no permitted level has been laid down, the quantity which has been scientifically proved to be safe and on which the Scientific Veterinary Committee has expressed its opinion;

(d) fresh meat from animals to which substances likely to make the meat dangerous or harmful to human health have been administered and on which the Scientific Veterinary Committee has expressed its opinion;

(e) fresh meat treated with ionizing or ultraviolet radiation or which has been marked with colorants other than those prescribed for the purposes of health marking in accordance with this Directive;

(f) fresh meat from animals which have been found to have any form of tuberculosis whatsoever, and fresh meat from animals which after slaughter have been found to have any form of tuberculosis whatsoever or to be carrying one or more cysticerci bovis or cysticerci cellulosae, live or dead or, in the case of swine, to have trichinae;

(g) fresh meat from animals slaughtered too young;

(h) parts of the carcase of offal with traumatic lesions which occurred shortly before slaughter, malformations, contamination or changes as referred to in Article 3 (1) (A) (d);

(i) heads of bovine animals, parts of the muscular or other tissues of the head, excluding tongues and brains;

(j) meat from animals to which tenderizers have been administered;

(k) blood which has not been obtained under the conditions of hygiene to be determined in accordance with the procedure laid down in Article 16;

(l) fresh meat in pieces weighing less than 100 grams.

Article 6

1. Countries of destination may, subject to compliance with the general provisions of the Treaty, grant to one or more exporting countries general authorizations or authorizations restricted to specific cases for the importation into their territory of:

(i) fresh pigmeat which, in derogation from Article 4 (1), has not undergone an examination for trichinosis in accordance with paragraph 41 (D) of Chapter VII of Annex I,

(ii) fresh pigmeat referred to in Article 5 (a) and intended for other uses,