II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 13 December 1977

supplementing, as regards the chilling process, Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat

(78/50/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas Article 14 of Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat (3), as last amended by Directive 75/431/EEC (4), stipulates that the Member States shall prohibit the use of the process for chilling poultry referred to in the said Article;

Whereas such prohibition will not be binding until 18 months after the Commission has submitted a report on chilling processes which are not covered by the prohibition or until 1 January 1978 at the latest;

Whereas the Commission, after consulting the Member States within the Standing Veterinary Committee, submitted to the Council a report laying down the conditions governing plant, operation and control which the process of chilling by immersion in water must meet in order not to be considered as falling within the scope of the said prohibition;

whereas this Directive is based on the conclusions of that report,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 14 of Directive 71/118/EEC shall be replaced by the following text:

'Article 14

1. As from 15 February 1979 Member States shall prohibit the chilling of fresh poultrymeat by means of immersion in water, unless it is effected in accordance with the conditions laid down in points 28a and 28b of Chapter V of Annex I and the carcases thus chilled are immediately frozen or deep-frozen.

2. However, in the case of carcases obtained and intended for marketing in their territory, Member States shall be authorized to grant, on request, to undertakings carrying on their activity in their territory on 1 January 1978 derogations from the requirements of paragraph 1. Such derogations may not extend beyond 15 August 1982.

Member States making use of the derogations provided for in the first paragraph may not object to the introduction into their territory of poultrymeat obtained in another Member State under the same conditions.

(1) OJ No C 293, 13. 12. 1976, p. 70.
(2) OJ No C 56, 7. 3. 1977, p. 88.
(3) OJ No L 55, 8. 3. 1971, p. 23.
(4) OJ No L 192, 24. 7. 1975, p. 6.

3. Member States wishing to make use of the possibility afforded by paragraph 2 shall inform the Commission and the other Member States as soon as possible and in any case not later than 15 February 1979.

4. Where the derogation clauses in paragraph 2 are invoked, use of the health marking provided for in Annex I, Chapter X, shall be prohibited.

However, for the implementation of the second subparagraph of paragraph 2, the Member States concerned shall be authorized to allow into their territory carcases which do not bear any health mark as provided for in Annex I, Chapter X.'

Article 2

The following Article shall be incorporated in Directive 71/118/EEC :

'Article 14a

1. The Commission, after consulting the Member States in the Standing Veterinary Committee, shall submit to the Council by 1 January 1980 a report, possibly accompanied by or followed by appropriate proposals on :

(a) continuation of the study on processes for the chilling of carcases which are satisfactory from the point of view of hygiene, the report dealing both with the development of the system referred to in Annex I, Chapter V, points 28a and 28b and with other chilling processes, particularly those using liquid CO_2 and liquid nitrogen or the process by means of spraying ;

(b) microbiological checks — including the role of limit values — and the microbiological methods to be employed for the purposes of such checks, on :

(i) the degree of hygiene of the immersion chilling process referred to in Annex I, Chapter V, points 28a and 28b ; and

(ii) the whole slaughtering process from the time the live bird enters the slaughterhouse until the packaging stage or, where appropriate, until the carcase leaves the slaughterhouse ;

(c) water uptake — including evaluation of the role of its limit value — as a parameter for hygiene checks on immersion chilling equipment.

2. The Commission, after consulting the Member States in the Standing Veterinary Committee, shall submit to the Council by 15 October 1978 a report possibly accompanied by proposals on the specific conditions of hygiene under which the process which complies with the conditions laid down in points 28a and 28b of Annex I, Chapter V, may be applied to carcases which are neither immediately frozen nor deep-frozen.

3. The Council shall act unanimously on the Commission proposals referred to in paragraph 1 within a period of 12 months from the date of their submission and before 31 December 1978 on the proposals referred to in paragraph 2.'

Article 3

The following points shall be added to Chapter V of Annex I to Directive 71/118/EEC :

'28a. Carcases to be subjected to an immersion chilling process in accordance with the process described in 28b must, immediately after evisceration, be thoroughly washed by spraying and immersed without delay. The spraying must be carried out by means of equipment which washes both the internal and external surfaces of the carcases efficiently.

For carcases weighing :

— not more than 2·5 kilograms, at least 1·5 litres of water must be used per carcase,

— between 2·5 kilograms and 5 kilograms, at least 2·5 litres of water must be used per carcase,

— 5 kilograms or more, at least 3·5 litres of water must be used per carcase.

28b. The immersion chilling process shall meet the following requirements :

(a) the carcases must pass through one or more tanks of water or of ice and water the contents of which are continuously renewed. Only the system whereby the carcases are constantly propelled by mechanical means through a counter-flow of water is acceptable ;

(b) the temperature of the water in the tank or tanks measured at the points of entry and exit of the carcases must not be more than + 16 °C and + 4 °C respectively ;

(c) it must be carried out in such a way that the temperature specified in Chapter XII is reached in the shortest possible time ;