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COUNCIL DIRECTIVE

of 21 December 1976

on the examination for trichinae (trichinella spiralis) upon importation from third countries of fresh meat derived from domestic swine

(77/96/EEC)

(OJ L 26, 31.1.1977, p. 67)

Amended by:

		Official Journal No	page	date
►M1	Council Directive 81/476/EEC of 24 June 1981	L 186	20	8.7.1981
►M2	Council Directive 83/91/EEC of 7 February 1983	L 59	34	5.3.1983
►M3	Commission Directive 84/319/EEC of 7 June 1984	L 167	34	27.6.1984
►M4	Council Regulation (EEC) No 3768/85 of 20 December 1985	L 362	8	31.12.1985
►M5	Commission Directive 89/321/EEC of 27 April 1989	L 133	33	17.5.1989
►M6	Commission Directive 94/59/EC of 2 December 1994	L 315	18	8.12.1994
►M7	Council Regulation (EC) No 807/2003 of 14 April 2003	L 122	36	16.5.2003

Amended by:

►A1	Act of Accession of Greece	L 291	17	19.11.1979
►A2	Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
	(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995
►A3	Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003

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of 21 December 1976

on the examination for trichinae (trichinella spiralis) upon importation from third countries of fresh meat derived from domestic swine

(77/96/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/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]), as last amended by Directive 75/379/EEC ([2]), and in particular Article 21 thereof,

Having regard to the proposal from the Commission,

Whereas in Directive 72/462/EEC the Council provided in Article 21 for the laying down of the method and procedures required for detecting the presence of trichinae in fresh pigmeat;

Whereas the application of Directive 72/462/EEC will not have the desired effects as long as disparities exist between the Member States as to the guarantees required in respect of the detection of trichinae upon importation of fresh meat from third countries; whereas it is therefore necessary to lay down Community arrangements in this field;

Whereas, in order to protect consumer health, it is necessary that fresh pigmeat be systematically subjected to an examination using methods recognized as effective, in order to eliminate meat containing trichinae;

Whereas when the examination is carried out in the exporting third country, it must be carried out in slaughterhouses which comply with certain conditions and which contain, in particular, a screening laboratory provided with suitable equipment;

Whereas in order to be able to distinguish the meat samples examined from those not examined it is necessary to provide for the affixing of a special mark to meat which has been examined with a negative result;

Whereas there should be a procedure establishing close and effective cooperation between the Commission and the Member States for assessing the advisability of permitting establishments in the third countries to carry out this examination or to work on the meat examined; whereas there should also be a procedure for bringing the technical provisions relating in particular to the examination methods, the requirements concerning the screening laboratories and the procedure for marking examined meat into line with technical progress and with experience acquired;

Whereas the Member States should be allowed to admit fresh meat which has not been screened for trichinae in the exporting third country, provided that this meat, undergoes treatment by freezing; which ensures that any trichinae which may be present are rendered harmless, either in the exporting third country, or in the Member State for which the meat is intended; whereas this treatment must nevertheless be carried out according to certain well defined procedures and establishments fulfilling certain conditions,

([1]) OJ No L 302, 31. 12. 1972, p. 28.
([2]) OJ No L 172, 3. 7. 1975, p. 17.

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HAS ADOPTED THIS DIRECTIVE:

Article 1

The definitions used in this Directive are those contained in Directive 72/462/EEC.

Moreover:

(a) 'fresh meat' means fresh meat of domestic swine;

(b) 'examination' refers to the examination to detect the presence of trichinae in fresh meat.

Article 2

1. In order to be admitted to intra-Community trade, fresh meat originating in third countries which contains skeletal muscles (striated muscles) shall be examined under the supervision and responsibility of an official veterinarian.

2. The examination shall be carried out in accordance with one of the methods provided for in Annex I, on the whole carcase or, failing this, on each half carcase, quarter carcase or piece to be imported into the Community.

3. The examination shall take place in a slaughterhouse approved in the exporting country in accordance with Article 4 of Directive 72/462/EEC and authorized to carry out this examination in accordance with Article 4 of this Directive.

4. The examination shall take place before the health marking provided for in Chapter X of Annex B to Directive 72/462/EEC.

5. If it is not possible to carry out the examination in the exporting country, the Member State for which the fresh meat is intended may authorize its importation provided that the examination is carried out within its territory at the time of the public health inspection provided for in Article 24 (2) of Directive 72/462/EEC, at an inspection post within the meaning of Article 27 (1) (b) of that Directive.

6. (a) If the outcome of the examination is negative, the fresh meat shall be marked immediately after the examination, in accordance with Annex III.

(b) In the case of ink stamping, use shall be made of a colorant within the meaning of Article 17 (3) of Directive 72/462/EEC.

Article 3

1. By way of derogation from Article 2, the Member State for which it is intended may authorize the exemption from examination of fresh meat from certain third countries or parts of such countries, provided it is frozen in accordance with the provisions of Annex IV.

2. This treatment shall be carried out in an establishment situated in the exporting third country, and described in Article 4 (1).

Freezing in the exporting third country must be the subject of certification by the official veterinarian on the health certificate accompanying the meat, as referred to in Article 22 (3) of Directive 72/462/EEC.

3. If the treatment has not been carried out in the exporting third country, it must be carried out at an inspection post as described in Article 2 (5).

Freezing in a Member State must be the subject of certification by the official veterinarian on the certificates accompanying the meat, as referred to in Article 25 of Directive 72/462/EEC.

Article 4

1. The authorization for a slaughterhouse to carry out the examination and of a cutting plant to cut up or bone meat which has undergone such examination, or the authorization for an establishment to carry out

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the freezing treatment referred to in Article 3, shall be decided on in accordance with the procedure laid down in Article 9. In addition to the requirements of Article 4 of Directive 72/462/EEC, account shall be taken of the guarantees given in respect of compliance with this Directive and, in the case of slaughterhouses, of:

(a) the presence of the rooms and apparatus necessary for carrying out the examination;

(b) the qualifications of the personnel responsible for carrying out the examination.

Authorization shall be granted to a slaughterhouse and cutting plant only where the competent authorities of the third country concerned have officially recognized that the slaughterhouse and cutting plant are in a position to satisfy the conditions laid down in Article 5 and in Annex III; also, in the case of a slaughterhouse, that it has a laboratory which complies with the conditions laid down in Annex II, Chapter I, and which is in a position to satisfy the requirements of the other chapters of Annex II and those of Annex I.

Authorization shall be granted to an establishment to carry out the freezing treatment only if the competent authorities of the third country concerned have officially recognized that the establishment is in a position to satisfy the conditions laid down in Annex IV.

2. On the list(s) referred to in Article 4 (4) of Directive 72/462/EEC, a special indication shall be inserted against the names of the establishments which have been granted an authorization within the meaning of paragraph 1.

Article 5

1. In slaughterhouses which have been granted an authorization in accordance with Article 4, swine the meat of which is intended for the Community must be slaughtered in different rooms or in the absence thereof at different times from swine the meat of which is not intended for the Community, unless the meat of such swine is examined in accordance with the same procedure.

2. The cutting and boning of meat which has undergone an examination with negative results and is intended for the Community must be carried out in cutting plants, in accordance with Article 4.

In these cutting plants, the cutting and boning of such meat must be carried out in different rooms or in the absence thereof, at different times from meat which is not intended for the Community, unless the meat is examined in accordance with the same procedure.

Article 6

The inspections in third countries provided for in Article 5 of Directive 72/462/EEC must also verify whether the present Directive is being applied.

Article 7

The Member States shall draw up and communicate to the Commission the list of the inspection posts referred to in Article 2 (5) at which:

— the examination,

— the freezing referred to in Article 3,

may be carried out.

They shall ensure that these posts have the equipment necessary for carrying out the operations in question.

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Article 8

Using the procedure laid down in Article 9, decisions may be taken to adapt or add to the Annexes hereto in the light of technological devel-

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opments; such decisions must ensure that health guarantees are maintained at their present standard.

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Article 9

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up by Article 58 of Regulation (EC) No 178/2002 ([1]).

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC ([2]) shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The committee shall adopt its rules of procedure.

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Article 11

The Member States shall bring into force on 1 January 1979 at the latest the laws, regulations and administrative provisions needed for compliance with this Directive. They shall forthwith inform the Commission thereof.

Article 12

This Directive is addressed to the Member States.

([1]) OJ L 31, 1.2.2002, p. 1.
([2]) OJ L 184, 17.7.1999, p. 23.