COUNCIL DIRECTIVE

of 10 July 1975

amending Directive No 71/118/EEC on health problems affecting trade in fresh poultrymeat

(75/431/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;

Having regard to the Opinion of the European Parliament (1);

Having regard to the Opinion of the Economic and Social Committee (2);

Whereas the implementation of the common organization of the market in poultrymeat will not have the desired effect so long as trade is hindered by differences between the health requirements of Member States concerning poultrymeat; whereas Council Directive No 71/118/EEC (3) of 15 February 1971 on health problems affecting trade in fresh poultrymeat, as last amended by Directive No 74/387/EEC (4), has not removed all these differences since it contains no provisions relating to cutting premises; whereas hygiene and supervision standards applicable to cutting premises should be made uniform;

Whereas, as in the case of slaughterhouses, Member States should retain the power to approve cutting premises and to ensure compliance with the conditions on which such approval depends;

Whereas, in view of the situation existing as regards the methods of production of certain types of poultrymeat, and in order to allow certain establishments to adapt to the requirements of the Directive, it is necessary to authorize Member States to grant additional periods during which those methods, in particular those relating to evisceration, may be retained and those adaptations carried out;

(1) OJ No C 127, 18. 10. 1974, p. 29.
(2) OJ No C 116, 30. 10. 1974, p. 31.
(3) OJ No L 55, 8. 3. 1971, p. 23.
(4) OJ No L 202, 24. 7. 1974, p. 1.

whereas, moreover, since considerable structural or administrative adaptations are required for implementing certain provisions, Member States should be given the possibility of laying down derogations;

Whereas the implementation of the rules derived from Directive No 71/118/EEC has shown the need to amend certain provisions of the said Directive in the light of experience acquired;

Whereas, in order to allow additional studies on processes for chilling poultrymeat to be carried out, the date from which the use of the 'Spinchiller' chilling process is prohibited should be postponed;

Whereas it would be useful to provide for a rapid and efficient procedure whereby technical amendments may be made to certain provisions or standards of implementation may be established;

Whereas Community control arrangements should be introduced to ensure that the standards laid down in this Directive are applied uniformly in all Member States; whereas it should be provided that the procedure of such controls should be determined by a Community procedure within the Standing Veterinary Committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Council Directive No 71/118/EEC is amended in accordance with the following Articles.

Article 2

The following Article shall be substituted for Article 2:

'*Article 2*

For the purposes of this Directive:

(a) "carcase" means the whole body of a fowl after bleeding, plucking and evisceration;

however, removal of the kidneys, legs at the tarsus or of the head shall be optional;

(b) "parts of carcase" means parts of the carcase as defined under (a);

(c) "offal" means fresh meat other than that of the carcase as defined under (a), even if naturally connected to the carcase, as well as the head and feet where these are presented separately from the carcase;

(d) "viscera" means offal from the thoracic, abdominal and pelvic cavities, including the trachea and oesophagus and, where appropriate, the crop;

(e) "*ante mortem* health inspection" means inspection of the live poultry in accordance with the requirements of Chapter IV of Annex I;

(f) "*post mortem* health inspection" means inspection of the slaughtered poultry in the slaughterhouse immediately after slaughter, in accordance with the requirements of Chapter VI of Annex I;

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

(h) "assistant" means a trained person officially designated by the competent central authority of the Member State to assist the official veterinarian;

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

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

(k) "consignment" means a quantity of meat covered by the same certificate;

(l) "establishment" means a slaughterhouse or cutting premises approved in accordance with Article 5.'

Article 3

The following Article shall be substituted for Article 3:

'*Article 3*

1. Each Member State shall ensure that trade is allowed only in fresh poultrymeat which, without prejudice to Articles 11, 15, 15a and 16, meets the following requirements:

A. In the case of carcases and offal:

(a) it has been obtained from a slaughterhouse approved and supervised in accordance with Article 5 (1);

(b) it comes from an animal inspected *ante mortem* by an official veterinarian, or by assistants, in accordance with Article 4 and, following such inspection, is considered suitable for slaughter for trade in fresh poultrymeat;

(c) it has been treated under satisfactory hygiene conditions in accordance with Chapter V of Annex I;

(d) it has been inspected *post mortem* by an official veterinarian or by assistants in accordance with Article 4 and found to be fit for human consumption in accordance with Chapter VII of Annex I;

(e) it bears a health marking conforming to the requirements of Chapter X of Annex I; where appropriate a decision may be taken to amend or supplement the provisions of that Chapter in accordance with the procedure laid down in Article 12a to take account, in particular, of various forms of presentation used in the trade, provided such forms comply with the rules of hygiene; in particular, and notwithstanding the provisions of Chapter X, the conditions under which the marketing in large packagings of carcases, parts of carcases or offal, which have not been marked in accordance with 44·3 (a) of Chapter X may be authorized shall be determined in accordance with that procedure for the first time before 1 July 1976;

(f) in accordance with Chapter XII of Annex I, it has been stored after *post mortem* inspection under satisfactory hygiene conditions in the establishments or cold stores referred to in Article 5b;

(g) it has been suitably packed in accordance with Chapter XIII of Annex I; where a protective cover is used, it must satisfy the requirements of the same Chapter.

Where appropriate a decision may be taken to amend or supplement the provisions of that Chapter in accordance with the procedure laid down in Article 12a to take account, in particular, of various forms of presentation used in the trade, provided such forms comply with the rules of hygiene; however, provisions adopted under this procedure relating to the degree of transparency and colouring of the protective wrappings should not result in marks or written information required or allowed by Community rules being prevented from appearing on such wrappings;

(h) it has been transported in accordance with Chapter XIV of Annex I.

B. In the case of parts of carcases or boned meat:

(a) it has been cut in cutting premises approved and supervised in accordance with Article 5 (1);

(b) it has been cut and obtained in accordance with the requirements of Chapter VIII of Annex I and comes from:

— fresh meat from animals slaughtered in the Member State and complying with the requirements of this Directive,

— fresh meat introduced from another Member State and complying with the requirements of this Directive,

— fresh meat imported from third countries in accordance with the conditions laid down by the Community provisions for the importation of fresh poultrymeat from third countries;

(c) it has been stored under conditions complying with Chapter XII of Annex I;

(d) it has been subject to control by an official veterinarian in accordance with Chapter IX of Annex I;

(e) it satisfies the conditions of A (c), (e), (g) and (h).

2. When the cutting premises use fresh meat other than poultrymeat, it must conform to the relevant Community standards.

3. The following shall be excluded from trade:

(a) fresh poultrymeat treated with hydrogen peroxide or other bleaching substances or with natural or artificial colouring matters;

(b) fresh poultrymeat treated with antibiotics, preservatives or tenderisers.

4. However, if the Member State of destination so allows, the conditions laid down in paragraph 1 A and B need not be satisfied in respect of meat intended for uses other than human consumption; in that case the Member State of destination shall take all measures necessary to prevent the meat being used for purposes other than those for which it is intended.

5. The conditions of paragraph 1 A shall not apply to fresh poultrymeat which, in isolated cases, is supplied by the producer thereof direct to the final consumer for his own consumption otherwise than by itinerant sale, sale by mail order or sale on a market.

However, notwithstanding the preceding subparagraph and until 15 August 1981, Member States may authorize the supply of fresh poultrymeat in small quantities by farmers raising poultry on a small scale,

— either directly to the final consumer at the weekly markets nearest to their holdings,

— or to retailers with a view to direct sale to the final consumer, provided that such retailers pursue their activity in the same locality as that of the producer or in a neighbouring locality.

This exception shall not apply in respect of itinerant sale, sale by mail order or, as regards the retailer, sale on a market. Member States shall take the necessary measures to ensure health controls for such transactions.

6. The storage requirements laid down in paragraph 1 A (f) and B (c) shall not apply to storage operations carried out within premises, or in rooms adjoining premises, in which carcases and cut or boned poultrymeat are supplied directly to the final consumer.

The packaging requirements laid down in paragraph 1 A (g) shall not apply to carcases not packed individually which are brought into premises, or rooms adjoining these, referred to

above, to be packed for direct supply to the final consumer.

7. The requirements laid down in paragraph 1 B shall not apply to fresh poultrymeat, whether or not packed, when the cutting or boning operations are carried out in the premises where the meat is sold or used or in adjacent premises for the purpose of supplying the final consumer directly, otherwise than by itinerant sale, sale by mail order or sale on a market.'

Article 4

The following Article shall be substituted for Article 4:

'Article 4

1. When carrying out *ante mortem* and *post mortem* inspections, health control of cut meat as provided for in Chapter IX of Annex I, and supervising the hygiene conditions to be satisfied by establishment pursuant to Chapters III and V of Annex I, the official veterinarian may be helped by assistants working under his supervision and responsibility.

2. Only those persons who satisfy the requirements of Annex II may act as assistants. The Council, acting on a proposal from the Commission, shall lay down more detailed provisions as regards the level of training required of assistants under Annex II (1) (b) and (d) and (4).

3. Assistants shall help the official veterinarian in carrying out the following operations only:

— supervising application of the hygiene rules laid down in Chapters III and V of Annex I,

— checking that at the time of the *ante mortem* health inspection none of the symptoms mentioned in No 16 of Chapter IV of Annex I is present,

— checking that at the time of the *post mortem* health inspection the conditions listed in No 32 of Chapter VII of Annex I are not present,

— the health control of cut meat as provided for in Chapter IX of Annex I,

— the supervision of transport vehicles or containers and loading conditions as provided for in No 53 of Chapter XIV.'

Article 5

The following Article shall be substituted for Article 5:

'Article 5

1. All approved slaughterhouses and cutting premises shall be registered on separate lists, each slaughterhouse and all cutting premises having a veterinary approval number. Each Member State shall communicate these lists of establishments approved by it to the other Member States and the Commission.

The Commission shall arrange for the publication of these lists in the *Official Journal of the European Communities*.

An establishment may be approved by a Member State only where the provisions of this Directive are met in each individual case, in particular as follows:

(a) for slaughterhouses: Chapters I and III of Annex I;

(b) for cutting premises: Chapters II and III of Annex I.

The Member State shall withdraw approval if the conditions referred to in the third subparagraph are no longer met. Where an inspection has been carried out in accordance with Article 5a, the Member State concerned shall take account of the conclusion drawn therefrom. Withdrawal of approval shall be notified to the other Member States and the Commission.

2. An official veterinarian shall be responsible for the control of the establishments. In carrying out purely technical tasks, he may procure the aid of specially trained assistants.

Detailed rules governing this assistance shall be laid down in accordance with the procedure provided for in Article 12a.

3. If a Member State considers that the conditions for approval are not, or are no longer, satisfied in an establishment in another Member State it shall inform the Commission and the competent central authority of that State.

The Commission shall immediately start the procedure laid down in Article 5a. Where the findings of the expert inspection warrant this, the Member States may be authorized, in accordance with the procedure laid down in Article 12, to prohibit the introduction into their territory of products from that establishment.

By virtue of the procedure laid down in Article 12, this authorization may be withdrawn where the findings of a further expert inspection, carried out under the conditions specified in Article 5a, warrant such withdrawal.'

Article 6

The following Articles shall be inserted:

'*Article 5a*

Veterinary experts from the Member States and the Commission shall make regular on-the-spot checks to ensure that approved establishments are actually applying the provisions of this Directive, particularly those of Chapters I, II and III of Annex I. They shall report to the Commission on the checks they have carried out.

The Member State in whose territory a check is being carried out shall give all necessary assistance to the experts in carrying out their duties.

The Commission, acting on proposals from the Member States, shall appoint the experts in the Member States who shall be responsible for these checks; they must be nationals of a Member State other than that in which the check is being carried out and, in the case provided for in Article 5 (3) and (4), other than those involved in that dispute.

These checks shall be made on behalf of the Community which shall bear the costs incurred.

The provisions for implementing this Article, especially as regards the frequency and method of carrying out the checks referred to in the first subparagraph, the rules governing the appointment of official veterinarians and the procedure which they must follow when drawing up their report, shall be laid down according to the procedure set out in Article 12a.

Article 5b

Cold stores located outside a slaughterhouse or cutting premises shall, as regards the storage of fresh poultrymeat, remain under the supervision of an official veterinarian.

The competent central authority of the Member State in whose territory the cold store is situated shall, in respect of the storage of fresh poultrymeat, be responsible for approving that store and for withdrawing such approval.'

Article 7

The following Article shall be substituted for Article 6:

Without prejudice to Article 3 (3) and pending the entry into force of any Community provisions, this Directive shall not affect the provisions of Member States:

(a) concerning conditions for the approval of cold stores referred to in Article 5 (b) and for any withdrawal of such approval;

(b) concerning the treatment of poultry with substances likely to make the consumption of fresh poultrymeat dangerous or harmful to human health, and the absorption by poultry of such substances as antibiotics, oestrogens, thyrostats, tenderisers, pesticides, herbicides or substances containing arsenic or antimony;

(c) concerning the addition of foreign substances to fresh poultrymeat and its treatment by ionizing and ultraviolet radiation.'

Article 8

In Article 8, 'Chapter XI' shall be substituted for 'Chapter VIII'.

Article 9

In Article 9, 'Article 5 (4)' shall be substituted for 'the second sentence of the second subparagraph of Article 5 (3)'.

Article 10

The following Article shall be inserted:

'*Article 12a*

1. Where the procedure laid down in this Article is to be used, matters shall without delay be referred by the Chairman, either on his own initiative or at the request of a Member State, to the Standing Veterinary Committee, hereinafter called the "Committee", set up by the Council Decision of 15 October 1968.

2. Within the Committee, the votes of Member States shall be weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.