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COUNCIL DIRECTIVE
of 12 December 1972
on health problems affecting intra-Community trade in fresh meat

(72/461/EEC)

(OJ L 302, 31.12.1972, p. 24)

Amended by:

		Official Journal No	page	date
►**M1**	Council Directive 73/358/EEC of 19 November 1973	L 326	17	27.11.1973
►**M2**	Council Directive 74/387/EEC of 15 July 1974	L 202	36	24.7.1974
►**M3**	Council Directive 75/379/EEC of 24 June 1975	L 172	17	3.7.1975
►**M4**	Council Directive 77/98/EEC of 21 December 1976	L 26	81	31.1.1977
►**M5**	Council Directive 78/54/EEC of 19 December 1977	L 16	22	20.1.1978
►**M6**	amended by Council Directive 79/111/EEC of 24 January 1979	L 29	26	3.2.1979
►**M7**	Council Directive 80/213/EEC of 22 January 1980	L 47	1	21.2.1980
►**M8**	Council Directive 80/1099/EEC of 11 November 1980	L 325	14	1.12.1980
►**M9**	Council Directive 81/476/EEC of 24 June 1981	L 186	20	8.7.1981
►**M10**	Council Directive 82/893/EEC of 21 December 1982	L 378	57	31.12.1982
►**M11**	Council Directive 83/646/EEC of 13 December 1983	L 360	44	23.12.1983
►**M12**	Council Directive 84/336/EEC of 19 June 1984	L 177	22	4.7.1984
►**M13**	Council Directive 84/643/EEC of 11 December 1984	L 339	27	27.12.1984
►**M14**	Council Directive 85/322/EEC of 12 June 1985	L 168	41	28.6.1985
►**M15**	Council Regulation (EEC) No 3768/85 of 20 December 1985	L 362	8	31.12.1985
►**M16**	Council Directive 87/64/EEC of 30 December 1986	L 34	52	5.2.1987
►**M17**	Council Decision 87/231/EEC of 7 April 1987	L 99	18	11.4.1987
►**M18**	Council Directive 87/489/EEC of 22 September 1987	L 280	28	3.10.1987
►**M19**	Council Directive 89/662/EEC of 11 December 1989	L 395	13	30.12.1989
►**M20**	Council Directive 91/266/EEC of 21 May 1991	L 134	45	29.5.1991
►**M21**	Council Directive 91/687/EEC of 11 December 1991	L 377	16	31.12.1991
►**M22**	Council Directive 92/118/EEC of 17 December 1992	L 62	49	15.3.1993
►**M23**	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

Corrected by:

►**C1** Corrigendum, OJ L 200, 20.7.1973, p. 42 (72/461/EEC)

►**C2** Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 111 (72/461/EEC)

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COUNCIL DIRECTIVE

of 12 December 1972

on health problems affecting intra-Community trade in fresh meat

(72/461/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;

Having regard to the Opinion of the Economic and Social Committee;

Whereas the implementation of the Council Directive of 26 June 1964 ([1]) on health problems affecting intra-Community trade in fresh meat, as last amended by the Council Directive of 27 October 1970, ([2]) will not have the desired effect so long as intra-Community trade is hindered by differences between the health requirements of Member States concerning meat; whereas to eliminate such differences the health provisions of the Member States concerning meat must be approximated;

Whereas in particular, to improve information concerning the state of health of the animals from which fresh meat for consignment to another Member State comes, it should be stipulated that animals from certain categories must have stayed for a specified period in the territory of the Community, unless an exception is granted by the country of destination and communicated to the other Member States and the Commission;

Whereas, in order to avoid the spread of epizootic diseases by means of fresh meat, fresh meat from animals coming from a holding or area which, in accordance with Community rules, has been placed under health restrictions, should be excluded from intra-Community trade;

Whereas care should be taken that fresh meat which does not comply with Community rules should not be given the health mark provided for in those rules;

Whereas the Member States must have the right to prohibit the introduction of meat into their territory if it does not comply with Community health provisions; whereas, however, the consignor should at his own request or upon request of a representative be allowed to return the meat unless on health grounds there are reasons to the contrary;

Whereas the consignor or his representative and the competent authorities of the exporting country must be informed of the reasons for any prohibition or restriction so that they may be aware of them;

Whereas the Member States must have the right to prohibit the introduction into their territory of fresh meat from a Member State where an epizootic disease has broken out; whereas, depending on the nature and character of this epizootic disease, such a prohibition may either be limited to meat coming from a part of the territory of the exporting country, or extended to the whole of that territory; whereas, in the event of an outbreak of a contagious disease in the territory of a Member State it is necessary for appropriate measures to be taken rapidly to control it; whereas the dangers inherent in such diseases and the requisite protective measures should be viewed in the same light throughout the Community; whereas, to this end, the Standing Veterinary Committee set up by the Council Decision of 15 October

([1]) OJ No 121, 29.7.1964, p. 2012/64.
([2]) OJ No L 239, 30.10.1970, p. 42.

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1968 ([1]) should institute an emergency Community procedure to take the necessary measures;

Whereas it seems desirable to set down in this Directive the general principle of non-discrimination; whereas it should accordingly be expressly laid down, pending specific Community rules covering imports from third countries, that the treatment to be applied to third countries by each Member State should not be more favourable than the treatment applied, pursuant to this Directive, to trade between the Member States;

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to intra-Community trade in fresh meat of domestic bovine animals, swine, sheep and goats and solipeds.

2. All parts of these animals which are fit for human consumption shall be considered to be meat.

3. All meat which has not undergone any preserving process shall be considered as fresh meat; however, for the purposes of this Directive chilled and frozen meat shall be considered to be fresh meat.

Article 2

For the purposes of this Directive:

(a) *official veterinarian* means the veterinarian designated by the competent central authority of the Member State;

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

(c) *country of destination* means the Member State to which fresh meat is sent from another Member State.

Article 3

Only fresh meat which fulfils the following requirements may be sent from the territory of one Member State to the territory of another Member State:

(a) Meat obtained from domestic sheep, goats or solipeds must, without prejudice to Article 6, come from animals which have stayed in the territory of the Community for at least twenty-one days immediately prior to slaughter or from birth in the case of animals less than twenty-one days old.

(b) The meat must not have been obtained from animals which come from a holding or area which for health reasons is subject to prohibition pursuant to Article 3 (2) (b) of the Council Directive of 26 June 1964 ([2]) on animal health problems affecting intra-Community trade in bovine animals and swine, last amended by the Council Directive of 7 February 1972 ([3]), as a result of the outbreak of foot and mouth disease, swine fever ►**M8** , swine vesicular disease ◄ or contagious swine paralysis (Teschen disease) to which the animals in question are susceptible.

(c) The meat must not be obtained from slaughterhouses in which cases of foot and mouth disease, swine fever ►**M8** , swine vesicular disease ◄ or contagious swine paralysis (Teschen disease) have been recorded.

([1]) OJ No L 255, 28.10.1968, p. 23.
([2]) OJ No 121, 29.7.1964, p. 1977/64.
([3]) OJ No L 38, 12.2.1972, p. 95.

▼M22

▼M21

(e) The meat shall not be subject of animal health restrictive measures pursuant to the provisions of Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine-fever ([1]).

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Should there be an outbreak of one of these diseases, the Member States shall ensure that no meat suspected to be contaminated forms part of intra-Community trade.

Article 4

Without prejudice to Article 3 (b), fresh meat from swine, sheep and goats may not be sent to the territory of another Member State except on condition that such animals do not come from a holding in the exporting country which is subject to prohibition for health reasons as a result of the outbreak of porcine, ovine or caprine brucellosis.

Such prohibition must last at least six weeks after the last case has been officially recorded.

Article 5

1. The Member States shall ensure that fresh meat obtained from animals which do not fulfil the requirements of Articles 3 and 4 shall not be given the health mark provided for in Chapter IX of Annex I of the Directive on health problems affecting intra-Community trade in fresh meat.

▼M19

▼M7

Article 5a

Notwithstanding Article 5 (1), and in so far as it is not intended for intra-Community trade in fresh meat, the meat referred to in that Article may carry the mark defined in Annex I, Chapter IX of Directive 64/433/EEC, provided that the special mark referred to in the Annex to this Directive is immediately superimposed thereon.

The provisions of Annex I, Chapter IX, point 39 of Directive 64/433/EEC shall apply *mutatis mutandis* to the keeping and use of marking instruments.

Such meat must be obtained, cut, transported and stored separately from, or not at the same time as, meat intended for intra-Community trade in fresh meat.

▼M19

▼C2

Article 7

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1. Countries of destination may grant to one or more exporting countries general authorisations or authorisations restricted to specific cases for the introduction into their territory of fresh meat, in derogation from Article 3 (a) does not come from animals which have stayed in the territory of the Community for at least twenty-one days immediately prior to slaughter or since birth in the case of animals less than twenty-one days old.

2. When a country of destination grants a general authorisation, in accordance with paragraph 1, it shall immediately inform the Member States and the Commission.

([1]) OJ No L 47, 21. 2. 1980, p. 11.