11.10.69 Official Journal of the European Communities No L 256/5

COUNCIL DIRECTIVE

of 6 October 1969

amending the Directive of 26 June 1964 on health problems affecting intra-Community trade in fresh meat

(69/349/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;

Whereas the Council Directive of 26 June 1964[2] on health problems affecting intra-Community trade in fresh meat was first amended by the Directive of 25 October 1966[3];

Whereas that Directive only contains Community provisions applicable to trade in whole animal carcases or large parts of such carcases; whereas common rules must also be laid down for cuts of meat; whereas the implementation of the common organisation of the markets in pigmeat and beef and veal will not have the desired effect as long as intra-Community trade is hindered by differences between health requirements of Member States concerning cut meat; whereas those requirements must be approximated in order to eliminate such differences;

Whereas that approximation may be effected by extending to certain cut fresh meat the provisions laid down by the above-mentioned Directive of 26 June 1964; whereas, in particular, hygiene requirements for cutting plants, rules governing storage and transportation of cut meat and conditions for the issue of a health certificate intended to guarantee that intra-Community trade meets Community requirements must be standardised;

Whereas, as with other fresh meat, Member States should likewise be responsible for approving cutting plants and ensuring that the conditions for such approval are observed; whereas Member States must also have the right to prohibit the introduction of meat into their territory if it is found to be unfit for human consumption or which does not comply with Community health provisions;

Whereas, for cases where the Member State of destination issues a prohibition or restriction, consignors of cut meat should be given the same guarantees as those laid down by the Directive of 26 June 1964 for consignors of other cuts of fresh meat;

Whereas, furthermore, implementation of the rules resulting from the Directive of 26 June 1964 has shown that certain provisions of that Directive must be amended in the light of experience;

Whereas, in particular, that Directive recognises the right of each Member State to prohibit the introduction of fresh meat into its territory from a Member State in which there has been an outbreak of an epizootic disease; whereas, depending on the nature and character of that epizootic disease, such prohibition must either be restricted to meat coming from part of the territory of the exporting country or may extend to the whole of that territory; whereas, in the event of an outbreak of contagious or infectious disease in the territory of a Member State, appropriate measures must quickly be taken to combat such disease, whereas the dangers created by such diseases and the protective measures they necessitate should be assessed in the same way throughout the Community; whereas, to this end a Community emergency procedure must be introduced

[1] OJ No C 55, 5.6.1968, p. 28.
[2] OJ No 121, 29.7.1964, p. 2012/64.
[3] OJ No 192, 27.10.1966, p. 3302/66.

within the Standing Veterinary Committee set up by Council Decision of 15 October 1968[1] in accordance with which the necessary measures must be taken;

Whereas it also seems appropriate to provide for co-operation between Member States and the Commission within the Standing Veterinary Committee in order to settle disputes which might arise between Member States as to the justification for approval of a slaughterhouse or cutting plant;

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Council Directive of 26 June 1964 on health problems affecting intra-Community trade in fresh meat, as amended by the Directive of 25 October 1966, shall be amended as indicated in the following Articles.

Article 2

1. The following shall be substituted for Article 3 (1):

'Each Member State shall ensure that only fresh meat which, without prejudice to Article 8, meets the following requirements is sent from its territory to that of another Member State:

A. In the case of carcases, half carcases or quarters:

(a) it has been obtained from a slaughterhouse approved and supervised in accordance with Article 4 (1);

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

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

(d) it has been inspected *post mortem* by an official veterinarian in accordance with Chapter VI of Annex I, and has shown no change except for traumatic lesions incurred shortly before slaughter or localised 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) it has a health mark in accordance with Chapter IX of Annex I;

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

(g) in accordance with Chapter XII of Annex I, it is stored after *post mortem* inspection under satisfactory hygienic conditions in slaughterhouses and cutting plants approved and supervised in accordance with Article 4 (1) or in approved and supervised cold stores within the meaning of Article 4 (4);

(h) in accordance with Chapter XIII of Annex I, it is transported to the country of destination under satisfactory hygienic conditions;

B. In the case of cuts smaller than quarters, or boned meats:

(a) it has been cut in a cutting plant approved and supervised in accordance with Article 4 (1);

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

— fresh meat from animals slaughtered in the Member State and satisfying the conditions referred to in A, excepting meat referred to under (f) and (h), transported in accordance with Chapter XIII of Annex I; or

— fresh meat imported from another Member State and satisfying the conditions of A; or

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

(c) it has been stored under conditions corresponding to the provisions of Chapter XII of Annex I;

(d) it has been supervised by an official veterinarian in accordance with Chapter VIII of Annex I;

(e) it meets the requirements of Chapter X of Annex I as regards their packaging;

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

2. The following new paragraph shall be inserted after Article 3 (1):

'2. However, if the Member State of destination so authorises, the conditions referred

[1] OJ No L 255, 18.10.1968, p. 23.

to in 1 (A) and (B) shall not be binding for meat intended for purposes other than for human consumption; in such cases, the Member State of destination shall ensure that the meat cannot be used for purposes other than those for which it was imported.'

3. Article 3 (2) shall be renumbered 3 (3) and the following shall be substituted for its second subparagraph thereof:

'The official veterinarian may, when carrying out the *post mortem* inspection referred to in 1 A (d) and the supervision referred to in 1 B (d), be helped in purely material tasks by assistants specially trained for the purpose.'

4. Article 3 (3) shall be renumbered 3 (4).

Article 3

1. The following shall be substituted for Article 4 (1):

'The competent central authority of the Member State on whose territory the slaughterhouse or cutting plant is situated shall ensure that the approval provided for in Article 3 (1) (A) (a) and B (a) is granted only where the provisions of Chapters I or II of Annex I are observed and where that slaughterhouse or cutting plant is able to satisfy the other conditions of that Annex. It shall also ensure that an official veterinarian supervise observance of those provisions and that approval is withdrawn when one or more of the provisions are no longer observed.'

2. In Article 4 (3):

(a) the following shall be substituted for the second sentence of the second subparagraph:

'In the light of that opinion, Member States may be authorised under the procedure laid down in Article 9a, to prohibit provisionally the introduction into their territory of fresh meat coming from that slaughterhouse or cutting plant.'

(b) the following shall be substituted for the third paragraph:

'Such authorisation may be withdrawn under the procedure laid down in Article 9a, in the light of a new opinion delivered by one or more veterinary experts.'

Article 4

Article 5 (2) shall be supplemented as follows:

'In all cases safety measures shall be taken to prevent misuse of such meat.'

Article 5

Article 6 (1) shall be amended as follows:

(a) in the first sentence, the words 'Articles 3 (4) and 9' shall be substituted for the words 'Article 3 (3)';

(b) the following shall be substituted for A:

'A. which prohibit or restrict the introduction into their territory of the following:

(a) fresh meat in cuts weighing less than 3 kilogrammes, in particular minced meat and meat cut up in a similar manner, and excepting whole fillets of beef and whole shoulders of pork on the bone;

(b) cut fresh meat, prepacked in indivisible commercial portions intended for direct sale to the consumer;

(c) offal separated from the carcase, excepting ox tails;

(d) fresh meat of solipeds;

Such fresh meat may only be consigned in accordance with Article 3.'

(c) the following shall be substituted for C:

'concerning the treatment of slaughter animals with substances likely to make the consumption of fresh meat dangerous or harmful to human health and concerning the absorption by slaughter animals of substances such as antibiotics, oestrogens, thyrostats, tenderisers, pesticides, herbicides or arsenic or antimonial substances;'

Article 6

1. The following paragraph 2a shall be inserted after Article 8 (2):

'2a. All Member States, must immediately notify the other Member States and the Commission of the outbreak in their territory of any disease referred to in paragraph 2 and of the measures taken to control such outbreak. They must also notify the other Member States immediately of the disappearance of the disease.'

2. The following shall be substituted for Article 8 (3):

'3. Measures taken by the Member States under paragraph 2 and any repeal of such measures must be communicated forthwith to the other Member States and to the Commission together with the reasons therefor.

Under the procedure laid down in Article 9a, a decision may be taken to repeal or amend those measures, in particular in order to co-ordinate them with measures adopted by other Member States.'

3. The following shall be substituted for Article 8 (4):

'4. If the situation envisaged in paragraph 2 arises and if it appears necessary that other Member States also apply the measures taken under that paragraph, amended, where necessary pursuant to paragraph 3, appropriate measures shall be adopted under the procedure laid down in Article 9a.'

Article 7

The following Articles shall be inserted after Article 9:

'*Article 9a*

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 initiative or at the request of a Member State, to the Standing Veterinary Committee (hereinafter called the "Committee") set up by 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.

3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on such measures within two days. Opinions shall be delivered by a majority of twelve votes.

4. The Commission shall adopt the measures and implement them immediately where they are in accordance with the opinion of the Committee. Where they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall adopt the measures by a qualified majority.

If, within fifteen days from the date on which a matter was referred to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and implement them immediately unless the Council has decided against the measures by a simple majority.'

'*Article 9b*

The provisions of Article 9a shall apply for a period of eighteen months from the date on which a matter was first referred to the Committee either under Article 9a (1) or under any other corresponding provision.'

Article 8

Chapter I (1) of Annex I:

(a) The following shall be added to subparagraph (b):

'... however, such special place shall not be compulsory if the slaughter of pigs and that of other animals take place at different times; but in such cases scalding, depilation, scraping and singeing must be carried out in special places which are clearly separated from the slaughter line either by an open space of at least 5 metres or by a partition at least 3 metres high;'

(b) the following shall be substituted for subparagraph (p):

'an adequate supply, under pressure, of drinking water only; however, non-drinking water may be used in exceptional cases for steam production, provided that the pipes installed for this purpose do not permit this water to be used for other purposes; in addition, the use of non-drinking water may be authorised in exceptional cases for cooling refrigeration equipment. In such cases, non-drinking water pipes must be painted red and must not pass through rooms containing meat;'

(c) the following shall be substituted for subparagraph (q):

'an adequate supply of hot drinking water;'

(d) the following shall be added to subparagraph (s):

'... such equipment must be as near as possible to the work stations; taps must not be hand operable; these facilities must have hot and cold running water, cleaning and disinfecting products and disposable hand towels; for cleaning instruments the temperature of the water must be not less than 82 °C.'

(e) the following shall be substituted for subparagraph (v):

'proper equipment for protection against pests such as insects, rodents, etc.'