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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
► <u>M1</u> Council Directive 73/358/EEC of 19 November 1973	L 326	17	27.11.1973
► <u>M2</u> Council Directive 74/387/EEC of 15 July 1974	L 202	36	24.7.1974
► <u>M3</u> Council Directive 75/379/EEC of 24 June 1975	L 172	17	3.7.1975
► <u>M4</u> Council Directive 77/98/EEC of 21 December 1976	L 26	81	31.1.1977
► <u>M5</u> Council Directive 78/54/EEC of 19 December 1977	L 16	22	20.1.1978
► <u>M6</u> amended by Council Directive 79/111/EEC of 24 January 1979	L 29	26	3.2.1979
► <u>M7</u> Council Directive 80/213/EEC of 22 January 1980	L 47	1	21.2.1980
► <u>M8</u> Council Directive 80/1099/EEC of 11 November 1980	L 325	14	1.12.1980
► <u>M9</u> Council Directive 81/476/EEC of 24 June 1981	L 186	20	8.7.1981
► <u>M10</u> Council Directive 82/893/EEC of 21 December 1982	L 378	57	31.12.1982
► <u>M11</u> Council Directive 83/646/EEC of 13 December 1983	L 360	44	23.12.1983
► <u>M12</u> Council Directive 84/336/EEC of 19 June 1984	L 177	22	4.7.1984
► <u>M13</u> Council Directive 84/643/EEC of 11 December 1984	L 339	27	27.12.1984
► <u>M14</u> Council Directive 85/322/EEC of 12 June 1985	L 168	41	28.6.1985

Amended by:

► <u>A1</u> Act of Accession of Greece	L 291	17	19.11.1979
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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.

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.

⁽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.

▼B*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.
2. The country of destination may prohibit the introduction of fresh meat into its territory if it has been established that Articles 3 and 4 have not been observed.
3. In this event, the country of destination must authorise, at the request of the consignor or his representative, the return of the whole consignment of fresh meat, provided this is not contrary to considerations of health.
4. The competent authority of the country of destination may order the consignment to be destroyed where introduction is prohibited, pursuant to paragraph 2, and the exporting country or country of transit, as the case may be, does not authorise return.
5. For the application of the measures referred to in paragraphs 2, 3 and 4 of this Article, Article 6 (7) of the Directive on health problems affecting intra-Community trade in bovine animals and swine shall apply.

▼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.

▼C2*Article 6*

1. This Directive shall not affect the appeal procedures available under the rules in force in the Member States against the decisions of the competent authorities and provided for in this Directive.
2. Each Member State shall grant to exporters, whose fresh meat may not be introduced in accordance with Article 5 (2), the right to obtain the opinion of a veterinary expert. Each Member State shall ensure that the veterinary experts have the opportunity of determining whether the conditions of Article 5 (2) have been fulfilled before the competent authorities take other measures such as the destruction of the meat.

The veterinary expert must be a national of a Member State other than the exporting country or the country of destination.

▼C2

The Commission shall draw up, on a proposal from the Member States, the list of veterinary experts who may be called upon to give such opinions. It shall determine, after consulting with the Member States, the general rules of implementation, in particular as regards the procedure to be followed in giving such opinions.

*Article 7***▼B**

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.
3. When a country of destination grants one of the authorisations provided for in paragraph 1, a corresponding authorisation should be obtained, in cases of transit, from the countries of transit concerned.

▼C2*Article 8***▼B**

1. Without prejudice to ►C2 Articles 3, 4 and 7 ◄, a Member State may, if there is a danger that animal diseases may be spread by the introduction into its territory of fresh meat from another Member State, take the following measures:
- (a) In the event of an outbreak of an epizootic disease in the other Member State, it may temporarily prohibit or restrict the introduction of meat from the affected areas of that Member State;
 - (b) If an epizootic disease becomes widespread or if there is an outbreak of another serious contagious or infectious animal disease, it may temporarily prohibit or restrict the introduction of meat from the entire territory of that State.

▼M14

However, when the disease in question is African swine fever, Article 8a shall apply.

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2. Each Member State must notify the other Member States and the Commission without delay of the outbreak in its territory of any disease referred to in paragraph 1 and of the measures it has taken to control it. It must also notify them without delay of the disappearance of the disease.
3. Measures taken by a Member State under paragraph 1, and their repeal, must be communicated without delay to the other Member States and to the Commission together with the precise reasons for such measures.

It may be decided, according to the procedure laid down in ►C2 Article 9 ◄, that these measures should be amended, mainly to ensure coordination with those adopted by the other Member States, or abolished.

4. If the situation provided for in paragraph 1 arises and if it seems necessary for other Member States also to apply the measures taken pursuant to the said paragraph, together with any amendments made in accordance with paragraph 3, the appropriate provisions shall be adopted according to the procedure defined in Article 8.
5. ►C2 Article 9 ◄ of the Directive on health problems affecting intra-Community trade in fresh meat is hereby repealed.

▼ **M14***Article 8a*

1. A Member State in whose territory African swine fever has been recorded within the previous 12 months shall not export fresh pigmeat to the territory of the other Member States.

It may be decided, in accordance with the procedure laid down in Article 9, that the provisions of the first subparagraph shall not apply to one or more parts of the territory of the Member State concerned. This derogation shall not preclude recourse to Article 6 should one or more cases of African swine fever reoccur in the above part or parts of territory.

2. Where there is an outbreak of African swine fever in the territory of a Member State where the disease has not been recorded for at least 12 months, it may be decided, in accordance with the procedure laid down in Article 9, that the provisions of paragraph 1 shall apply exclusively to a part of territory concerned. Pending this decision, and without prejudice to Article 8, the Member State concerned shall ensure the immediate prohibition of export to the other Member States of fresh pigmeat from the part of territory in which the epizootic disease has been recorded. The criteria laid down in Article 8b (2) shall be taken into account in determining that part of the territory.

One or more cases of African swine fever on a part of a Member State's territory which is not geographically linked to the main part of that Member State's territory shall not prevent the application of the first subparagraph.

The conditions prerequisite to the application of the first subparagraph shall still be deemed to be fulfilled if the following conditions have been fulfilled:

- (i) the outbreak or outbreaks recorded on the occurrence of African swine fever referred to in the first sub-paragraph was or were eradicated in the shortest possible period of time;
- (ii) the new outbreak, which forms the subject of a fresh request for a decision, as provided for in the first subparagraph, is not connected epidemiologically with the outbreak or outbreaks referred to in (i).

3. Decisions to lift measures applied under paragraph 2 shall be taken in accordance with the procedure laid down in Article 9.

Article 8b

1. For the purposes of defining the parts of territory referred to in Article 8a (1), particular account shall be taken of:

- the methods used to control and eradicate African swine fever,
- the absence of the disease for at least 12 months, recorded by all the methods of detection, including serological surveys,
- the surface area of the parts of territory and their administrative and geographical boundaries,
- the protective measures taken to prevent the contamination or re-contamination of pig herds,
- the measures taken to control the movement of pigs.

2. For the purposes of defining the parts of territory referred to in Article 8a (2), particular account shall be taken of:

- the methods used to combat the disease, in particular the elimination of pigs from holdings which are infected, contaminated or suspected of contamination,
- the surface area of the parts of territory and their administrative and geographical boundaries,
- the incidence of the disease and its tendency to spread,
- the measures taken to prevent the disease from spreading,
- the measures taken to restrict and control the movement of pigs both inside and outside the part of territory concerned.

▼ C2*Article 9*▼ B

1. Where the procedure laid down in this Article is to be followed, matters shall 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 the 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 the measures within two days. Opinions shall be delivered by a majority of ► A1 forty-five ◀ votes.

4. The Commission shall adopt measures which shall apply immediately, where they are in accordance with the Opinion of the Committee. However, if these measures are not in accordance with the Opinion of the Committee or if the Committee does not give an Opinion, the Commission shall forthwith submit a proposal to the Council concerning the measures to be taken. The Council shall adopt the measures by a qualified majority.

If after fifteen days from the date on which it was informed, the Council has not adopted the measures, the Commission shall adopt the proposed measures and shall implement them immediately, unless the Council has decided against the said measures by a simple majority.

▼ M9▼ C2*Article 11*▼ B

Until Community provisions relating to importation of fresh meat from third countries are implemented, national provisions relating to fresh meat imported from those countries shall not be more favourable than those resulting from this Directive.

▼ C2*Article 12*▼ B

The Member States shall bring into force the measures necessary to comply with this Directive before 1 January 1974 and shall forthwith inform the Commission thereof.

▼ M13

However, so as to allow Ireland and the United Kingdom in respect of Northern Ireland to substitute for the special arrangements which apply to them under Article 13, the general rules concerning foot-and-mouth disease as set out in this Directive, the two Member States concerned shall bring into force the necessary measures to comply therewith not later than 30 September 1985.

▼ M4*Article 13*

Until ► M12 31 December 1984 ◀, Ireland and the United Kingdom in respect of Northern Ireland, shall be authorized to retain for imports of fresh meat, their national rules relating to protection against foot-and-mouth disease while complying with the general provisions of the Treaty.

▼ M8*Article 13a*

1. Member States which have availed themselves of the authorization laid down in Directive 80/218/EEC and which are officially swine fever-free may not oppose the introduction of fresh pigmeat into their territory from another Member State if such meat has been obtained from:

- (i) pigs which satisfy the requirements of Article 4 c (1) of Directive 64/432/EEC; or,
- (ii) unvaccinated pigs reared in officially swine fever-free holdings situated in a part of a Member State's territory made up of a swine fever-free region or of several adjacent swine fever-free regions, and slaughtered in that part of the territory,

and, where point (b) of the said Article 4 c (1) applies or where (ii) above applies, the meat comes from pigs slaughtered in slaughterhouses in which vaccinated pigs have either not been slaughtered or have been slaughtered at a different time or in a separate place, provided that in the latter instances the meat is stored separately.

▼ M14

2. Acting unanimously on a proposal from the Commission, within three months of the date on which the proposal is referred to it, the Council shall draw up the list of the Member States and parts of territory referred to in paragraph 1 (ii) which are swine-fever-free.

Without prejudice to the possibility of recourse to Article 8, the Member States in question shall suspend this status upon the occurrence of an outbreak of swine fever and shall forthwith inform the Commission and the other Member States thereof. The Member State concerned shall lift the suspension either 30 days after the eradication of the last outbreak of the disease if there has been no vaccination or 90 days after the eradication of the last outbreak of the disease if there has been a vaccination. It shall inform the Commission and the other Member States of the end of the period of suspension. When two months have elapsed between the dates on which the first and last outbreaks were detected, the Member State concerned shall forthwith inform the Commission thereof. In this case, the status may be withdrawn in accordance with the procedure laid down in Article 9.

In the event of withdrawal, the status may be granted afresh to the part of territory in question in accordance with the same procedure only after a period of not less than:

- three months after the eradication of the last outbreak of the disease if there has been no vaccination,
- six months after the eradication of the last outbreak of the disease if there has been vaccination.

3. This Article shall be applicable until 31 December 1987.

By 1 July 1987 the Commission shall submit to the Council a report on development in the situation with particular regard to trade, together with appropriate proposals as regards swine fever.

The Council shall take a decision on these proposals not later than 31 December 1987.

▼ C2*Article 14*▼ B

This Directive is addressed to the Member States.

▼ M7

ANNEX

Mark for meat intended for a use other than intra-Community trade in fresh meat

1. The overstamping must be done in such a way that the oval stamp defined in Annex I, Chapter IX No 40 of Directive 64/433/EEC is covered by a diagonal cross consisting of two straight lines crossing at right angles, with the point of intersection in the centre of the stamp and the information thereon remaining legible.
2. The marks mentioned in paragraph 1 may also be made with a single stamp which will be an oval stamp 6 · 5 cm long and 4 · 5 cm broad; the following information must appear on the mark in perfectly legible characters:
 - on the upper part, the name of the exporting country in capitals,
 - in the centre, the veterinary approval number of the slaughterhouse,
 - on the lower part, one of the following sets of initials: EEC — CEE — EWG — EEG — EØF,
 - two straight lines crossing the stamp diagonally, intersecting at right angles at the centre of the stamp in such a way that the information is not obscured.

The letters must be 0 · 8 cm high and the figures 1 cm high.

The stamp may also carry information whereby the veterinarian who inspected the meat may be identified.