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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 4283/88

of 21 December 1988

on the abolition of certain exit formalities at internal Community frontiers — introduction of common border posts

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 a thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾

Whereas those crossing the Community's internal frontiers are subject to transit formalities both on leaving the Member State of exit and on entering the Member State in whose territory the journey is to continue; whereas these formalities and controls are often of the same kind and repetitive; whereas this situation results in loss of time and considerable expense arising from immobilization;

Whereas, at the European Council meeting in Milan on 28 and 29 June 1985, the Commission presented a White Paper on completing the Internal Market of the Community which set the end of 1992 as the deadline for achieving this objective; whereas the European Council endorsed this aim;

Whereas the said White Paper, echoing an idea set out in the conclusions of the European Council meeting in Fontainebleau on 25 and 26 June 1984, provided *inter alia* that, as an intermediate step, additional simplification measures should be introduced at the Community's internal frontiers through the introduction of common border posts so as to end the duplication of controls on both sides of the said frontiers; whereas for this purpose only one administrative control should be retained; whereas it seems that a single check at the office of entry into the Member State

concerned is the most appropriate solution; whereas this approach has already been adopted under the Community transit and TIR transit systems and it is therefore desirable to extend it to the ATA carnet, the Community movement carnet and the NATO form 302 procedures;

Whereas it is important to ensure uniform implementation of the provisions of this Regulation; whereas it is necessary for this purpose for provision to be made for a committee.

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down the formalities and controls required for goods that cross internal frontiers of the Community accompanied by an ATA carnet, a Community movement carnet or the form 302 laid down under the Convention between the Parties to the North Atlantic Treaty on the Status of their Forces, signed in London on 19 June 1951.

2. For the purposes of this Regulation:

- 'internal frontier' means a common land frontier between two Member States.
- 'office of exit' means the customs office by which the goods leave the territory of the Member State, referred to as the 'Member State of exit',
- 'office of entry' means the customs office by which the goods enter the territory of the Member State, referred to as the 'Member State of entry'.

Article 2

1. Where the goods referred to in Article 1 (1) cross an internal frontier, they need to be presented, for purposes of the formalities and controls to be carried out at the office of exit under the ATA carnet, the Community movement carnet or the form 302 procedure, only at the office of entry unless

⁽¹⁾ OJ No C 282, 9. 11. 1986, p. 13.

⁽²⁾ OJ No C 156, 15. 6. 1987, p. 25 and OJ No C 326, 19. 12. 1988.

⁽³⁾ OJ No C 150, 9. 6. 1987, p. 15.

the office of exit is at the same time the office of departure.

2. Prohibitions and restrictions on importation, exportation and transit issued by the Member States shall apply to the extent that they are compatible with the three Treaties establishing the European Communities.

3. In addition to the formalities incumbent upon it as such, the office of entry shall complete the formalities and controls that are incumbent upon the office of exit and shall immediately inform the latter thereof.

Article 3

1. Findings made pursuant to this Regulation by the authorities at the office of entry in a Member State shall, in the Member State which the goods have just left, have the same evidential force as findings made by the authorities of that Member State.

2. The competent authorities of the Member States shall, if necessary, communicate to one another all findings, documents, reports, records of proceedings and information relating to the goods referred to in Article 1 (1).

Article 4

Irregularities discovered in the circumstances specified in Article 3 (1) shall be deemed to have been discovered in the Member State which the goods have just left.

However, where the irregularity observed is only in breach of the laws, regulations and administrative provisions in force in the Member State of entry or where an excess is observed in

the Member State of entry, the findings shall be deemed to have been made in that Member State.

Without prejudice to criminal proceedings, customs duties and other taxes shall be charged in accordance with the laws, regulations and administrative provisions of the Member States in which the findings are deemed to have been made.

Article 5

The provisions of this Regulation shall be without prejudice to agreements concluded or to be concluded between two or more Member States relating to the reduction or abolition of formalities at frontiers between them.

Article 6

Notwithstanding the provisions of Title IV of Regulation (EEC) No 3/84 ⁽¹⁾, as last amended by Regulation (EEC) No 1227/88 ⁽²⁾, the committee on the movement of goods provided for in Article 55 of Regulation (EEC) No 222/87 ⁽³⁾, as last amended by Regulation (EEC) No 1674/87 ⁽⁴⁾, may examine any question concerning the application of this Regulation raised by the chairman of the committee either on his own initiative or at the request of the representative of a Member State.

Article 7

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 July 1989.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council
The President
V. PAPANDREOU

⁽¹⁾ OJ No L 2, 4. 1. 1984, p. 1.

⁽²⁾ OJ No L 118, 6. 5. 1988, p. 1.

⁽³⁾ OJ No L 38, 9. 2. 1977, p. 1.

⁽⁴⁾ OJ No L 157, 17. 6. 1987, p. 1.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 14 December 1988

laying down the requirements for the production of, and trade in, minced meat, meat in pieces of less than 100 grams and meat preparations and amending Directives 64/433/EEC, 71/118/EEC and 72/462/EEC

(88/657/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas provisions relating to the preparation, packaging, storage and transport of minced meat, meat in pieces of less than 100 grams and meat preparations should be laid down; whereas the health requirement which such meat must fulfil should also be laid down;

Whereas Directive 64/433/EEC ⁽⁴⁾, as last amended by Directive 88/288/EEC ⁽⁵⁾, and Directive 71/118/EEC ⁽⁶⁾, as last amended by Regulation (EEC) No 3805/87 ⁽⁷⁾, harmonized the health rules relating to intra-Community trade in fresh meat and trade in fresh poultrymeat;

Whereas Directive 77/99/EEC ⁽⁸⁾, as last amended by Regulation (EEC) No 3805/87, harmonized the health rules relating to intra-Community trade in meat products;

Whereas the directives in force must be taken as a basis for laying down the rules relating to meat intended for use as a raw material and to the approval of establishments; whereas, moreover, certain provisions of Directive 64/433/EEC on intra-Community trade may be applied to trade in minced meat, meat in pieces of less than 100 grams and meat preparations;

Whereas, so long as intra-Community trade is hindered by differences between the health requirements of Member States concerning minced meat, meat in pieces of less than 100 grams and meat preparations, the harmonious functioning of the common market and in particular of the relevant common organization of markets will not have the desired effect;

Whereas the particularly sensitive nature of these products has led to the adoption by Member States of national rules governing the composition thereof and of production standards for them; whereas the existence of these divergent national rules applicable to production as a whole would lead to border controls being maintained;

Whereas it is therefore necessary, in order to eliminate these disparities, to approximate the provisions of Member States governing production of these products;

Whereas, in the context of the aims of bringing about an internal market, provision should be made forthwith for the principle of extending the harmonized rules to Community production as a whole; whereas such extension must, however, be dependent upon the rules to be laid down for meat by virtue of Article 5 of Council Directive 88/409/EEC

⁽¹⁾ OJ No C 18, 23. 1. 1988, p. 8.

⁽²⁾ OJ No C 290, 14. 11. 1988, p. 49.

⁽³⁾ OJ No C 134, 24. 5. 1988, p. 8.

⁽⁴⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁵⁾ OJ No L 124, 18. 5. 1988, p. 28.

⁽⁶⁾ OJ No L 55, 8. 3. 1971, p. 23.

⁽⁷⁾ OJ No L 357, 19. 12. 1987, p. 1.

⁽⁸⁾ OJ No L 26, 31. 1. 1977, p. 85.

of 15 June 1988 laying down the health rules applying to meat intended for the domestic market and the levels of the fees to be charged, pursuant to Directive 85/73/EEC, in respect of the inspection of such meat ⁽¹⁾;

Whereas, in order to harmonize the rules applicable to the import of meat in pieces of less than 100 grams, it is necessary to amend Directive 72/462/EEC ⁽²⁾, as last amended by Directive 88/289/EEC ⁽³⁾, which governs the import of fresh meat, in order to make certain special requirements apply to them;

Whereas, in order to guarantee that consumers are well informed, it is necessary to derogate from the rules laid down by Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer ⁽⁴⁾, as last amended by Directive 86/197/EEC ⁽⁵⁾;

Whereas it has established that all Member States have national rules governing the composition of the products covered by this Directive and limiting the additives which may be used for the manufacture of these products; whereas the existence of different standards in this context may run counter to the requirements of the internal market; whereas it is therefore advisable to lay down maximum limits for these standards; whereas it is appropriate to postpone, until a decision is taken within a Community framework, the laying down of common rules governing the additives which may be used for the products in question;

Whereas the Commission should be entrusted with the task of adopting certain measures for implementing this Directive; whereas, to that end, procedures should be laid down introducing close and effective cooperation between the Commission and the Member States within the Standing Veterinary Committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down the requirements to be complied with for the production of, and intra-Community trade in, minced meat, meat in pieces of less than 100 grams and meat preparations intended for direct human consumption or for industry.

Article 2

For the purposes of this Directive:

1. the definitions contained in Article 2 of Directive 64/433/EEC, Article 2 of Directive 72/462/EEC and Articles 1 and 2 of Directive 71/118/EEC shall apply where necessary;

⁽¹⁾ OJ No L 194, 22. 7. 1988, p. 28.

⁽²⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽³⁾ OJ No L 124, 18. 5. 1988, p. 31.

⁽⁴⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽⁵⁾ OJ No L 144, 29. 5. 1986, p. 38.

2. the following definitions shall apply:

- (a) minced meat: preparations obtained by mincing into fragments fresh meat as defined in Directive 64/433/EEC;

'minced meat' shall also be taken to include meat which has passed through a spiral-screw mincer;

- (b) meat in pieces of less than 100 grams: fresh meat as defined in Directive 64/433/EEC divided into pieces of less than 100 grams;

- (c) meat preparations: preparations made wholly or partly from fresh meat, minced meat or meat pieces of less than 100 grams which have

— either undergone treatment other than that defined in Article 2 (a) and (d) of Directive 77/99/EEC,

— or been prepared by addition of foodstuffs, seasonings or additives,

— or undergone a combination of the above.

The preparations must be such that the cellular structure of the meat is unaffected and the finished product contains no fragments of bone.

However, minced meat or meat in pieces of less than 100 grams which have undergone only cold treatment shall not be regarded as meat preparations;

- (d) seasonings: salt intended for human consumption, mustard, spices and spice extracts, aromatic herbs and extracts thereof;

- (e) foodstuff: any product of animal or vegetable origin considered fit for human consumption;

- (f) production plant: any cutting plant or establishment producing minced meat and meat in pieces of less than 100 grams fulfilling the requirements of Chapter I of Annex I to this Directive and any plant producing meat preparations fulfilling the requirements of Chapter I of Annex A to Directive 77/99/EEC;

- (g) independent production unit: a production plant not located on the premises or in an annex to an establishment approved in accordance with Directives 64/433/EEC or 77/99/EEC which fulfils the requirements of Chapter I of Annex I to this Directive;

3. the following shall not be considered as minced meat, meat in pieces of less than 100 grams or meat preparations within the meaning of this Directive but as meat products: products which have undergone one of the treatments specified in Article 2 (d) of Directive 77/99/EEC and which no longer display the characteristics of fresh meat.

Article 3

1. Each Member State shall ensure that meat and meat preparations as defined in Article 2 (2) are dispatched from

its territory to the territory of another Member State only if they meet the following conditions:

- (a) they must have been prepared from fresh meat:
 - (i) either in compliance with Directive 64/433/EEC or with Directive 71/118/EEC;
 - (ii) or in compliance with Directive 72/462/EEC and coming from a third country either directly or via another Member State. In the case of fresh pigmeat, it must have been examined for trichinae in accordance with Article 2 of Directive 77/96/EEC ⁽¹⁾;
- (b) they must have been prepared in a preparation plant which:
 - (i) meets the requirements of Chapter I of Annex I to this Directive whether it is an independent production unit or a plant located in, or in an annex to, an establishment already approved in accordance with Directives 64/433/EEC or 77/99/EEC;
 - (ii) has been approved and is included on the list(s) drawn up in accordance with Article 7 (1);
- (c) they must have been prepared, packaged and stored in accordance with Chapters II, III and IV of Annex I;
- (d) they must have been inspected in accordance with Chapters V and VI of Annex I;
- (e) they must be marked in accordance with Chapter VII of Annex I;
- (f) they must be transported in accordance with Chapter VIII of Annex I;
- (g) during transport to the country of destination they must be accompanied by a health certificate that satisfies the requirements in Chapter XII of Annex I to Directive 64/433/EEC and is marked as follows:

'The undersigned, official veterinarian, hereby certifies that the minced meat, meat in pieces of less than 100 grams, meat preparations (a) described above was/were obtained under the conditions of production and inspection laid down in Directive 88/657/EEC laying down the requirements for the production of, and trade in, minced meat, meat in pieces of less than 100 grams and meat preparations and amending Directives 64/433/EEC, 71/118/EEC and 72/462/EEC.

(a) Delete where inapplicable';

- (h) the designations 'lean minced meat' and 'minced meat', possibly combined with the names of the species of the animals from which the meat is obtained, must be restricted to products for the final consumer which, in

addition to the general conditions imposed in Chapter III of Annex I, meet the requirements set out in Section I of Annex II.

2. Member States shall ensure that — in addition to the general conditions laid down in I — minced meat, meat in pieces of less than 100 grams and, in so far as they contain such meat, meat preparations intended for intra-Community trade comply with the following requirements:

- (a) they must be obtained, without prejudice to Article 4, from fresh meat from slaughter animals:
 - (i) in the case of meat that has been frozen or deep-frozen without bones, within a maximum of 18 months for beef and veal, 12 months for sheepmeat and 6 months for pigmeat of freezing or deep-freezing in a warehouse approved in accordance with Article 9 of Directive 64/433/EEC;
 - (ii) in the case of other fresh meat, within a maximum of six days after the slaughter of the animal of origin, compliance with this requirement being guaranteed by a method of identification to be specified by the competent authority;
- (b) they must have undergone cold treatment within a maximum of one hour after cutting into portions and wrapping except where processes requiring the lowering of the internal temperature of the meat during preparation are used;
- (c) if they are to be placed on the market:
 - chilled and wrapped for the final consumer, they must be obtained exclusively from meat as referred to in (a) (ii) and cooled to an internal temperature below + 2 °C in a period of not more than one hour;
 - deep-frozen and wrapped for the final consumer, they must be obtained from meat as referred to in paragraph (a) (ii) or, without prejudice to the prohibition laid down in the first subparagraph of Article 6 (1), from meat as referred to in (a) (i) and cooled to an internal temperature below - 18 °C in a period of not more than four hours;
 - frozen, they may be obtained from meat as referred to in (a) (i) or (ii) and cooled to an internal temperature below - 12 °C in a period of not more than 12 hours. Such meat may not be wrapped for the final consumer;
- (d) they must not have been subjected to ionizing radiation or ultra-violet treatment;
- (e) as regards meat preparations, seasonings may not exceed 3 % of the finished product if added dry or 10 % if added in any other state.

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 67.

Article 4

Member States shall ensure — without prejudice to Article 6 — that the following meat is not dispatched from their territory to the territory of another Member State:

- (a) minced soliped meat or soliped meat weighing less than 100 grams;
- (b) minced meat containing offal;
- (c) minced meat, meat in pieces of less than 100 grams and meat preparations obtained from or using mechanically separated meat;
- (d) minced poultrymeat.

Article 5

1. Countries of destination may, subject to compliance with the general provisions of the Treaty, grant to one or more exporting countries general authorizations or authorizations restricted to specific cases for the importation into their territory of:

- (i) meat or preparations referred to in Article 2 (2) which fail(s) to meet the standards laid down in Article 3 (1) (h) and 3 (2) (a) (i) and (c) or the standards laid down in Chapter VI of Annex I;
- (ii) meat or preparations referred to in Article 4.

Such products may not be dispatched unless this is done in accordance with Article 3.

2. When a country of destination grants an authorization under paragraph 1, it shall inform the Commission and the other Member States within the Standing Veterinary Committee thereof.

3. The exporting countries shall take all measures necessary to ensure that the health certificate referred to in Article 3 (1) (g) mentions that use has been made of the possibilities provided for in paragraph 1 of this Article.

Article 6

1. Member States which prohibit the use of meat as referred to in Article 3 (2) (a) (i) for the manufacture of deep-frozen meat preparations wrapped for the final consumer or the transport within their territory of minced meat, meat in pieces of less than 100 grams or meat preparations that have not been frozen or deep-frozen may prohibit or limit the introduction into their territory of such meat or preparations from other Member States.

Member States wishing to invoke this option shall first inform the Commission and the other Member States within the Standing Veterinary Committee.

2. Member States which authorize the production or marketing within their territory of:

- minced meat with seasonings or meat preparations both obtained from offal,
- minced meat obtained from or using fresh meat from domestic solipeds or obtained from or using fresh poultry meat intended for the processing industry,

may not prohibit or restrict the introduction into their territory of minced meat or meat preparations obtained in similar conditions in another Member State.

In trade in the minced meat and the meat preparations referred to in the first subparagraph, the conditions imposed in this Directive must be complied with.

Such minced meat and meat preparations may be dispatched only in accordance with Article 3 (2) and, in the case of meat including fresh poultrymeat, the latter must meet the requirements of Directive 71/118/EEC.

For the purposes of this Article, Article 6 (2) and (3) of Directive 64/433/EEC shall apply *mutatis mutandis*.

3. Acting on a proposal from the Commission, the Council shall decide by 31 December 1991 on the conditions for extending the requirements of this Directive to the products referred to in the preceding paragraphs, in particular in the light of the decisions to be taken pursuant to Article 13 (2).

Article 7

1. Each Member State shall draw up a list of the establishments manufacturing products referred to in Article 2 (2) (a), (b) and (c). This list shall be forwarded to the other Member States and the Commission, stating whether these establishments are production plants or independent production units.

Each plant shall receive an approval number, which in the first case shall be that of the establishment that has been approved, with the indication that it has been approved for the production of the meat and preparations defined in Article 2.

Plants thus approved shall be entered in a separate column on the list of establishments referred to in Article 8 of Directive 64/433/EEC or that referred to in Article 6 of Directive 77/99 EEC or, in the case of an independent production unit, on a separate list drawn up according to the same criteria.

2. A Member State shall not include a production plant or an independent production unit on the list referred to in

paragraph 1 unless it is sure that the establishment satisfies the conditions laid down in this Directive. The Member States shall withdraw the specific indication if the conditions cease to be fulfilled.

3. The Member States shall take account of the results of any checks performed in accordance with Article 9 of Directive 64/433/EEC. The other Member States and the Commission shall be informed of the withdrawal of the specific indication provided for in paragraph 1.

Article 8

1. Member States shall ensure that production plants and independent production units undergo official inspection in order to ensure that production hygiene requirements are fulfilled.

If the inspection or inspections referred to in the first subparagraph and in paragraph 2 show that not all hygiene requirements are being fulfilled, the official veterinarian shall take appropriate steps.

2. Member States shall ensure that meat in pieces of less than 100 grams, minced meat and meat preparations undergo microbiological checks carried out by the establishments, under the supervision, control and responsibility of the official veterinarian, in order to ensure that such meat complies with the requirements of this Directive.

3. Member States shall ensure that regular microbiological checks are effected to examine for aerobic mesophile bacteria, salmonella, staphylococci, *Escherichia coli* and sulphite-reducing anaerobes in accordance with the conditions laid down in Chapter VI of Annex I.

4. Member States shall ensure that the standards and methods of interpretation set out in section II of Annex II to this Directive are applied to all their production of meat and preparations defined in Article 2 (2), except for those prepared on the spot at the request of the purchaser and such meat obtained in establishments selling directly to the consumer where transport and packaging are not involved.

Member States shall, however, be authorized to postpone application pending implementation of the decisions provided for in Article 13. They shall inform the Commission and the other Member States thereof within the Standing Veterinary Committee.

Member States which do not avail themselves of the possibility offered in the second subparagraph may make imports into their territory of meat and meat preparations defined in Article 2 (2) subject to the requirement that they must come from establishments conforming with the standards laid down in Annex II.

5. The microbiological checks must be carried out in accordance with proven methods which are scientifically

recognized, in particular those laid down in Community Directives or other international standards.

The results of the microbiological checks must be assessed using the standards for interpretation laid down in Annex II.

In the event of disputes arising in trade, Member States shall recognize the ISO methods as reference methods.

6. For the purpose of inspecting production holdings, the Commission — after consultation of the Standing Veterinary Committee — shall draw up a general code of hygiene which shall specify the general conditions of hygiene to be complied with in production plants and independent production units, in particular the conditions for the upkeep of premises. The Commission will publish that code.

7. Where there is good reason to suspect that the requirements of this Directive are not being satisfied, the official veterinarian shall carry out the necessary checks and, if that suspicion is confirmed, take appropriate measures, and in particular suggest to the competent authority that approval be suspended.

Article 9

For the purposes of this Directive, the inspection and supervision of the establishments referred to in Article 7 shall be performed in accordance with Article 8 (2) of Directive 64/433/EEC, Article 6 (2) of Directive 77/99/EEC and Article 2 of Directive 88/409/EEC.

Article 10

1. Article 8 (3) of Directive 64/433/EEC shall apply *mutatis mutandis* in the event of disputes concerning compliance in an approved establishment with the conditions laid down in this Directive.

2. Article 9 of Directive 64/433/EEC shall apply *mutatis mutandis* to the on-the-spot inspection necessary for the uniform application of this Directive in the establishments referred to in Article 7.

3. Articles 10 and 11 of Directive 64/433/EEC shall apply *mutatis mutandis* to trade in the meat defined in Article 2 (2) of this Directive.

Article 11

1. Directive 64/433/EEC is hereby amended as follows:

- (a) in Article 5, point (b) is replaced by:
‘(b) mechanically separated meat’;

- (b) in Article 5, point 1 is deleted;
- (c) in Article 6 (1), point (iii) is replaced by:
- ‘(iii) fresh meat referred to in Article 5 (b) and (i) to (k)’.

2. Directive 71/118/EEC is hereby amended as follows:

- (a) the following subparagraph is added to Article 3 (3):
- ‘Intra-Community trade in fresh poultrymeat ground or similarly comminuted shall be excluded.’

- (b) Article 15 a is repealed.

3. Article 18 (2) of Directive 72/462/EEC is replaced by the following:

‘2. Article 20 (j) and (k) notwithstanding, Member States may authorize importation into their territories of meat in pieces of less than 100 grams within the meaning of Article 2 (2) (b) of Directive 88/657/EEC ⁽¹⁾ from masseter muscles and brains provided that they comply with the requirements of Article 17 (2) and with paragraph 1 (b) (iii), (iv) and (v) of this Article and, as regards meat in pieces of less than 100 grams, with the conditions laid down in Directive 88/657/EEC.

⁽¹⁾ OJ NO L 382, 31. 12. 1988, p. 3.’

Article 12

Trade in meat and meat preparations defined in Article 2 (2) shall be subject to the animal health rules governing trade in fresh meat laid down in Directive 72/461/EEC.

Article 13

1. Member States shall ensure that, by no later than the date to be fixed for the implementation of the decisions provided for in Article 5 (1) of Directive 88/409/EEC, all meat and meat preparations referred to in Article 2 (2) and produced in their territory for marketing there, subject to the second subparagraph of this paragraph, satisfy the requirements of this Directive, save in the case of derogations (in particular from the provisions of Article 3 (2) (c)) to be decided by the Council, before 1 January 1992, in connection with the decision referred to in paragraph 2.

The preceding subparagraph shall not apply to meat and meat preparations mentioned in Article 4, meat prepared on the spot at the request of the purchaser and such meat obtained in establishments selling directly to the consumer where transport and packaging are not involved.

2. The Council, acting by a qualified majority on a proposal from the Commission shall adopt before 1 January 1992 the minimum rules which must be complied with by an establishment intending to restrict its production to the local market and shall at the same time re-examine Article 6.

Article 14

The Annexes to this Directive may be amended by the Council, acting by a qualified majority on a proposal from the Commission, in particular in order to adapt them to technological progress.

Before 1 January 1991, the Council shall re-examine the data concerning the microbiological standards of Section II of Annex II in the light of a Commission report based upon scientific conclusions together with possible proposals on which it will take a decision in accordance with the procedure provided for in the first subparagraph.

Article 15

Pending compilation, in the context of Community legislation on additives, of the list of foodstuffs to which the additives authorized for use may be added and establishment of the conditions under which they may be added and, where appropriate, a limit on the technological purpose of their use, the national rules and the bilateral arrangements existing on the date on which this Directive is brought into application restricting the use of additives in the products covered by this Directive shall remain applicable, with due regard for the general provisions of the Treaty, provided that they apply without distinction to domestic production and to trade.

Article 16

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1992. They shall forthwith inform the Commission thereof.

Article 17

This Directive is addressed to the Member States.

Done at Brussels, 14 December 1988.

For the Council
The President
Y. POTTAKIS

ANNEX I

CHAPTER I

**SPECIAL CONDITIONS FOR THE APPROVAL OF ESTABLISHMENTS PRODUCING THE MEAT
DEFINED IN ARTICLE 2 (2)**

1. Over and above the general conditions laid down in, respectively Annex I points 1 to 12 and points 14, 15 and 16 of Directive 64/433/EEC and Chapter I of Annex A to Directive 77/99/EEC, production plants or independent production units as defined in Article 2 (2) of this Directive must have at least:
 - (a) a room separate from the cutting room for mincing, wrapping and for the addition of other foodstuffs, equipped with a recording thermometer or recording telethermometer.
However, the competent authority may authorize the mincing of meat in the cutting room provided that the mincing is carried out in a separate area and does not involve the addition of seasonings and other foodstuffs;
 - (b) a room for packaging, unless the conditions laid down in point 62 of Chapter XI of Annex I to Directive 64/433/EEC are fulfilled;
 - (c) a room for storing seasonings and other cleaned foodstuffs ready for use;
 - (d) refrigeration equipment enabling the temperatures laid down in this Directive to be adhered to.

Establishments producing meat preparations must also comply with the relevant requirements of Chapter I of Annex B to Directive 77/99/EEC.

2. The rules laid down in Chapter IV of Annex I to Directive 64/433/EEC shall apply as regards the hygiene of the staff, premises and equipment in the establishments.

Staff engaged in the manual preparation of minced meat must also wear masks covering their noses and mouths and surgical-type gloves.

CHAPTER II

CONDITIONS FOR THE PRODUCTION OF MEAT IN PIECES OF LESS THAN 100 GRAMS

3. Meat is examined before cutting. All soiled or suspect parts are removed and condemned before the meat is cut up.
4. Meat in pieces of less than 100 grams may not be obtained from scrap cuttings or scrap trimmings or from offal.

For the purposes of this Directive, however, offal in slices obtained under hygienically satisfactory conditions is to be regarded as meat in pieces of less than 100 grams.

5. Where the operations carried out from the time when the meat enters the room referred to in Chapter I, point 1 (a) to the time when the finished product undergoes the chilling or freezing process are performed within a maximum period of one hour, the internal temperature of the meat must be no higher than + 7 °C and the temperature of the production premises must be no higher than + 12 °C. The competent authority may authorize a longer time limit in individual cases where the addition of seasonings or foodstuffs justifies this on technical grounds, provided hygiene rules are not affected by that derogation.

Where the duration of these operations is over one hour or over the period authorized by the competent authority in accordance with the preceding subparagraph, the fresh meat may not be used until the internal temperature of the meat has been reduced to a maximum of + 4 °C.

6. Immediately after production, meat in pieces of less than 100 grams must be hygienically wrapped and packaged and stored at a temperature of not more than + 2 °C in the case of chilled meat and not more than - 18 °C in the case of deep frozen meat or not more than - 12 °C in the case of frozen meat.

CHAPTER III

CONDITIONS FOR THE PRODUCTION OF MINCED MEAT

7. Meat is examined before mincing. All soiled and suspect parts are removed and condemned before the meat is minced.

8. Minced meat may not be obtained from scrap cuttings or scrap trimmings.

In particular, it may not be prepared from meat from the following parts of bovine animals, pigs, sheep or goats: fragments of muscles from the head, boned shin meat, the point at which the sticking of the animal took place, injection areas, diaphragm and the central part of the belly muscles and bone scrapings. It must not contain any bone fragments.

The rules laid down in point 5 for meat in pieces of less than 100 grams apply *mutatis mutandis* to the production of minced meat.

9. Immediately after production the minced meat must be hygienically wrapped and packaged and stored at the temperatures prescribed in Article 3 (2) (c).

CHAPTER IV

SPECIAL REQUIREMENTS FOR THE PRODUCTION OF MEAT PREPARATIONS

10. Over and above the general requirements of Chapter I, and depending on the type of production concerned:

(a) the production of meat preparations must take place under conditions of temperature control. Immediately after production, meat preparations must be forthwith cooled to the temperatures provided for in Article 3 (2) (c);

(b) meat preparations made from meat which has been minced as provided for in Article 2 (2) (c) may be dispatched only on condition that:

- they are frozen at a freezing speed of one cm/hour,
- they are wrapped in consignments.

Such preparations must be marketed within a period not exceeding six months;

(c) meat preparations other than those referred to in point (b) and intended for direct sale to the final consumer must be wrapped in indivisible commercial portions;

(d) refreezing of meat preparations is prohibited.

CHAPTER V

INSPECTION

11. Establishments which produce the meat or meat preparations defined in Article 2 (2) are subject to inspection by the official service. The official veterinarian must be present when work is undertaken on meat or preparations defined in Article 2.

The official veterinarian may, when carrying out the inspection, be helped by assistants placed under his authority and responsibility.

Detailed rules governing this assistance shall, in so far as necessary, be determined in accordance with the procedure laid down in Article 19 of Directive 77/99/EEC.

The details of the professional qualifications of the assistants referred to in this paragraph and of the duties they are to perform shall be determined by the Council acting on a proposal from the Commission.

12. Inspection by the official veterinarian shall include the following tasks:

- inspecting the entries of fresh meat,
- inspecting the outgoing meat defined in Article 2 (2),
- hygiene inspection of the premises, facilities and instruments,
- taking of any necessary samples and in particular those required for the microbiological tests referred to in Chapter VI.

CHAPTER VI

MICROBIOLOGICAL TESTS

13. The production of minced meat, meat in pieces of less than 100 grams and meat preparations must be monitored by means of daily microbiological tests in the production establishment or in an approved laboratory.

To that end the operator or proprietor of the establishment or his representative must conduct a regular check on the general hygiene of conditions of production in his establishment, in particular by microbiological controls.

These controls shall cover utensils, fittings and machinery at all stages of production and, according to the type of production concerned, products.

He must be in a position, upon request from the official service, to inform the competent authority or the Commission's veterinary experts of the nature, frequency and results of the controls conducted to this end, together with the name of the investigating laboratory if need be.

The competent authority shall regularly analyse the results of the monitoring provided for in the first subparagraph. It may, on the basis of this analysis, conduct further microbiological examinations at all stages of production or on the products.

The results of these analyses shall be written up in a report, the conclusions and recommendations of which shall be notified to the operator, who shall see to the rectification of shortcomings noted with a view to improving hygiene.

14. The sample taken for analysis must comprise five units weighing 100 grams each. Where minced meat is being produced in portions intended for the final consumer, the sample must be taken from wrapped products. The samples must be representative of daily production.
15. According to the type of production concerned, samples must be examined every day for aerobic mesophile bacteria and salmonella and every week for staphylococci, *Escherichia coli* and sulphite-reducing anaerobes.

However,

- where the standards for salmonella have been adhered to over a three-month period, the competent authority may authorize weekly examinations.
- in the case of products to be placed on the market frozen or deep-frozen, the competent authority may waive the test for staphylococci.

16. In spot checks carried out by production plants or independent production units, production of the meat and meat preparations referred to in Article 2 (2) must, depending on the type of meat used, comply with the standards laid down in section II of Annex II.
17. The results of the microbiological tests must be at the official veterinarian's disposal.

The establishment shall inform the official veterinarian when the standards laid down in section II of Annex II are reached. The official veterinarian shall take the appropriate measures.

If, after the expiry of 15 days starting from the time of sampling, the output from production plants or independent production units still does not meet the standards prescribed, products from such establishments must be excluded from intra-Community trade and, once the standards are applied as laid down in the first subparagraph of Article 8 (4), from domestic trade.

CHAPTER VII

MARKING AND LABELLING

18. Meat and meat preparations must be marked on the packaging with the health mark of the establishment as defined respectively in Chapter X of Annex I to Directive 64/433/EEC and in Chapter VIII of Annex A to Directive 77/99/EEC.

Meat and meat preparations, as defined in Article 2 (2) of this Directive and produced in the establishments referred to in Article 3 (1) (b) of the said Directive, must be marked on the packaging with the health mark of the establishment as defined in Chapter VIII of Annex A to Directive 77/99/EEC.

19. The producer must ensure for inspection purposes that the following information is visibly and legibly displayed on the wrapping of minced meat and meat in pieces of less than 100 grams and on meat preparations in so far as it is not required by Directive 79/112/EEC:
- where it is not clear from the sales description, the species from which the meat was obtained, and, in the case of a mixture, the percentage of each species,
 - the date of preparation.
 - the list of seasonings and of any other foodstuffs,
 - the word: 'percentage of fat under . . . '
 - the words: 'Collagen: meat protein ratio under . . . '.
20. Without prejudice to paragraphs 18 and 19, where the meat defined in Article 2 (2) of this Directive is wrapped in commercial portions intended for direct sale to the consumer, a printed reproduction of the mark provided for in paragraph 18 must appear on the wrapping or on a label applied to the wrapping. The mark must include the establishment's approval number. The dimensions laid down in Directives 64/433/EEC and 77/99/EEC do not apply to the marking referred to in this paragraph, provided that the required information is legible.

CHAPTER VIII

TRANSPORT

21. The meat defined in Article 2 (2) must be dispatched in such a way that during transport it is protected from anything liable to contaminate it or to affect it unfavourably, having regard to the duration and conditions of transport and to the means of transport employed. In particular, vehicles used to transport the meat defined in Article 2 (2) must be equipped in such a way as to ensure that the temperatures laid down in this Directive are not exceeded and for long-distance intra-Community trade they must be equipped with a recording thermometer to ensure that the latter requirement is fulfilled.

ANNEX II

COMPOSITION STANDARDS AND MICROBIOLOGICAL STANDARDS

I. COMPOSITION STANDARDS

	Fat content	Collagen: meat protein ratio
— lean minced meat	$\leq 7\%$	≤ 12
— minced pure beef	$\leq 20\%$	≤ 15
— minced meat containing pigmeat	$\leq 30\%$	≤ 18
— minced meat of other species	$\leq 25\%$	≤ 15

II. MICROBIOLOGICAL STANDARDS

Production plants and independent production units must ensure that, in accordance with Chapter VI of Annex I and with the methods of interpretation set out below, minced meat and meat in pieces of less than 100 grams intended to be marketed without further processing or as an ingredient in meat preparations, comply with the following standards:

	M ⁽¹⁾	m ⁽²⁾
Aerobic mesophile bacteria n ⁽³⁾ = 5 c ⁽⁴⁾ = 2	$5 \times 10^6/\text{g}$	$5 \times 10^5/\text{g}$
<i>Escherichia coli</i> n = 5 c = 2	$5 \times 10^2/\text{g}$	50/g
Sulphite-reducing anaerobes n = 5 c = 1	$10^2/\text{g}$	10/g
Staphylococci n = 5 c = 1	$5 \times 10^2/\text{g}$	50/g
Salmonella n = 5 c = 0	absence in 25 g	

⁽¹⁾ M = acceptability threshold, above which results are no longer considered satisfactory where M equals 10 m where the count is made in a solid medium and M equals 30 m where the count is made in a liquid medium.

⁽²⁾ m = threshold below which all results are considered satisfactory.

⁽³⁾ Number of units making up the sample.

⁽⁴⁾ Number of units in the sample giving values between m and M.

The results of the microbiological analyses must be interpreted according to:

A. *Three categories of contamination for aerobic mesophile bacteria, Escherichia coli, sulphite-reducing anaerobes and staphylococci, viz.:*

- up to and including the criterion m,
- between the criterion m and the threshold M,
- above the threshold M.

1. The quality of the consignment shall be considered:

- (a) *satisfactory*, where all the values observed are equal to or less than 3 m where a solid medium has been used or 10 m where a liquid medium has been used;
- (b) *acceptable* where all the values observed are between:
 - (i) 3 m and 10 m (= M) in a solid medium;
 - (ii) 10 m and 30 M (= M) in a liquid medium

and where c/n is equal to or less than $2/5$ where $n = 5$ and $c = 2$ or any other figures of equivalent or greater reliability to be recognized by the Council, acting by a qualified majority on a proposal from the Commission.

2. The quality of the consignment shall be considered unsatisfactory:

- in all cases where values in excess of M are observed,
- when c/n is $> 2/5$.

However, where this latter threshold has been exceeded for aerobic micro-organisms at $+ 30^{\circ}\text{C}$ while all the other criteria have been fulfilled, this exceeding of the threshold must be the subject of a further interpretation, in particular in the case of raw products.

In any event, the product must be considered toxic or tainted when contamination reaches the microbic limit value S, which for general purposes is set at 10^3 m.

In the case of *Staphylococcus aureus*, the value of S must never be allowed to exceed 5×10^4 .

Tolerances related to analytical techniques shall not apply to the values M and S.

B. Two categories for salmonella, with no category tolerance permitted:

- 'Absence in': the result is considered satisfactory,
- 'Presence in': the result is considered unsatisfactory.

COUNCIL DIRECTIVE

of 14 December 1988

amending Directive 77/99/EEC on health problems affecting intra-Community trade in meat products

(88/658/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, as a result of the adoption by the Council of Directive 83/90/EEC of 7 February 1983 amending Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat ⁽⁴⁾, Directive 77/99/EEC ⁽⁵⁾, as last amended by Regulation (EEC) No 3805/87 ⁽⁶⁾, should be amended in order to harmonize the rules applicable to meat and meat products;

Whereas Directive 77/99/EEC should be amended also in order to take account of scientific and technical developments;

Whereas rules should be established for prepared meals in which meat products form part of the composition;

Whereas some meat products should remain excluded from the scope of the Directive;

Whereas it has proved necessary to make provision for hygiene rules to be followed with regard to containers,

Whereas meat products intended for direct sale to the consumer must be labelled in accordance with Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer ⁽⁷⁾, as last amended by Directive 86/197/EEC ⁽⁸⁾;

Whereas the procedures governing the inspection and approval of, and the withdrawal of approval from, establishments, and the procedure to be followed in the event of a dispute between Member States must be amended in order to harmonize them with the rules laid down in other directives in the veterinary field;

Whereas the rules relating to inspections must take account of the essential requirements of the internal market;

Whereas it has been established that all the Member States have national rules governing the composition of meat products and limiting the additives that may be used for the manufacture of meat products; whereas the existence of different standards in this field may run counter to the essential requirements of the internal market; whereas a procedure should therefore be provided for whereby these standards concerning composition may be harmonized; whereas it is appropriate that the laying down of common rules governing the use of additives for meat products should be postponed until a decision is taken within the framework of the Community;

Whereas Annex A to this Directive lays down the temperatures to be observed during cutting and wrapping of meat products; whereas the reference to a procedure for establishing those temperatures may thus be deleted;

Whereas provisions relating to animal health problems were laid down in Council Directive 80/215/EEC of 22 January 1980 on animal health problems affecting intra-Community trade in meat products ⁽⁹⁾, as last amended by Directive 87/491/EEC ⁽¹⁰⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Articles 1 to 17 of Directive 77/99/EEC are hereby replaced by the following:

'Article 1

This Directive lays down health requirements for meat products intended for intra-Community trade.

⁽¹⁾ OJ No C 349, 31. 12. 1985, p. 43.

⁽²⁾ OJ No C 46, 23. 2. 1987, p. 127.

⁽³⁾ OJ No C 189, 28. 7. 1986, p. 35.

⁽⁴⁾ OJ No L 59, 5. 3. 1983, p. 10.

⁽⁵⁾ OJ No L 26, 31. 1. 1977, p. 85.

⁽⁶⁾ OJ No L 357, 19. 12. 1987, p. 1.

⁽⁷⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽⁸⁾ OJ No L 144, 29. 5. 1986, p. 38.

⁽⁹⁾ OJ No L 47, 21. 2. 1980, p. 4.

⁽¹⁰⁾ OJ No L 279, 2. 10. 1987, p. 27.

Without prejudice to prohibitory measures to be taken pursuant to Directive 80/215/EEC ⁽¹⁾, this Directive shall not apply to meat products:

- (a) forming part of travellers' personal luggage, on condition that they are not subsequently used for commercial purposes;
- (b) sent as small packages to private persons, in so far as no commercial operation is involved;
- (c) intended for consumption by the crew and passengers on board means of transport operating commercially between Member States.

⁽¹⁾ OJ No L 47, 21. 2. 1980, p. 4.

Article 2

For the purposes of this Directive the following definitions shall apply:

- (a) Meat products: products prepared from or with meat which has undergone treatment such that the cut surface shows that the product no longer has the characteristics of fresh meat.

However, the following shall not be regarded as a meat product:

- (i) meat which has undergone only cold treatment; such meat shall remain subject to the rules in Directive 64/433/EEC;
- (ii) products not covered by the definition in the first subparagraph; such products shall be subject to Council Directive 88/657/EEC of 14 December 1988 laying down the requirements for the production of, and trade in, minced meat, meat in pieces of less than 100 grams and meat preparations and amending Directives 64/433/EEC, 71/118/EEC and 72/462/EEC ⁽²⁾.

⁽²⁾ See page 3 of this Official Journal.

In addition, the following are not covered by this Directive:

- (i) meat extracts, meat consommé and stock, meat sauces and similar products not containing fragments of meat;
 - (ii) whole, broken or crushed bones, meat peptones, animal gelatin, meat powder, pork-rind powder, blood plasma, dried blood, dried blood plasma, cellular proteins, bone extracts and similar products;
 - (iii) fats melted down from animal tissues;
 - (iv) stomachs, bladders and intestines, cleaned and bleached, salted or dried,
- (b) (i) meat: meat as defined in:
- Article 1 of Directive 64/433/EEC,
 - Article 1 of Directive 71/118/EEC,
 - Article 1 of Directive 72/461/EEC,

— Article 2 of Directive 72/462/EEC,

— Article 2 of Directive 88/657/EEC;

- (ii) fresh meat: fresh meat as defined in Article 1 of Directives 64/433/EEC, 71/118/EEC and 72/461/EEC and in Article 2 of Directive 72/462/EEC and also meat satisfying the requirements set out in Article 3 of Directive 88/657/EEC;
- (c) meat preparations: preparations satisfying the requirements set out in Article 3 of Directive 88/657/EEC;
- (d) treatment: the treatment of fresh meat, whether or not combined with other foodstuffs, by heating, salting, curing or drying, or a combination of these processes;
- (e) heating: use of dry or damp heat;
- (f) salting: use of salt;
- (g) curing: distribution of curing salts throughout the product;
- (h) maturing: complete treatment of salted meat, applied under climatic conditions which, in the course of a slow and gradual reduction of humidity, are capable of generating natural fermentation or enzymatic processes, involving changes over a period of time which give the product typical organoleptic characteristics and ensure its preservation and wholesomeness at normal ambient temperature;
- (i) drying: natural or artificial reduction of the water content;
- (j) prepared meals: wrapped meat products corresponding to culinary preparations, cooked or pre-cooked, with no preservatives added for the purposes of preservation;
- (k) exporting country: the Member State from which meat products are sent to another Member State;
- (l) country of destination: the Member State to which meat products are sent from another Member State;
- (m) consignment: a quantity of a meat product which is covered by the same health certificate;
- (n) wrapping: the protection of meat products by the use of an initial wrapping or initial container in direct contact with the product concerned as well as the initial wrapper or initial container itself;
- (o) packaging: the placing of one or more wrapped or unwrapped meat products in a container, as well as the container itself;

- (p) hermetically-sealed container: container intended to protect the contents against the entry of micro-organisms during and after heat processing and which is impermeable to air.

Article 3

1. Each Member State shall ensure that only meat products complying with the following general conditions — without prejudice to the conditions laid down in paragraph 3 — are sent from its territory to the territory of another Member State:

- (1) they shall have been prepared in an establishment approved and inspected in accordance with Article 7;
- (2) they shall have been prepared, stored and transported in accordance with Annex A and if they are stored in a cold-storage plant separate from the establishment, this plant must be approved and inspected in accordance with Article 8 of Directive 64/433/EEC;
- (3) they shall have been prepared from:
 - (a) fresh meat as defined in Article 2 (b) (ii). This fresh meat may originate:
 - (i) in accordance with Directives 64/433/EEC and 71/118/EEC, in the Member State in which the preparation is carried out or in any other Member State. Pigmeat recognized as trichinous may not be used to manufacture meat products;
 - (ii) in accordance with Article 5 a of Directive 72/461/EEC, in the Member State in which the preparation is carried out;
 - (iii) in accordance with Directive 72/462/EEC, in a third country, being imported either directly or by way of another Member State;
 - (iv) in accordance with Article 15 of Directive 71/118/EEC, in a third country in so far as:
 - products obtained from this meat fulfil the requirements set out in this Directive,
 - these products do not bear the health marking laid down in Annex A, Chapter VI,
 - intra-Community trade in these products remains subject to the national provisions of each Member State;
 - (b) meat referred to in Article 5 (a) of Directive 64/433/EEC;
- (4) they shall have been prepared from fresh meat complying with the conditions of Annex A, Chapter III;
- (5) they shall, in accordance with Annex A, Chapter IV, have undergone an inspection carried out by the competent authority and, in the case of

hermetically-sealed containers, carried out in accordance with rules to be drawn up under the procedure laid down in Article 18 by not later than 31 March 1990;

- (6) they shall meet the requirements laid down in Article 4;
 - (7) where wrapping and packaging takes place, they must be wrapped and packaged in accordance with Annex A, Chapter V;
 - (8) they shall bear a health marking in accordance with Annex A, Chapter VI;
 - (9) they shall, in accordance with Annex A, Chapter VII, be accompanied by a health certificate during transport to the country of destination. This obligation shall not apply to meat products in hermetically sealed containers and having undergone a treatment such as referred to in Annex B, Chapter II, point 1 (a), first indent, if the health mark is indelibly marked on the container in accordance with the provisions to be drawn up under the procedure laid down in Article 18;
 - (10) they shall be stored and transported to the country of destination under satisfactory health conditions in accordance with Annex A, Chapter VIII.
2. Meat products may not have been subjected to ionizing radiation unless this is justified on medical grounds and unless such procedure is clearly indicated on the product and on the health certificate.
3. Member States shall ensure that, in addition to the general requirements laid down in paragraphs 1 and 2, meat products meet the following conditions: —
- (a) they shall have been prepared by heating, curing or drying, which process may be combined with smoking or maturing, possibly under specific microclimatic conditions, and associated, in particular, with certain curing agents within the meaning of Article 13. They may also be associated with other foodstuffs and condiments;
 - (b) they may have been obtained from a meat product or from a meat preparation.

Article 4

For inspection purposes, the producer shall ensure that the packaging of meat products, which cannot be stored at ambient temperatures and meat preparations, bear a clear and legible indication of the temperature at which the products must be transported and stored, and the minimum durability date.

Article 5

Articles 3 and 4 shall not apply to meat products which are imported with the authorization of the country of

destination for uses other than human consumption; in this case, the country of destination shall ensure that these products are used only for the purposes for which they were dispatched to that country.

Article 6

Member States shall ensure that intra-Community trade in prepared meals is governed by the provisions laid down for meat products and that such meals also meet the requirements set out in Annex B, Chapter III.

Article 7

1. Each Member State shall draw up a list of its approved establishments, each of them having a veterinary approval number. It shall send this list to the other Member States and to the Commission:

A Member State shall not approve an establishment unless it complies with this Directive. The Member State shall withdraw its approval if the conditions for approval cease to be fulfilled.

If a check has been made in accordance with Article 8, the Member State concerned shall take account of the conclusions resulting from that check. The other Member States and the Commission shall be informed in the event of approval being withdrawn.

2. The inspection and supervision of approved establishments shall be carried out by the competent authority.

The competent authority must at all times have free access to all parts of establishments for the purpose of ensuring that this Directive is being complied with.

3. Where a Member State considers, in particular after carrying out a check or inspection as provided for in Article 12 (1) and (2), that the provisions governing approval are not being, or have ceased to be, observed in an establishment in another Member State, it shall inform the competent central authority of that State accordingly. That authority shall take all necessary measures and notify the competent central authority of the first Member State of the decisions taken and the reasons therefor.

Should that Member State fear that such measures have not been taken or are inadequate, it shall, with the Member State in question, seek ways and means of remedying the situation, if appropriate, by an on-the-spot-visit.

The Member State concerned shall inform the Commission of the matters in dispute and of the solutions reached.

If the Member States in question cannot reach agreement, one of them shall within a reasonable period put the matter before the Commission, which shall instruct one

or more veterinary experts to give an opinion. In the light of that opinion or of the opinion expressed in accordance with Article 8, Member States may be authorized, under the procedure laid down in Article 18, to prohibit provisionally the introduction into their territory of meat products coming from the particular establishment concerned. Such authorization may be withdrawn, under the procedure laid down in Article 18, in the light of a further opinion drawn up by one or more veterinary experts.

The veterinary experts must be nationals of a Member State other than one of those involved in the dispute.

General rules for the application of this paragraph shall be adopted in accordance with the procedure laid down in Article 18.

Article 8

The provisions of Article 9 of Directive 64/433/EEC shall apply *mutatis mutandis* to the establishments referred to in Article 7.

Article 9

By way of derogation from the conditions stipulated in Article 3, it may be decided, in accordance with the procedure laid down in Article 18, that some provisions of this Directive shall not apply to certain products which contain other foodstuffs and only a small percentage of meat, meat product or meat preparation.

These exceptions shall relate only to:

- (a) the conditions for approval of establishments as laid down in Annex A, Chapter I and in Annex B, Chapter I;
- (b) the inspection requirements described in Annex A, Chapter IV;
- (c) the requirements for a health marking and health certificate as laid down in paragraphs 8 and 9 of Article 3 (1).

When considering whether to allow exceptions such as those provided for under this Article, both the nature and the composition of the product shall be taken into account.

Notwithstanding the provisions of this Article, Member States shall ensure that all meat products intended for intra-Community trade are wholesome products prepared from fresh meat, meat products or products covered by Directive 88/657/EEC.

Article 10

The Council shall, acting by a qualified majority on a proposal from the Commission to be submitted by 1 July 1990, adopt the rules applicable to the products referred to in Article 2 (a), third subparagraph.

Article 11

Member States shall ensure that the meat products undergo checks to be carried out by the establishments referred to in Article 7 and with periodic inspection by the official department, in order to ensure that the products comply with the requirements laid down in this Directive.

Article 12

1. Without prejudice to Articles 7 and 8, a country of destination may check that all consignments of meat products, excluding meat products referred to in Article 3 (1) (9), second sentence, are accompanied by the health certificate in accordance with Chapter VII of Annex A.

2. If irregularities are seriously suspected, the country of destination may carry out non-discriminatory inspections to check that the requirements laid down in this Directive have been met.

3. As a general rule, checks and inspections shall be carried out at the place of destination of the goods or at any other suitable place, provided that the choice of the latter place causes as little interference as possible with the movement of the goods.

The checks and inspections referred to in paragraphs 1 and 2 may not be such as to cause undue delay in the movement of the goods and their placing on the market which might adversely affect the quality of the meat products.

4. If, during an inspection carried out on the basis of paragraph 2, it is found that the meat products do not comply with the requirements of this Directive, the competent authority of the country of destination may give the consignor, the consignee or their representative the option of sending back the products and preparations or using them for other purposes, provided that health considerations so permit, or, if they do not, of destroying the consignment. In any event, precautionary measures shall be taken to prevent improper use of such meat products.

5. (a) Decisions of the competent authority, together with the grounds for taking them, shall be communicated to the consignor or his representative. Should such person so request, the grounds for taking the decisions shall be communicated forthwith in writing, accompanied by an indication of the channels of appeal open under current legislation, the forms they take and the time limits within which they are open.

(b) If the decisions referred to in (a) are based on the diagnosis of a contagious or infectious disease or a deterioration dangerous to human health,

they shall be communicated forthwith to the competent central authority of the producing Member State and to the Commission.

(c) Following such communication, appropriate measures may be taken in accordance with the procedure laid down in Article 18, in particular for the purpose of coordinating the measures taken in other Member States with regard to the meat products involved.

Article 13

Pending compilation, in the context of Community legislation on additives, of the list of foodstuffs to which the additives authorized for use may be added and establishment of the conditions under which they may be added and, where appropriate, a limit on the technological purpose of their use, the national rules and the bilateral arrangements existing on the date on which this Directive is brought into application restricting the use of additives in the products covered by this Directive shall remain applicable, with due regard for the general provisions of the Treaty, provided that they apply without distinction to domestic production and to trade.

Until that provisional list is drawn up, the national rules and the bilateral arrangements governing the use of additives for the products referred to in this Directive shall remain in force, in compliance with the general provisions of the Treaty and the Community rules in force in the field of additives.

Article 14

The Annexes shall be amended by the Council acting by a qualified majority on a proposal from the Commission.

Article 15

The Council shall, acting on a proposal from the Commission, take before 1 January 1991 a decision on the incorporation into meat products of starch or proteins of animal or vegetable origin and the maximum permissible percentages from a technological viewpoint.

Until such decision is taken, national rules restricting the use of the abovementioned substances and the bilateral arrangements in force on the date of notification of this Directive and concerning such incorporation shall remain applicable in compliance with the general provisions of the Treaty and, in particular, in so far as they apply without any distinction being made between national products and imported products and without prejudice to any initiatives to be embarked upon under a Community procedure with a view to their approximation.

Member States which authorize the said incorporation shall ensure that details of such incorporation and the incorporated products referred to in the first

subparagraph are entered on the label in accordance with Directive 79/112/EEC.

Member States which authorize the incorporation of proteins of vegetable origin as a meat substitute shall ensure that the label does not contain any indication that could cause the consumer to think that the meat product has been produced either from or with meat.

Article 16

1. This Directive shall not affect the channels of appeal open under the current legislation in Member States against the decisions of the competent authorities provided for in this Directive.

2. Each Member State shall grant consignors of meat products, the movement of which is prohibited pursuant to Article 12 (4), the right to obtain the opinion of an expert. Each Member State shall ensure that, before the competent authorities take any other measures such as destroying the meat products, the experts have an opportunity of determining whether the conditions of Article 12 (4) have been fulfilled.

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

Acting on a proposal from the Member States, the Commission shall draw up a panel list of the experts who may be instructed to give such opinions. After consulting the Member States, it shall lay down general rules which are to be applied, in particular as regards the procedure for giving these opinions.

Article 17

1. Pending the implementation of Community provisions concerning imports of meat products from third countries, Member States shall apply to such imports provisions which shall not be more favourable than those governing intra-Community trade. In order to do this, such imports must come from establishments that meet at least the requirements of Annexes A and B.

To ensure uniform application of these provisions, inspections shall be carried out on the spot by veterinary experts of the Member States and the Commission.

Member States' experts undertaking these inspections shall be designated by the Commission on a proposal from the Member States.

These inspections shall be carried out on behalf of the Community, which shall bear the expenditure incurred.

However, Member States shall be entitled to continue to make inspections under national arrangements of any third country meat product plants which have not been inspected under the Community procedure.

A list of establishments meeting the conditions referred to in Annexes A and B shall be drawn up under the Article 18 procedure.

2. The health certificate which accompanies the meat product on import, and the form and nature of the health mark which this product or preparation shall bear, shall correspond to a model to be determined in accordance with the Article 18 procedure.'

Article 2

Annexes A and B to Directive 77/99/EEC are replaced by Annexes A, B and C to this Directive.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 July 1990 and, as concerns compliance with the provisions relating to meat and preparations referred to by Directive 88/657/EEC, they shall do so not later than 1 January 1992. They shall forthwith inform the Commission thereof.

However, the Hellenic Republic shall have an additional period expiring on 31 December 1992 within which to comply with the exception provided for in Article 3 (1) (9) of Directive 77/99/EEC.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 14 December 1988.

For the Council
The President
Y. POTTAKIS

ANNEX A

CHAPTER I

GENERAL CONDITIONS FOR APPROVAL OF ESTABLISHMENTS

Without prejudice to the special conditions laid down in Annex B, establishments shall have at least:

1. in rooms where fresh meat or meat products are produced, worked on or stored and where meat preparations are stored:

- (a) waterproof flooring which is easy to clean and disinfect, rotproof and laid in such a way to facilitate the draining of water; the water must be channelled towards drains fitted with gratings and traps to prevent odours.

However, establishments shall have:

- in those rooms in which chilled or refrigerated meat, meat preparations, or meat products are stored, waterproof flooring which is easy to clean and disinfect, rotproof and laid in such a way as to facilitate the draining of water,
 - in those rooms in which deep-frozen meat, meat products or meat preparations are stored, waterproof and rotproof flooring;
- (b) smooth, durable, impermeable walls, with a light-coloured, washable coating up to a height of at least two metres and up to at least storage height in chilling or refrigeration rooms and in stores. Wall to floor junctions must be rounded or similarly finished except in the rooms referred to in Annex B, Chapter I, 1 (a) and (b);
 - (c) doors in material that does not deteriorate and, if of wood, with a smooth and impermeable covering on both sides;
 - (d) insulation materials which are rotproof and odourless;
 - (e) adequate ventilation and if necessary good extraction of steam and water-vapour;
 - (f) adequate natural or artificial lighting which does not distort colours;
 - (g) a clean and easily cleaned ceiling or, failing that, a roof covering with an interior surface which fulfils these conditions;

2. as near as possible to the work stations:

- (a) a sufficient number of facilities for cleaning and disinfecting hands and for cleaning tools with hot water. Taps must not be hand or arm operable. For washing hands, these facilities must have hot and cold running water or water premixed to a suitable temperature, cleaning and disinfecting products and hand towels which can be used once only;
- (b) facilities for disinfecting tools, with water supplied at not less than 82 °C.

Facilities for cleaning and disinfecting tools are not required when such cleaning is effected by a machine situated in a room separate from the work stations;

3. appropriate arrangements for protection against pests such as insects and rodents;

4. (a) instruments and working equipment such as cutting tables, tables with detachable cutting surfaces, containers, conveyor belts and saws, made of corrosion-resistant material, not liable to taint meat, meat products and meat preparations and easy to clean and disinfect. The use of wood is forbidden;
- (b) corrosion-resistant fittings and equipment meeting hygiene requirements for:
 - handling meat; meat products and meat preparations,
 - setting down meat, meat products or meat preparation containers in such a way that the meat, the meat products, the meat preparations and the containers do not come into contact with the floor or walls;

- (c) facilities for the hygienic handling and protection of meat or meat products and meat preparations during loading and unloading;
 - (d) special watertight, corrosion-resistant containers, with lids and fasteners to prevent unauthorized persons from removing things from them, in which to put meat, meat products or meat preparations not intended for human consumption, or a lockable room for such meat or meat products or meat preparations if the quantities are large enough to necessitate this or if they are not removed or destroyed at the end of each working day; where such meat, meat products or products referred to by Directive 88/657/EEC are removed through conduits, these should be so constructed and installed as to avoid any risk of contamination of fresh meat, meat products or meat preparations;
5. a refrigeration plant to keep the internal temperature of the meat, or meat products or products referred to by Directive 88/657/EEC at the levels required by Directives 64/433/EEC and 71/118/EEC and by this Directive.
- This plant shall include a system for draining off condensed water without any possibility of contamination of the meat, meat products or meat preparations;
6. plant for the exclusive supply under pressure of a sufficient quantity of potable water within the meaning of Directive 80/778/EEC; however, as an exception, authorization can be given for the plant supplying non-potable water to be used for steam production, fire-fighting and the cooling of refrigeration equipment, providing that the pipes installed for this purpose preclude the use of this water for other purposes and present no risk of contamination of meat, meat products and meat preparations. Non-potable water pipes shall be clearly distinguished from those used for potable water;
7. plant providing an adequate supply of hot potable water within the meaning of Directive 80/778/EEC;
8. a waste water disposal system which meets hygiene requirements;
9. an adequately equipped lockable room for the exclusive use of the competent authority or, in the case of storage premises located apart from the establishment approved for the production of meat products or meat preparations, a properly equipped area for its use;
10. facilities enabling the inspection operations provided for in the Directive to be carried out efficiently at any time;
11. an appropriate number of changing rooms with smooth, waterproof washable walls and floors, wash basins, showers and flush lavatories which fulfil all conditions of hygiene. Lavatories must not open directly on to the work rooms. The wash basins must have hot and cold running water or water premixed to a suitable temperature, materials for cleaning and disinfecting the hands and hand towels for use once only. The wash basin taps must not be hand or arm operable. There must be a sufficient number of such wash basins near the lavatories;
12. a place and adequate facilities for cleaning and disinfecting means of transport. This place and these facilities are not, however, compulsory if provisions exist requiring that means of transport be cleaned and disinfected at officially authorized facilities.

CHAPTER II

HYGIENE OF STAFF, CLEANLINESS OF PREMISES, EQUIPMENT AND INSTRUMENTS IN ESTABLISHMENTS

13. Absolute cleanliness shall be required of staff, premises and equipment:
- (a) staff shall in particular wear clean working clothes and headgear and, where necessary, a neck shield. Staff engaged in working on or handling meat, meat products or meat preparations shall wash and disinfect their hands several times during the working day and each time work is resumed. Persons who

have been in contact with infected meat shall immediately wash their hands and arms carefully with hot water and then disinfect them. Smoking is forbidden in work rooms and store rooms;

- (b) no animal may enter the establishments. Rodents, insects and other vermin in the establishments shall be systematically destroyed;
- (c) equipment and implements used for working on fresh meat, meat products and meat preparations shall be kept clean and in a good state of repair. They shall be carefully cleaned and disinfected several times during the working day, at the end of the day's work and before being re-used when they have been soiled.

Continuous production machines shall at least be cleaned when work is finished or in the event of doubt about their cleanliness;

- 14. work-rooms and working instruments and equipment shall not be used for purposes other than work on fresh meat, meat products and meat preparations.

However, they may be used for the preparation of other foodstuffs either simultaneously or at different times after authorization by the competent authority, provided that all appropriate measures are taken to prevent contamination of the products covered by this Directive or adverse changes in them;

- 15. fresh meat, meat products and meat preparations, their ingredients and containers shall not:
 - come into direct contact with the ground,
 - be left or handled in conditions which might contaminate or damage them.

Care shall be taken to ensure that there is no contact between raw materials and finished products;

- 16. potable water shall be used for all purposes;
- 17. the spreading of sawdust or any other similar substance on the floor of the workrooms and storage rooms is prohibited;
- 18. detergents, disinfectants and similar substances shall be used in such a way that equipment, working instruments, fresh meat, meat products and the products referred to by Directive 88/657/EEC are not adversely affected. Their use shall be followed by thorough rinsing of such equipment and working instruments with potable water. Products for maintenance and cleaning shall be kept in the place provided for in Annex B, Chapter I (1) (g);
- 19. persons likely to contaminate fresh meat, meat products or the products referred to by Directive 88/657/EEC shall be prohibited from working on them and handling them;
- 20. any person employed to work with or handle fresh meat or meat products shall produce a medical certificate attesting that there is no impediment to such employment. The medical certificate shall be renewed every year, unless some other staff medical check-up scheme offering equivalent guarantees is recognized in accordance with the procedure laid down in Article 18;
- 21. by way of derogation from point 4 (a) of this Annex, the use of wood is permitted in rooms in which meat products are smoked, cured, matured, pickled, stored or dispatched, when essential for technological reasons, provided there is no risk of the products being contaminated. Wooden pallets may be brought into the said rooms solely for transporting packaged meat products and for no other purpose;
- 22. the temperatures in rooms or parts of rooms where work on fresh meat, meat products and meat preparations is carried out shall ensure hygienic production; if necessary, such rooms or parts of rooms shall be provided with air-conditioning facilities.

When in use, rooms for cutting and curing shall be kept at a temperature not exceeding 12 °C.

Rooms for slicing, cutting and wrapping meat products intended for sale in prepackaged form shall be kept at a temperature not exceeding 12 °C.

The temperature laid down in the third subparagraph may be departed from, with the agreement of the competent authority, if it considers it possible to do so for technical preparation reasons, particularly in the case of slicing rooms in order to take account of the temperature of meat products.

CHAPTER III

REQUIREMENTS FOR FRESH MEAT TO BE USED FOR THE MANUFACTURE OF MEAT PRODUCTS

23. Fresh meat which comes from a slaughterhouse, cutting establishment, cold store or other processing establishment in the same country as the establishment concerned shall be transported to it under satisfactory hygiene conditions in accordance with the provisions of the Directive referred to in Article 2 except those on sealing;
24. not later than 31 December 1992, and without prejudice to point 26, meat which does not comply with the conditions set out in Article 2 may not be held in approved establishments. Until that date, meat which does not comply with the conditions set out in Article 2 (c) may be held in approved establishments only if stored in separate places; it shall be used in other places or at other times than meat which does not comply with these conditions;

The competent authority shall at all times have free access to cold stores and to all work rooms in order to verify strict compliance with these provisions.

Packaged meat and packaged fresh meat shall be kept in separate cold storerooms;

25. as soon as it arrives at the establishment and until it is used, fresh meat intended for processing shall be kept in accordance with the provisions of the Directives referred to in Article 2;
26. by way of derogation from point 24 and Article 2, the competent authority may authorize, in the establishments, the presence of meat from animals other than those indicated in the directives referred to in Article 2 for the manufacture of meat products, provided it is obtained in accordance with national rules and is transported, treated and stored in accordance with the provisions of this Directive. Trade in these products shall be subject to the requirements laid down in Article 3 (1) (3) (a) (iv); products produced in such authorized establishments and destined for intra-Community trade may be prepared only under official veterinary supervision and must be protected from any contamination or re-contamination.

CHAPTER IV

SUPERVISION OF PRODUCTION

27. Establishments shall be subject to supervision by the competent authority, which shall be given due notice before the work on meat products intended for intra-Community trade is carried out;
28. supervision by the competent authority shall include the following:
- verification of the cleanliness of the rooms, plant and instruments and of staff hygiene, in accordance with Chapter II,
 - inspection of the entry and exit register for fresh meat, meat products and meat preparations,
 - sanitary inspection of fresh meat and meat preparations intended for the manufacture of products intended for intra-Community trade and, in the case referred to in Article 3 (3) (b), of meat preparations,
 - inspection of the effectiveness of the treatment of meat products,
 - inspection of meat products when they leave the establishment,
 - taking of any samples required for laboratory tests.
 - preparation and issue of the health certificate provided for in point 40,
 - any other supervision measures considered necessary by the competent authority to ensure compliance with this Directive.

The results of the various checks carried out, in accordance with Article 11 and Annex B, Chapters II and III (2) (b) and Article 12, by the producer must be kept for two years so that they can be shown on receipt of any request from the competent authority.

29. the competent authority shall check whether a meat product has been made from meat in which other foodstuffs, additives or condiments have been incorporated, by submitting to an appropriate inspection and assessing whether it complies with the production criteria laid down by the producer and especially whether the composition of the product truly corresponds to what is stated on the label;

30. the competent authority must in particular ensure that intra-Community trade in meat products and in products referred to by Directive 88/657/EEC made from the fresh meat referred to in Article 5 (c) to (h) of Directive 64/433/EEC cannot take place.

CHAPTER V

WRAPPING AND PACKAGING OF MEAT PRODUCTS

31. Wrapping and packaging shall take place under satisfactory hygiene conditions in rooms provided for that purpose;
32. wrapping and packaging shall comply with all the rules of hygiene, and in particular:
- not be such as to affect adversely the organoleptic characteristics of the meat products,
 - not be capable of transmitting to the meat products substances harmful to human health,
 - be strong enough to protect the meat products effectively;
33. wrappings may not be re-used for meat products, with the exception of certain special types of earthenware and glass containers which may be re-used after effective cleaning and disinfecting;
34. manufacture of meat products and wrapping and packaging operations may take place in the same room subject to the following conditions:
- (a) the room shall be sufficiently large and so equipped that the hygiene of the operations is assured;
 - (b) the packaging and wrapping shall be enclosed in a sealed protective cover immediately after manufacture; this cover shall be protected from damage during transport to the establishment and stored under hygienic conditions in a separate room in the establishment;
 - (c) the rooms for storing the packaging material shall be free from dust and vermin and have no atmospheric connection with rooms containing substances which might contaminate fresh meat, the products referred to by Directive 88/657/EEC or meat products. Packaging shall not be placed directly on the floor;
 - (d) packaging shall be assembled under hygienic conditions before being brought into the room. A derogation from this requirement may be granted in the case of the automatic assembly of packaging, provided there is no risk of contamination of meat products;
 - (e) packaging shall be brought to the room under hygienic conditions and used without delay. It may not be handled by staff handling unwrapped fresh meat or meat products;
 - (f) immediately after packaging, the meat products shall be placed in the storage rooms provided for the purpose;
35. the producer shall ensure for inspection purposes that in addition to the information required by Directive 79/112/EEC the following information is visibly and legibly displayed on the wrapping or, under the conditions set out in point 36 on the label of meat products:
- where it is not clear from the sales description, the species from which the meat was obtained, and, in the case of a mixture, the percentage of each species,
 - information allowing the consignment to be identified,
 - for packaging not intended for the final consumer, the date of preparation,
 - the list of condiments and of any other foodstuffs.

CHAPTER VI

MARKING AND LABELLING

36. Meat products shall carry a health mark. Marking must be carried out under the responsibility of the competent authority, during or immediately after manufacture, in an easily visible place. The mark shall be legible, indelible and its characters easily distinguishable. The mark may be applied to the product or to the

wrapping, if the meat product is individually wrapped, or to a label affixed to this wrapping in accordance with point 39 (b). However, where a meat product is individually wrapped and packaged, it will suffice for the health mark to be applied to the packaging;

37. where meat products marked in accordance with point 36 are subsequently placed in a second packaging, the mark shall also be applied to that second packaging;
38. by way of derogation from points 36 and 37, the health marking of meat products in palletized consignments intended for further processing or wrapping in an approved establishment is not necessary, provided that:
- the said consignments containing the meat products bear the health mark in accordance with point 39 (a) on the external surface,
 - the dispatch establishment maintains a separate record of the quantities, type and destination of meat products dispatched in accordance with this paragraph,
 - the recipient establishment maintains a separate record of the quantities, type and origin of meat products received in accordance with this paragraph,
 - the health marking is destroyed only when the consignment is opened under the responsibility of the competent authority,
 - the destination and intended use of meat products are clearly indicated on the external surface of the large packaging except when this is transparent.

However where a consignment of packages is contained within a transparent outer wrapping, it shall not be necessary to health mark the outer wrapping as long as the health mark on the packages is clearly visible through the outer wrapping;

39. (a) the health mark shall give the following particulars within an oval surround:
- (i) either:
 - above:
the initial letter or letters of the consigning country in capitals, i.e. B/D/DK/EL/ESP/F/IRL/I/L/NL/P/UK, followed by the approval number of the establishment,
 - below:
one of the following sets of initials: CEE — EEC — EEG — EOK — EWG — EØF;
 - (ii) or:
 - on the upper part, the name of the consigning country in capitals,
 - in the centre, the veterinary approval number of the establishment,
 - on the lower part, one of the following sets of initials: CEE, EEC, EEG, EOK, EWG, EØF;
- (b) the health mark may be applied to the product, wrapping or packaging by an ink stamp or by branding, or it may be printed on or applied to a label. If it is applied on the packaging, the mark must be destroyed when the package is opened. Non-destruction of this mark may be tolerated only when the packaging is destroyed by being opened. In the case of hermetically sealed containers, the mark must be indelibly marked either on the lid or on the can;
- (c) the health mark may also consist of an irremovable plate of resistant material complying with all the hygiene requirements and bearing the information specified in paragraph (a).

CHAPTER VII

HEALTH CERTIFICATE

40. The original copy of the health certificate which must accompany meat products, except the products referred to in Article 3 (1) (9), second sentence, during their transportation to the country of destination must be issued by the competent authority at the time the meat products are loaded.

The health certificate must correspond in form and content to the model in Annex C; it must be made out at least in the official language(s) of the country of destination and must contain the particulars laid down. It must consist of a single sheet of paper.

CHAPTER VIII
STORAGE AND TRANSPORT

41. Meat products shall be stored in the rooms provided for in Annex B, Chapter I (1) (a), or in a cold store approved in accordance with Directive 64/433/EEC.

Meat products which can be kept at ambient temperatures may be stored in stores situated outside an establishment approved for the production of meat products provided such stores are approved by the competent authorities on conditions equivalent to those provided for by this Directive;

42. meat products for which certain storage temperatures are indicated in accordance with Article 4 shall be maintained at those temperatures;
43. meat products shall be transported in such a way that they are protected during transportation from anything which may contaminate them or be detrimental to them. For this purpose account should be taken of the length of the journey, the means of transport employed and the weather conditions;
44. meat products, if the product so requires, shall be transported in vehicles equipped to ensure that they can be transported in the refrigerated state and in particular that the temperatures indicated in accordance with Article 4 are not exceeded.

ANNEX B

CHAPTER I

SPECIAL CONDITIONS FOR APPROVAL OF ESTABLISHMENTS MANUFACTURING MEAT PRODUCTS

1. Beyond the general requirements laid down in Annex A, Chapter I, establishments manufacturing and wrapping meat products shall have at least:
 - (a) until not later than 31 December 1992, suitable rooms large enough for the separate storage:
 - (i) under refrigeration:
 - of fresh meat within the meaning of Article 2 (b) (ii) and meat preparations within the meaning of Article 2 (c),
 - of meat and meat preparations other than those referred to in the first indent;
 - (ii) at ambient temperature or, where appropriate, under refrigeration:
 - of meat products fulfilling the requirements set out in this Directive,
 - of other products prepared wholly or partly from meat;
 - (b) as from 1 January 1993 at the latest, suitable rooms large enough for the separate storage:
 - (i) under refrigeration, of fresh meat and meat preparations;
 - (ii) at ambient temperature or, where appropriate, under refrigeration:
 - of meat products meeting the requirements set out in this Directive,
 - of other products prepared wholly or partly from fresh meat;
 - (c) one or more suitable rooms sufficiently large for manufacture and wrapping;
 - (d) a lockable room for the storage of certain ingredients such as additives;
 - (e) a room for packaging, unless the conditions laid down for packaging in Annex A, Chapter V, point 34, are fulfilled, and for dispatch;
 - (f) a room for the storage of wrapping and packaging materials;
 - (g) a room for cleaning movable equipment such as hooks and containers, and a room or a cupboard for the storage of cleaning and maintenance tools and products.
2. Depending on the type of product involved, the establishment shall have:
 - (a) a room or — if there is no danger of contamination — an area where packaging is removed;
 - (b) a room or — if there is no danger of contamination — an area for thawing out fresh meat;
 - (c) a cutting room;
 - (d) a room for filling containers prior to heat treatment;
 - (e) a room:
 - for cooking (equipment for heat treatment shall be fitted with a recording thermometer or telethermometer),
 - for retorting (the retorts shall be fitted with a recording thermometer or telethermometer, and a direct-reading control thermometer; retorts shall also be equipped with a manometer);
 - (f) a room for rendering down fats;
 - (g) a room or special equipment for smoking;
 - (h) a room for drying and maturing;
 - (i) a room for desalting, soaking or otherwise treating natural guts;
 - (j) a room for the prior cleaning of foodstuffs which are necessary for the production of meat products;

- (k) a curing room, if necessary with air-conditioning facilities enabling the temperature stipulated in point 22 of Chapter II of Annex A to be maintained;
- (l) room, if necessary, for the prior cleaning of meat products intended to be sliced or cut and wrapped;
- (m) a room, if necessary with air-conditioning facilities, for slicing or cutting and for wrapping meat products intended for sale in pre-packed form;
- (n) a device for conveying empty cans hygienically to the work room;
- (o) an apparatus enabling containers to be thoroughly cleaned immediately before filling;
- (p) an apparatus for washing containers in potable water which is hot enough to remove grease after they have been hermetically sealed and before retorting;
- (q) a suitable room or area for cooling and drying containers after heat treatment;
- (r) facilities for the incubation of samples taken from meat products packed in hermetically sealed containers;
- (s) adequate facilities for checking whether containers are hermetically sealed and undamaged.

However, provided that the equipment used can have no deleterious effect on the fresh meat or meat products the same room may be used for the operations to be carried out in the separate rooms referred to in (e) and (f).

The operations carried out in the rooms referred to in (c), (d), (e), (g) and (m) may be carried out in the room referred to in paragraph 1 (c) provided that the installations constitute a single cycle of a continuous production line without interruption of work and guarantee that the other requirements of this Directive are complied with and that there is no risk of contamination of the fresh meat or meat products.

CHAPTER II

SPECIFIC REQUIREMENTS CONCERNING HERMETICALLY-SEALED CONTAINERS

In addition to the general provisions, establishments which manufacture meat products in hermetically-sealed containers shall fulfil the following requirements:

1. the competent authority shall ensure, for meat products in hermetically-sealed containers, that:
 - (a) the operator or proprietor of the establishment or his representative checks, by sampling, that:
 - a process is applied to meat products intended for storing at ambient temperature resulting in an F_0 value equal to or exceeding 3,00 or, in Member States in which this value is not customarily employed, a check on the treatment by means of a seven-day incubation test at 37 °C or a 10-day test at 35 °C,
 - a proper heat treatment procedure is applied, determined on the basis of representative criteria such as heating time, temperature, movement during heating, filling, etc.,
 - empty containers meet production standards,
 - checks on the daily output are carried out at intervals determined in advance, to ensure the efficacy of the sealing,
 - the necessary checks are carried out using in particular control markers to ensure that the containers have in fact undergone adequate heat treatment,
 - the necessary checks are carried out to ensure that the cooling water contains a residual level of chlorine after use. Member States may, however, grant a derogation from this requirement if the water fulfils the requirements of Directive 80/778/EEC,
 - incubation tests are carried out on meat products, in a hermetically-sealed container, which have undergone heat treatment in accordance with the first indent,
 - a distinguishing mark is put on the containers allowing meat products produced at the same time and under the same conditions to be identified;

- (b) products in hermetically-sealed containers are removed from the heating equipment at a sufficiently high temperature to ensure rapid evaporation of humidity and are not touched by hand until completely dry;
 - (c) cans in which gas appears to be present undergo a further examination;
 - (d) the thermometers of heating equipment are checked against calibrated thermometers;
2. containers shall be:
- rejected if damaged or badly made,
 - thoroughly cleaned immediately before filling, by means of the cleaning apparatus referred to in Chapter I, point 2 (o); the use of static water is not authorized,
 - if necessary, drained for a sufficiently long time after cleaning and before filling,
 - if necessary, washed in potable water, sufficiently hot to remove grease if appropriate, after they have been hermetically-sealed and before retorting, by means of the apparatus referred to in Chapter I, point 2 (p),
 - cooled, after heating, in water meeting the requirements in point 1 (a), sixth indent,
 - handled in such a way before and after heat treatment that any type of damage or contamination is avoided.
3. Member States may authorize the addition of certain substances to the water used in retorts in order to prevent corrosion of cans and to soften and disinfect the water. A list of these substances will be drawn up in accordance with the procedure laid down in Article 18.
4. Member States may allow the use of recirculated water for cooling heat-processed containers. Such water must be filtered and have either been treated with chlorine or undergone some other treatment approved in accordance with the procedure laid down in Article 18. The purpose of such treatment is to make the recirculated water comply with the standards laid down in Annex I (E) to Directive 80/778/EEC so that it cannot contaminate the products and does not constitute a hazard to human health.
- The recirculated water shall circulate in closed circuit so that it cannot be used for other purposes;
5. where there is no risk of contamination, the water used for cooling containers and water from retorts may be used at the end of a working period for cleaning floors.

CHAPTER III

SPECIAL REQUIREMENTS FOR THE PRODUCTION OF PREPARED MEALS

Beyond the general requirements of Annex A, Chapter I, and depending on the type of production concerned:

1. (a) if the production of prepared meals does not take place in the room laid down for that purpose in Chapter I (1) (c), the establishment shall possess a separate room for the production of prepared meals;
- (b) the production of prepared meals shall take place under conditions of temperature control;
2. (a) the operator or proprietor of the establishment or his representative shall conduct a regular check on the general hygiene of conditions of production in his establishment, in particular by microbiological controls in accordance with the fourth subparagraph.

These controls shall cover utensils, fittings and machinery at all stages of production and, according to the type of production concerned, products:

He shall be in a position, upon request from the official service, to inform the competent authority or the Commission's veterinary experts of the nature, frequency and results of the controls conducted to this end, together with the name of the investigating laboratory if need be.

The nature of these controls, their frequency, as well as the sampling methods and the methods for bacteriological examination will be stipulated in a code of good hygiene practices to be drawn up under the Article 18 procedure;

- (b) the competent authority shall regularly analyse the results of the controls provided for in (a). It may, on the basis of this analysis, conduct further microbiological examinations at all stages of production or on the products.

The results of these analyses shall be written up in a report, the conclusions and recommendations of which shall be notified to the operator, who shall see to the rectification of shortcomings noted with a view to improving hygiene;

3. in addition, prepared meals which have been cooked and are intended for direct sale to consumers shall:
- be packaged immediately before or after cooking,
 - after cooking and packaging operations, be cooled rapidly in an insulated chamber which is satisfactory from the hygiene point of view,
 - be cooled to an internal temperature of + 10 °C within a period of not more than two hours after the end of the cooking,
 - where appropriate, be frozen or quick frozen immediately after they have been cooled;
4. labelling of prepared meals shall be carried out in accordance with Directive 79/118/EEC. The list of ingredients shall, for the purposes of this Directive, include a mention of the animal species included;
5. prepared meals shall bear the date of manufacture in very clear terms on one of the outer surfaces of the wrapping in addition to the particulars already specified.
-

ANNEX C

HEALTH CERTIFICATE FOR MEAT PRODUCTS ⁽¹⁾
INTENDED FOR A MEMBER STATE OF THE EECNo ⁽²⁾ ⁽³⁾

Exporting country:

Ministry:

Department concerned:

Reference ⁽²⁾:

I. Identification of meat products

Products manufactured with meat from:
(Animal species)Nature of products ⁽⁴⁾:

Nature of packaging:

Number of individual items or of packages:

Storage and transport temperature ⁽⁵⁾Storage life ⁽⁵⁾:

Net weight:

II. Origin of meat products

Address(es) and veterinary approval number(s) of approved processing establishment(s) ⁽³⁾:

If necessary:

Address(es) and veterinary approval number(s) of approved refrigeration store(s) ⁽³⁾:

III. Destination of meat products

The meat products are to be sent

from:
(Place of dispatch)to:
(Country of destination)by the following means of transport ⁽⁶⁾ ⁽³⁾:

Name and address of consignor:

Name and address of consignee:

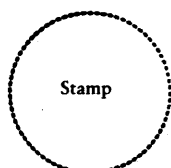
⁽¹⁾ Within the meaning of Article 2 of Directive 77/99/EEC.⁽²⁾ Optional.⁽³⁾ In cases of unloading and reloading in an establishment or an approved cold store the competent authority must complete the certificate (Registration number, date, place, stamp and signature).⁽⁴⁾ Mention any ionizing radiation for medical reasons.⁽⁵⁾ To be completed where an indication is given in accordance with Article 4 of Directive 77/99/EEC.⁽⁶⁾ Indicate the number or registration number (railway wagons and lorries), the flight number (aircraft) or the name (ship).

IV. Health attestation

I, the undersigned, certify that:

- (a) the meat products described above were manufactured from fresh meat or meat products under conditions that comply with the requirements of Directive 77/99/EEC;
- (b) the meat products have/have not ⁽¹⁾ been treated in accordance with Annex B, Chapter I (a), first indent of Directive 77/99/EEC;
- (c) the said meat products, their wrappings or packaging, bear a mark proving that they have all come from approved establishments ⁽¹⁾;
- (d) the transport vehicles and equipment and the way in which the consignment was loaded comply with the hygiene requirements laid down in Directive 77/99/EEC;
- (e) the fresh pigmeat used has/has not been ⁽¹⁾ subjected to a trichinae detection test.

Done at on
(place) (date)



.....
(Signature)

(Name in capital letters)

⁽¹⁾ Delete as appropriate.

COUNCIL DIRECTIVE

of 19 December 1988

amending Directives 73/132/EEC, 76/630/EEC and 82/177/EEC on the statistical surveys to be carried out on Community livestock following the introduction of the combined nomenclature

(88/659/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas Directives 73/132/EEC ⁽²⁾, 76/630/EEC ⁽³⁾ and 82/177/EEC ⁽⁴⁾, as last amended by Directives 86/80/EEC ⁽⁵⁾, 86/83/EEC ⁽⁶⁾ and 86/82/EEC ⁽⁷⁾ respectively, refer to the Common Customs Tariff, which has been withdrawn and incorporated into the combined nomenclature established by Regulation (EEC) No 2658/87 ⁽⁸⁾; whereas references thereto must therefore be amended in consequence,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 73/132/EEC is hereby amended as follows:

1. in Article 2 (1), 'heading 01.02 A of the Common Customs Tariff' is replaced by 'CN code 0102, excluding CN code 0102 90 90';
2. in Article 8, 'the NIMEXE Committee, in accordance with the procedure laid down in Article 5 of Regulation (EEC) No 1445/72 ⁽¹⁾' is replaced by 'the Nomenclature Committee, in accordance with the procedure laid down in Article 10 of Regulation (EEC) No 2658/87 ⁽¹⁾'.

The footnote is replaced by the following:

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

Article 2

In Article 2 of Directive 76/630/EEC, 'subheading 01.03 A of the Common Customs Tariff' is replaced by 'CN code 0103, excluding CN codes 0103 91 90 and 0103 92 90'.

Article 3

Directive 82/177/EEC is hereby amended as follows:

1. in Article 2 (1), 'subheading 01.04 A I and 01.04 B I of the Common Customs Tariff' is replaced by 'CN code 0104 10' and 'subheading 01.04 A II and 01.04 B II thereof' is replaced by 'CN code 0104 20';
2. in Article 8, 'the NIMEXE Committee, in accordance with the procedure laid down in Article 5 of Regulation (EEC) No 1445/72 ⁽¹⁾' is replaced by 'the Nomenclature Committee, in accordance with the procedure laid down in Article 10 of Regulation (EEC) No 2658/87 ⁽¹⁾'.

The footnote is replaced by the following:

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1988.

For the Council

The President

Y. POTTAKIS

⁽¹⁾ Opinion delivered on 16 December 1988 (not yet published in the Official Journal).

⁽²⁾ OJ No L 153, 9. 6. 1973, p. 25.

⁽³⁾ OJ No L 223, 16. 8. 1976, p. 4.

⁽⁴⁾ OJ No L 81, 27. 3. 1982, p. 35.

⁽⁵⁾ OJ No L 77, 22. 3. 1986, p. 27.

⁽⁶⁾ OJ No L 77, 22. 3. 1986, p. 31.

⁽⁷⁾ OJ No L 77, 22. 3. 1986, p. 30.

⁽⁸⁾ OJ No L 256, 7. 9. 1987, p. 1.

COUNCIL DIRECTIVE

of 19 December 1988

amending Directive 80/215/EEC on animal health problems affecting intra-Community trade in meat products

(88/660/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Article 4 (1) of Directive 80/215/EEC ⁽⁴⁾, as last amended by Directive 87/491/EEC ⁽⁵⁾, defines the types of treatment likely to destroy the causal agents of livestock diseases in meat products with a view to permitting intra-Community trade in such products under certain conditions;

Whereas experience gained and advances in scientific knowledge and meat technology enable a new treatment providing the requisite guarantees to be used;

Whereas the inclusion of this treatment amongst the others already prescribed should facilitate free circulation in the Community which will increase the value of production while avoiding the risk of spreading disease;

Whereas a scientific opinion has been expressed which indicates that the weight limit of five kilograms hitherto applied to such meat products may quite safely be abandoned, provided all other existing safeguards are maintained and applied,

Article 1

Article 4 (1) (a) (ii), second indent, of Directive 80/215/EEC is hereby amended as follows:

1. the second indent is abolished;
2. in the first sub-indent of the former fourth indent, 'during which the temperature must be at least 70 °C . . . ' reads 'during which the centre temperature must be at least 70 °C . . . '.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 April 1989. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1988.

For the Council
The President
Y. POTTAKIS

⁽¹⁾ OJ No C 273, 22. 10. 1988, p. 9.

⁽²⁾ Opinion delivered on 16 December 1988 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 14 December 1988 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 47, 21. 2. 1980, p. 4.

⁽⁵⁾ OJ No L 279, 2. 10. 1987, p. 27.

COUNCIL DIRECTIVE

of 19 December

on the zootechnical standards applicable to breeding animals of the porcine species

(88/661/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the breeding and production of animals of the porcine species occupy a very important place in Community agriculture; whereas they may be a source of income for part of the agricultural population;

Whereas production of animals of the porcine species should be encouraged; whereas satisfactory results in this field depend to a large extent on the use of pure-bred or hybrid breeding animals;

Whereas most Member States have hitherto endeavoured, as part of their national breeding policies, to promote the production of livestock meeting specific zootechnical standards; whereas the existence of disparities in the implementation of these policies may hinder intra-Community trade;

Whereas, if these disparities are to be removed, thereby increasing agricultural productivity in this sector, intra-Community trade in all breeding pigs must be progressively liberalized; whereas the total liberalization of trade presupposes subsequent further harmonization, in particular with regard to approval for breeding and criteria governing entry in herd-books or registers;

Whereas it must be possible for Member States to require certificates drawn up in accordance with a Community procedure to be presented;

Whereas implementing measures should be taken; whereas, for the application of such measures, a procedure should be laid down establishing close cooperation between Member States and the Commission within the Standing Committee on Zootechnics set up by the Council by Decision 77/505/EEC ⁽⁴⁾;

Whereas, pending further Community decisions, Member States may continue to apply their national provisions in accordance with the general rules laid down in the Treaty;

Whereas it must be ensured that breeding pigs cannot be imported from non-member countries subject to conditions which are more favourable than those applied within the Community;

Whereas, bearing in mind the special conditions obtaining in Spain and Portugal, provision should be made for a further time limit for the implementation of this Directive,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

Definitions

Article 1

For the purposes of this Directive, the following definitions shall apply:

- (a) *pure-bred breeding pig*: any animal of the porcine species, the parents and grandparents of which are entered or registered in a herd-book of the same breed and which is itself entered or registered and eligible for entry in such a herd-book;
- (b) *hybrid breeding pig*: any animal of the porcine species which fulfils the following criteria:
 - 1. it is produced by deliberate cross-breeding:
 - between pure-bred breeding pigs of different breeds or lines,
 - between animals which are themselves the outcome of a cross between different breeds or lines,
 - or between pure-bred animals and animals belonging to one or other of the above categories;
 - 2. it must be entered in a register;
- (c) *herd-book*: any book, file or data medium:
 - which is maintained either by a breeders' association officially approved by the Member State in which that association is established or by an official service of the Member State in question,

⁽¹⁾ OJ No C 44, 21. 2. 1980, p. 12.

⁽²⁾ OJ No C 147, 16. 6. 1980, p. 34.

⁽³⁾ OJ No C 182, 21. 7. 1980, p. 5.

⁽⁴⁾ OJ No L 206, 12. 8. 1977, p. 11.

Member States may, however, also provide that it be maintained by a breeding organization officially approved by the Member State in which that organization is established,

- in which pure-bred breeding pigs of a specified breed are entered or registered with mention of their ancestors;

(d) *register*: any book, file or data medium:

- which is maintained either by a breeders' association, a breeding organization or a private undertaking officially approved by the Member State in which that association, organization or undertaking is established, or by an official service of the Member State in question,
- in which hybrid breeding pigs are entered with mention of their ancestors.

CHAPTER II

Rules governing intra-Community trade in pure-bred breeding pigs

Article 2

1. Member States may not prohibit, restrict or impede on zootechnical grounds:

- intra-Community trade in pure-bred breeding pigs or in their semen, ova and embryos,
- the establishment of herd-books, provided that they meet the conditions laid down pursuant to Article 6,
- the official approval of breeders' associations or breeding organizations as referred to in Article 1 (c), which establish or maintain herd-books in accordance with Article 6.

2. However, Member States may continue to apply their national provisions which comply with the general rules of the Treaty pending the entry into force of the relevant Community decisions referred to in Articles 3, 5 and 6.

Article 3

The Council, acting by a qualified majority on a proposal from the Commission, shall adopt by not later than 31 December 1990 Community provisions for the approval of pure-bred breeding pigs for breeding.

Article 4

1. Breeders' associations and/or breeding organizations as referred to in Article 1 (c) which are officially approved by a Member State and/or the official service of a Member State may not oppose the entry in their herd-books of pure-bred breeding pigs from other Member States, provided that they satisfy the requirements laid down in accordance with Article 6.

2. However, Member States may require or allow certain pure-bred breeding pigs dispatched from another Member State and having specific characteristics distinguishing them from the population of the same breed in the Member State of destination to be entered in a separate section of the herd-book for the breed to which they belong.

Article 5

Member States may require pure-bred breeding pigs and the semen, ova and embryos of such animals to be accompanied at the time of their marketing by certificates drawn up in accordance with Article 6.

Article 6

1. The following shall be determined in accordance with the procedure laid down in Article 11:

- methods for monitoring performance and assessing the genetic value of pure-bred breeding pigs,
- the criteria governing the establishment of herd-books,
- the criteria governing entry in herd-books,
- the criteria for approval and supervision of breeders' associations and/or breeding organizations as referred to in Article 1 (c) which establish or maintain herd-books,
- the certificate mentioned in Article 5.

2. Pending entry into force of the provisions provided for in paragraph 1, the monitoring referred to in the first indent of paragraph 1 officially carried out in each Member State and the herd-books shall be recognized by the other Member States.

CHAPTER III

Rules governing intra-Community trade in hybrid breeding pigs

Article 7

1. Member States may not prohibit, restrict or impede on zootechnical grounds:

- intra-Community trade in hybrid breeding pigs or the semen, ova and embryos of such animals,
- the establishment of registers, provided that they meet the conditions laid down pursuant to Article 10,
- the official approval of breeders' associations and/or breeding organizations and/or private undertakings as referred to in Article 1 (d) which establish or maintain registers in accordance with Article 10.

2. However, Member States may continue to apply their national provisions which comply with the general rules of

the Treaty pending the entry into force of the relevant Community decisions referred to in Articles 8, 9 and 10.

Article 8

The Council acting by a qualified majority on a proposal from the Commission shall, not later than 31 December 1990, adopt Community provisions for the approval of hybrid breeding pigs for breeding.

Article 9

Member States may require hybrid breeding pigs and the semen, ova and embryos of such animals to be accompanied at the time of their marketing by certificates drawn up in accordance with Article 10.

Article 10

1. The following shall be determined in accordance with the procedure laid down in Article 11:

- methods for monitoring performance and assessing the genetic value of hybrid breeding pigs,
- the criteria governing the establishment of registers,
- the criteria governing entry in registers,
- the criteria governing the approval and monitoring of breeders' associations and breeding organizations and/or private undertakings as referred to in Article 1 (d), establishing or maintaining registers,
- the certificate mentioned in Article 9.

2. Pending entry into force of the provisions provided for in paragraph 1, the monitoring referred to in the first indent of paragraph 1 officially carried out in each Member State and the registers shall be recognized by the other Member States.

CHAPTER IV

General provisions

Article 11

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 Committee on Zootechnics (hereinafter referred to as 'the committee') set up by Decision 77/505/EEC.

2. Within the Committee the votes of Member States shall be weighted as provided for 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 a time limit set by the chairman according to the urgency of the matters concerned. Opinions shall be delivered by a majority of 54 votes.

4. The Commission shall adopt the measures and apply them immediately where they are in accordance with the opinion of the committee.

If the measures envisaged 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 three months from the date on which the proposal was submitted to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and apply them immediately.

Article 12

Pending the implementation of Community rules on the subject, the zootechnical conditions applicable to imports of pure-bred and hybrid breeding pigs from third countries must not be more favourable than those governing intra-Community trade.

Article 13

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 1991. They shall forthwith inform the Commission thereof.

However the Kingdom of Spain and the Portuguese Republic shall dispose of a further period of two years within which to comply with this Directive, except in cases where the Council, acting by a qualified majority on a proposal from the Commission, decides to extend that derogation.

Article 14

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1988.

For the Council
The President
Y. POTTAKIS

COUNCIL DECISION

of 21 December 1988

concerning the provisional application of the International Natural Rubber Agreement,
1987

(88/662/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113 and 116 thereof,

Having regard to the proposal from the Commission,

Whereas the 1979 International Natural Rubber Agreement has expired;

Whereas, pursuant to Decision 88/107/EEC⁽¹⁾, the International Natural Rubber Agreement, 1987, hereinafter referred to as 'the 1987 Agreement', was signed by the Community and its Member States on 18 December 1987;

Whereas it is desirable to ensure that the 1987 Agreement enters into force on a provisional basis not later than 1 January 1989; whereas, to this end, it is necessary for the Community and its Member States, in accordance with their requisite internal procedures and once these have been completed, to notify the Secretary-General of the United Nations Organization of their intention to apply the 1987 Agreement on a provisional basis,

Article 1

Once they have completed the requisite internal procedures, the Community and its Member States shall notify the Secretary-General of the United Nations Organization of their intention to apply the International Natural Rubber Agreement, 1987, on a provisional basis, in accordance with Articles 59 (1) and 60 (2).

Article 2

The President of the Council is hereby authorized to designate the person empowered to deposit the notification of provisional application of the 1987 Agreement on behalf of the Community.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 58, 3. 3. 1988, p. 18.

COUNCIL DIRECTIVE

of 21 December 1988

amending Directive 74/651/EEC on the tax reliefs to be allowed on the importation of goods in small consignments of a non-commercial character within the Community

(88/663/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Article 1 (4) of Directive 74/651/EEC ⁽⁴⁾, as last amended by Directive 85/349/EEC ⁽⁵⁾, provides that every two years and for the first time on 31 October 1987 at the latest, the Council, acting in accordance with the procedures laid down by the Treaty in the matter, is to adjust the amounts of the reliefs referred to in paragraphs 2 (d) and 2a of that Article in order to maintain real value;

Whereas, according to the survey conducted by the Commission, the weighted average increase in the price index for the Member States is 11,3% for the period from 1 October 1985 to 31 December 1988;

Whereas the resulting amounts should be rounded off;

Whereas, in the event of the adjustment of the Community relief resulting in a change of less than 5% in the relief expressed in national currency or in a reduction in that relief, the Member State concerned should be permitted to retain the amount, in national currency, obtaining before such change.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 1 of Directive 74/651/EEC is hereby amended as follows:

(a) in paragraph 2 (d), '100 ECU' is replaced by 'ECU 110';

(b) in paragraph 2a, '77 ECU' is replaced by 'ECU 85';

(c) a new paragraph 5 is added after paragraph 4, reading as follows:

'5. Member States may maintain the existing amount of the relief if the conversion of the amounts of the reliefs, expressed in ecus, would result in a change of less than 5% in the relief expressed in national currency or in a reduction in that relief.'

Article 2

1. Member States shall bring into force the measures necessary to comply with this Directive not later than 1 July 1989.

2. Member States shall inform the Commission of the provisions of national law which they adopt to implement this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No C 5, 9. 1. 1988, p. 5 and

OJ No C 272, 21. 10. 1988, p. 5.

⁽²⁾ OJ No C 235, 12. 9. 1988, p. 139.

⁽³⁾ OJ No C 80, 28. 3. 1988, p. 13.

⁽⁴⁾ OJ No L 354, 30. 12. 1974, p. 57.

⁽⁵⁾ OJ No L 183, 16. 7. 1985, p. 27.

COUNCIL DIRECTIVE

of 21 December 1988

amending for the ninth time Directive 69/169/EEC on the harmonization of provisions laid down by law, regulation or administrative action relating to exemption from turnover tax and excise duty on imports in international level

(88/664/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Articles 2 (6) and 7b (4) of Council Directive 69/169/EEC ⁽⁴⁾, as last amended by Directive 87/198/EEC ⁽⁵⁾, provide that every two years, and for the first time on 31 October 1987 at the latest, the Council, acting in accordance with the procedures provided for by the Treaty on this point, is to adjust the amounts of the exemptions referred to in paragraphs 1 and 2 of those Articles in order to maintain their genuine value;

Whereas, according to the survey conducted by the Commission, the weighted average increase in the price index for the Member States is 11,3% for the period from 1 October 1985 to 31 December 1988;

Whereas the resulting amounts should be rounded off;

Whereas, in the event of the adjustment of the Community exemption resulting in a change of less than 5% in the exemption expressed in national currency or in a reduction in that exemption, the Member State concerned should be permitted to retain the amount, in national currency, obtaining before such change,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 69/169/EEC is hereby amended as follows:

1. in Article 2:

- (a) in paragraph 1, '350 ECU' is replaced by 'ECU 390';

- (b) in paragraph 2, '90 ECU' is replaced by 'ECU 100';

2. in Article 7, the following paragraph is added:

'5. Member States may maintain the existing amount of the exemption if the conversion of the amounts of the exemptions, expressed in ecus, adopted during the adjustment referred to in Articles 2 (6) and 7b (4) would result in a change of less than 5% in the exemption expressed in national currency or in a reduction in that exemption';

3. in Article 7b:

- (a) in paragraph 1 (a), '280 ECU' is replaced by 'ECU 310';
- (b) in paragraph 1 (b), '77 ECU' is replaced by 'ECU 85';
- (c) in paragraph 2, '77 ECU' is replaced by 'ECU 85'.

Article 2

1. Member States shall bring into force the measures necessary to comply with this Directive by 1 July 1989.

2. Member States shall inform the Commission of the provisions of national law which they adopt to implement this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No C 102, 16. 4. 1988, p. 4 and OJ No C 272, 21. 10. 1988, p. 6.

⁽²⁾ OJ No C 235, 12. 9. 1988, p. 138.

⁽³⁾ OJ No C 95, 11. 4. 1988, p. 11.

⁽⁴⁾ OJ No L 133, 4. 6. 1969, p. 6.

⁽⁵⁾ OJ No L 78, 20. 3. 1987, p. 53.

COUNCIL DIRECTIVE

of 21 December 1988

amending several Directives concerning the approximation of the laws of Member States where there is provision in those Directives for publication in the *Official Journal of the European Communities* of attestations and certificates

(88/665/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas several Community Directives set out general provisions which concern in particular procedures for EEC approval, EEC type examination, EEC verification and other EEC certifications; whereas other specific Directives make reference to these procedures;

Whereas in the context of the procedures for EEC approval and EEC type examination, a reciprocal system of information between Member States and/or authorized bodies as well as notification to the Commission of the certificates granted are provided for; whereas an extract of the certificates is also to be published in the *Official Journal of the European Communities*;

Whereas the experience gained has shown that publication of extracts of certificates and attestations in the Official Journal does not appreciably improve the transparency of the matter, since this is already assured in a satisfactory manner by other means; whereas publication is therefore not essential and could be discontinued,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following Directives are hereby amended as follows:

1. Council Directive 71/316/EEC of 26 July 1971 on the approximation of the laws of Member States relating to

⁽¹⁾ OJ No C 156, 15. 6. 1987, p. 190 and
OJ No C 309, 5. 12. 1988.

⁽²⁾ OJ No C 232, 31. 8. 1987, p. 7.

common provisions for both measuring instruments and methods of metrological control ⁽³⁾, as last amended by Directive 87/355/EEC ⁽⁴⁾:

in Annex I, point 5.1 is deleted, and in point 5.3 the reference to point 5.1 is deleted;

2. Council Directive 76/767/EEC of 27 July 1976 on the approximation of the laws of Member States relating to common provisions for pressure vessels and methods for inspecting them ⁽⁵⁾, as last amended by Directive 87/354/EEC ⁽⁶⁾:

in Annex I, point 4.1 is deleted, and in point 4.3 the reference to point 4.1 is deleted;

3. Council Directive 79/196/EEC of 6 February 1979 on the approximation of the laws of Member States concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection ⁽⁷⁾, as last amended by Directive 84/47/EEC ⁽⁸⁾:

in Article 6, paragraph 2 is deleted, and in Article 7 (1) the reference to Article 6 is deleted;

4. Council Directive 84/528/EEC of 17 September 1984 on the approximation of the laws of Member States relating to common provisions for lifting and mechanical handling appliances ⁽⁹⁾, as last amended by Directive 87/354/EEC:

in Annex I, point 5.1 is deleted, and in point 5.3 the reference to point 5.1 is deleted;

5. Council Directive 84/530/EEC of 17 September 1984 on the approximation of the laws of Member States relating to common provisions for appliances using gaseous fuels, safety and control devices for these appliances and methods of surveillance of them ⁽¹⁰⁾, as last amended by Directive 87/354/EEC:

⁽³⁾ OJ No L 202, 6. 9. 1971, p. 1.

⁽⁴⁾ OJ No L 192, 11. 7. 1987, p. 46.

⁽⁵⁾ OJ No L 262, 27. 9. 1976, p. 153.

⁽⁶⁾ OJ No L 192, 11. 7. 1987, p. 43.

⁽⁷⁾ OJ No L 43, 20. 2. 1979, p. 20.

⁽⁸⁾ OJ No L 31, 2. 2. 1984, p. 19.

⁽⁹⁾ OJ No L 300, 19. 11. 1984, p. 72.

⁽¹⁰⁾ OJ No L 300, 19. 11. 1984, p. 95.

in Annex I, point 5.1 is deleted, and in point 5.3 the reference to point 5.1 is deleted;

6. Council Directive 84/532/EEC of 17 September 1984 on the approximation of the laws of Member States relating to common provisions for construction plant and equipment ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal:

in Annex I, point 4.1 is deleted, and in point 4.3 the reference to point 4.1 is deleted.

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 300, 19. 11. 1984, p. 111.

COUNCIL DECISION

of 21 December 1988

concerning the provisional application of the Agreed Minute modifying the Agreement between the European Economic Community and Hong Kong on trade in textile products

(88/666/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, pending the completion of the procedures necessary for its conclusion, the Agreement between the European Economic Community and Hong Kong on trade in textile products, initialled on 2 October 1986, has been provisionally applied since 1 January 1987 in accordance, for the Community's part, with Decision 88/213/EEC ⁽¹⁾;

Whereas that Agreement provides for the possibility of quantitative adjustments to the quotas for certain categories, in order to allow the introduction of the combined nomenclature;

Whereas following consultations between the Community and Hong Kong an Agreed Minute modifying the quotas of category 7 and 78 products provided for in the Agreement was initialled on 29 July 1988;

Whereas pending the completion of the procedures necessary for the conclusion of the Agreement and the Agreed Minute, the Agreed Minute should be applied provisionally, with effect from 1 January 1988, provided that there is a reciprocal provisional application on the part of Hong Kong,

Article 1

Pending the completion of the procedures necessary for its conclusion, the Agreed Minute modifying the Agreement on trade in textile products between the European Economic Community and Hong Kong shall be applied provisionally in the Community, with effect from 1 January 1988, provided that there is reciprocal provisional application on the part of Hong Kong.

The text of the Agreed Minute is attached to this Decision.

Article 2

The Commission is invited to seek the agreement of the Government of Hong Kong on the provisional application of the Agreed Minute referred to in Article 1 and to notify the Council thereof.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 97, 14. 4. 1988, p. 1.

AGREED MINUTE

1. A delegation of the Hong Kong Government and a delegation of the European Community met in Brussels on 27 July 1988 for consultations on problems arising from the adoption, following introduction of the harmonized system, of the revised definitions of blouses, both knitted and woven, as set out in the explanatory notes to the combined nomenclature (CN) Chapters 61 and 62 concerning shirts, shirt-blouses and blouses for women or girls (category 7). The consultations were conducted in accordance with Article 14 (3) of the Agreement on Trade in Textile Products between Hong Kong and the Community initialled on 2 October 1986 in Brussels.

2. As a result of the consultations and having regard to the migration of woven tops with shoulder straps and woven tops without opening from category 78 to category 7, the two parties agreed to add the following quantities to the quantitative limits for category 7 established in Annex II of the said Agreement:

<i>Year</i>	<i>Additional quantity '000 pieces</i>
1988	632
1989	637
1990	642
1991	647

and to deduct the following quantities from the quantitative limits for category 78 established in Annex II of the said Agreement:

<i>Year</i>	<i>Quantity to be deducted Tonnes</i>
1988	52
1989	52
1990	53
1991	53

3. It was further agreed that the regional shares for category 7 for the year 1988 as indicated in the Annex to the Community's Note Verbale No 02728 dated 4 March 1988 will be increased in consequence of the additional quantity for category 7 referred to in paragraph 2 above by the following quantities:

<i>Region</i>	<i>Additional quantity '000 pieces</i>
D	417
F	61
I	1
BNL	19
UK	133
DEN	1

4. As regards the regional shares for category 78 for the year 1988 as indicated in the Annex to the Community's Note Verbale No 02728 dated 4 March 1988, it was agreed that they will be decreased in consequence of the quantities to be deducted from category 78 referred to in paragraph 1 above by the following quantities:

<i>Region</i>	<i>Quantity to be deducted Tonnes</i>
D	34
F	5
BNL	2
UK	11

Brussels, 28 July 1988.

*Delegation of
the Hong Kong Government.*

*Delegation of the
European Economic Community*

COUNCIL DIRECTIVE

of 21 December 1988

amending for the fourth time Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

(88/667/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the successive amendments made to the Annexes to Directive 76/768/EEC ⁽⁴⁾, as last amended by Directive 88/233/EEC ⁽⁵⁾, require the provisions of the Directive to be adapted;

Whereas experience gained since the adoption of Directive 76/768/EEC has shown that the provisions on labelling should be improved and that the period laid down in Article 12 (2) is inadequate,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 76/768/EEC is hereby amended as follows:

1. In Article 1, paragraph 3 is replaced by:

'3. Cosmetic products containing one of the substances listed in Annex V shall be excluded from the scope of this Directive. Member States may take such measures as they deem necessary with regard to those products.'

2. In Article 4, (c) and (d) are replaced by the following:

'(c) colouring agents other than those listed in Annex IV, Part 1, with the exception of cosmetic products containing colouring agents intended solely to colour hair;

(d) colouring agents listed in Annex IV, Part 1, used outside the conditions laid down, with the exception of cosmetic products containing colouring agents intended solely to colour hair.'

3. Article 5 is replaced by the following:

'Article 5

Member States shall allow the marketing of cosmetic products containing:

- (a) the substances listed in Annex III, Part 2, within the limits and under the conditions laid down, up to the dates in column (g) of that Annex;
- (b) the colouring agents listed in Annex IV, Part 2, within the limits and under the conditions laid down, until the admission dates given in that Annex;
- (c) the preservatives listed in Annex VI, Part 2, within the limits and under the condition laid down, until the dates given in column (f) of that Annex. However, some of these substances may be used in other concentrations for specific purposes apparent from the presentation of the product;
- (d) the UV filters listed in Part 2 of Annex VII, within the limits and under the conditions laid down, until the dates given in column (f) of that Annex.

At these dates, these substances, colouring agents, preservatives and UV filters shall be:

- definitively allowed, or
- definitively prohibited (Annex II), or
- maintained for a given period specified in Part 2 of Annexes III, IV, VI and VII, or

⁽¹⁾ OJ No C 86, 1. 4. 1987, p. 3.

⁽²⁾ OJ No C 122, 9. 5. 1988, p. 80 and decision of 14 December 1988 (not yet published in the Official Journal).

⁽³⁾ OJ No C 319, 30. 11. 1987, p. 5.

⁽⁴⁾ OJ No L 262, 27. 9. 1976, p. 169.

⁽⁵⁾ OJ No L 105, 26. 4. 1988, p. 11.

- deleted from all the Annexes, on the basis of available scientific information or because they are no longer used.'

4. Article 6 is replaced by the following:

'Article 6

1. Member States shall take all measures necessary to ensure that cosmetic products may be marketed only if the container and packaging bear the following information in indelible, easily legible and visible lettering:

- (a) the name or style and the address or registered office of the manufacturer or the person responsible for marketing the cosmetic product who is established within the Community. Such information may be abbreviated in so far as the abbreviation makes it generally possible to identify the undertaking. Member States may require that the country of origin be specified for goods manufactured outside the Community;
- (b) the nominal content at the time of packaging, given by weight or by volume, except in the case of packaging containing less than five grams or five millilitres, free samples and single-application packs; for pre-packages normally sold as a number of items, for which details of weight or volume are not significant, the content need not be given provided the number of items appears on the packaging. This information need not be given if the number of items is easy to see from the outside or if the product is normally only sold individually;
- (c) the date of minimum durability. The date of minimum durability of a cosmetic product shall be the date until which this product, stored under appropriate conditions, continues to fulfil its initial function and, in particular, remains in conformity with Article 2.

The date of minimum durability shall be indicated by the words: "Best used before the end of . . ." followed by either:

- the date itself, or
- details of where the date appears on the packaging.

If necessary, this information shall be supplemented by an indication of the conditions which must be satisfied to guarantee the stated durability.

The date shall be clearly expressed and shall consist of the month and the year in that order. Indication of the date of durability shall not be mandatory for cosmetic products the minimum durability of which exceeds 30 months;

- (d) particular precautions to be observed in use, and especially those listed in the column "Conditions of use and warnings which must be printed on the label" in Annexes III, IV, VI and VII, which must appear on the container and packaging as well as any special precautionary information on cosmetic products for professional use, in particular in hairdressing. Where this is impossible for practical reasons, this information must appear on an enclosed leaflet, with abbreviated information on the container and the packaging referring the consumer to the information specified;

- (e) the batch number of manufacture or the reference for identifying the goods. Where this is impossible for practical reasons because the cosmetic products are too small, such information need appear only on the packaging.

2. For cosmetic products that are not pre-packaged, are packaged at the point of sale at the purchaser's request, or are pre-packaged for immediate sale, Member States shall adopt detailed rules for indication of the particulars referred to in paragraph 1.

3. Member States shall take all measures necessary to ensure that, in the labelling, putting up for sale and advertising of cosmetic products, text, names, trade marks, pictures and figurative or other signs are not used to imply that these products have characteristics which they do not have.'

5. Article 12 (2) is replaced by:

'2. The Commission shall as soon as possible consult the Member States concerned, following which it shall deliver its opinion without delay and take the appropriate steps.'

6. Annex III, Part 2, becomes Annex IV, Part 1.

7. Annex IV, Part 1, becomes Annex III, Part 2.

Article 2

1. Member States shall take all necessary measures to ensure that as from 1 January 1992 neither manufacturers nor importers established in the Community place on the market products whose labelling does not satisfy the requirements of this Directive.

2. Member States shall take all necessary measures to ensure that the products referred to in paragraph 1 can no

longer be sold or disposed of to the final consumer after 31 December 1993.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive not later than 31 December 1989. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field governed by this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1988.

For the Council
The President
V. PAPANDREOU