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I

(Acts whose publication is obligatory)

COUNCIL DIRECTIVE 95/22/EC

of 22 June 1995

amending Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, and in particular Article 25 (2) thereof,

Having regard to the proposal from the Commission,

Whereas due weight should be given to certain scientific and technical developments in respect of the approval of zones with regard to infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS);

Whereas the criteria for granting approved status to these zones should be adjusted in consequence;

Whereas in the light of experience the administrative procedures for granting approved status to zones or parts of zones and for the suspension, restoration and

withdrawal of approval of these zones or parts of zones should also be adjusted;

Whereas farms, although situated in a non-approved zone with regard to IHN and VHS, may in accordance with the requirements laid down in Annex CIA to Directive 91/67/EEC obtain approved status with regard to the said diseases;

Whereas it appears necessary, in order to ensure better protection against the introduction of IHN and VHS, to define more precisely the criteria which must be applied for granting approved status to fish farms;

Whereas these criteria must include details on the water supply of the farms, on the level of testing carried out prior to approval of the farm, and on protective measures against the possible introduction of disease,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/67/EEC is hereby amended as follows:

A. In Annex B:

(a) point I.B.2. shall be replaced by the following:

(2) All farms in the continental zone are placed under the supervision of the official services. Two health inspections per year for four years must have been carried out.

The health inspections must have been carried out at the times of the year when the water temperature favours the development of these diseases. The health inspection must at least consist of:

— an inspection of fish showing abnormalities,

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1. Directive as last amended by Directive 93/54/EEC (OJ No L 175, 19. 7. 1993, p. 34).

- the taking of samples in accordance with a programme established under the procedure provided for in Article 15, which are to be sent as quickly as possible to an approved laboratory to be tested for the pathogens in question.

However, zones having a historical record of absence of the diseases referred to in Annex A, column 1, list II, may obtain approved status if:

- (a) their geographical situation does not permit easy introduction of disease;
- (b) an official disease control system has been in place for an extended period of time of at least ten years, during which:
 - there has been regular monitoring of all farms,
 - a disease notification system has been applied,
 - no case of disease has been reported,
 - under the rules in force, only fish eggs or gametes from non-infected zones or farms, subject to official checks and presenting equivalent health guarantees, were able to be introduced into the zone.

The period of 10 years referred to in the first subparagraph may be reduced to five years as a result of the testing carried out by the official service of the requesting Member State, provided that, in addition to the requirements referred to in the first subparagraph, the regular monitoring of all farms referred to above has included at least two health inspections per year involving at least:

- an inspection of fish showing abnormalities,
- a taking of samples of at least 30 fish at each visit.

Member States wishing to benefit from the provisions relating to historical records must submit their request no later than 31 December 1996.;

- (b) under I.B, the following point shall be added:

‘(5) Where a Member State has requested approval for a water catchment area or part of a water catchment area originating in a neighbouring Member State, or common to two Member States, the following provisions shall apply:

- the two Member States concerned should simultaneously submit a request for approval in accordance with the procedures laid down in Articles 5 or 10,
- the Commission, in accordance with the procedure laid down in Article 26, after examining and checking the requests and evaluating the health situation, shall, if need be, lay down any other provisions necessary for granting such approval.

The Member States, in accordance with Directive 89/608/EEC ⁽¹⁾, shall grant each other mutual assistance for the application of this Directive, and in particular of this paragraph;

⁽¹⁾ OJ No L 351, 2. 12. 1989, p. 34.;

- (c) point I.D.1., the last sentence shall be replaced by the following:

‘The latter shall immediately suspend approval of the zone or of part of the zone, provided that the part of the zone which still has approved status continues to meet the definition in point A.’;

- (d) point I.D.5. shall be replaced by the following:

‘(5) Where the results are positive, the official service shall withdraw approval of the zone, part of the zone referred to in point 1.’;

(e) the introductory sentence of point I.D.6. shall be replaced by the following:

‘(6) Restoration of approval of a zone or part of a zone referred to in point 1 is subject to the following requirements:’;

(f) point I.D.7. shall be replaced by the following:

‘(7) The central competent authority shall inform the Commission and the other Member States regarding the suspension, restoration or withdrawal of approval of zones, or parts of zones referred to in point 1.’;

(g) point II.A shall be replaced by the following:

‘A. A coastal zone consists of a part of the coast or sea water or an estuary with a precise geographical delimitation which consists of a homogeneous hydrological system or a series of such systems. If necessary, a coastal zone may be deemed to consist of a part of the coast or sea water or an estuary situated between the mouths of two watercourses or of a part of the coast or sea water or an estuary where there are one or more farms, provided that provision is made for a buffer zone on both sides of the farm or farms, the extent of which shall be set by the Commission on a case-by-case basis in accordance with the procedure laid down in Article 26.’;

(h) point II.D shall be replaced by the following:

‘D. *Suspension, restoration and withdrawal of approval.*

The rules are identical to those set out in point I.D; however, where the zone is composed of a series of hydrological systems, suspension, restoration and withdrawal of approval may relate to a part of this series where this part has a precise geographical delimitation and consists of a homogeneous hydrological system, provided that the part which still has approved status continues to meet the definition in point A.’;

(i) the last sentence of point III.D.1. shall be replaced by the following:

‘The latter shall immediately suspend approval of the zone or, if the zone is composed of a series of hydrological systems, of part of that series where such part has a precise geographical delimitation and consists of a homogeneous hydrological system, provided that the part which still has approved status continues to meet the definition in point A.’;

(j) point III.D.5. shall be replaced by the following:

‘(5) Where the results are positive, the official service shall withdraw approval of the zone or part of the zone as referred to in point 1.’;

(k) the introductory sentence of point III.D.6. shall be replaced by the following:

‘(6) Restoration of approval of a zone or part of a zone as referred to in point 1 is subject to the following requirements:’;

(l) point III.D.7. shall be replaced by the following:

‘(7) The central competent authority shall inform the Commission and the other Member States regarding suspension, restoration or withdrawal of approval of zones or parts of zones referred to in point 1.’;

B. In Annex C:

(a) point I.A. shall be replaced by the following:

‘A. *Grant of approval*

In order to be approved a farm must meet the following requirements:

(1) water must be supplied by a well, a borehole or a spring. Where such water supply is situated at a distance from the farm, the water must be supplied

directly to the farm, and be channelled through a pipe or, with the agreement of the official service, via an open channel or a natural conduit, provided that this does not constitute a source of infection for the farm and does not allow the introduction of wild fish. The water channel must be under the control of the farm or, in cases where this is not possible, the official service;

- (2) there must be a natural or artificial barrier situated downstream which prevents fish from entering the said farm;
- (3) if necessary, it must be protected against flooding and infiltration of water;
- (4) it must comply, *mutatis mutandis*, with the requirements set out in Annex B.I.B. Furthermore, where approval is requested on the basis of a historical record with an official control system for a 10-year period, it must meet the following additional requirements:
 - it must have been submitted, at least once per year, to a clinical inspection and the taking of samples to be tested for the pathogens in question in an approved laboratory;
- (5) it may be the subject of additional measures imposed by the official service, when considered necessary to prevent the introduction of diseases. Such measures may include the establishment of a buffer zone around the farm in which a monitoring programme is carried out, and the establishment of protection against the intrusion of possible pathogen carriers or vectors;
- (6) However:
 - (a) a new farm which meets the requirements referred to in 1, 2, 3 and 5, but which commences its activities with fish, eggs or gametes from an approved zone or an approved farm situated in a non-approved zone may obtain approval without undergoing the sampling required for the grant of approval;
 - (b) a farm which meets the requirements referred to in 1, 2, 3 and 5, which recommences its activities after a break with fish, eggs or gametes from an approved zone or an approved farm situated in a non-approved zone may obtain approval without undergoing the sampling required for the grant of approval provided that:
 - the health history of the farm over the last four years of its operation is known to the official service; however, if the farm concerned has been in operation for less than four years, the actual period in which it has been in operation shall be taken into account,
 - the farm has not been subject to animal-health measures in respect of the diseases listed in list II of Annex A and there have been no antecedents of those diseases on the farm,
 - prior to the introduction of the fish, eggs or gametes, the farm is cleaned and disinfected, followed by depopulation for a minimum period of 15 days under official supervision.’;

(b) point II.A.1. shall be replaced by the following:

- ‘1. it must be supplied with water by means of a system which includes equipment for the destruction of the agents of the diseases referred to in Annex A, column 1,

list II; the criteria required for the uniform application of these provisions and in particular those relating to the proper functioning of the system shall be laid down in accordance with the procedure provided for in Article 26;';

(c) the following point shall be added to point II.A:

'3. However:

- (a) a new farm which meets the requirements referred to in 1 and 2, but which commences its activities with fish, eggs or gametes from an approved zone or an approved farm situated in a non-approved zone may obtain approval without undergoing the sampling required for the grant of approval;
- (b) a farm which meets the requirements referred to in 1 and 2, which recommences its activities after a break with fish, eggs or gametes from an approved zone or an approved farm situated in a non-approved zone may obtain approval without undergoing the sampling required for the grant of approval provided that:
 - the health history of the farm over the last four years of its operation is known to the official service; however, if the farm concerned has been in operation for less than four years, the actual period in which it has been in operation shall be taken into account,
 - the farm has not been subject to animal-health measures in respect of the diseases listed in list II of Annex A and there have been no antecedents of those diseases on the farm,
 - prior to introduction of the fish, eggs or gametes, the farm is cleaned and disinfected, followed by depopulation for a minimum period of 15 days under official supervision.';

(d) point III.A.1. shall be replaced by the following:

- '(1) it must be supplied with water by means of a system which includes equipment for the destruction of the agent of the diseases referred to in Annex A, column 1, list II; the criteria required for the uniform application of these provisions and in particular those relating to the proper functioning of the system shall be laid down in accordance with the procedure provided for in Article 26.';

(e) the following point shall be added to point III.A:

'(3) However:

- (a) a new farm which meets the requirements referred to in 1 and 2, but which commences its activities with molluscs from an approved zone or an approved farm situated in a non-approved zone may obtain approval without undergoing the sampling required for the grant of approval;
- (b) a farm which meets the requirements referred to in 1 and 2, which recommences its activities after a break with molluscs from an approved zone or an approved farm situated in a non-approved zone may obtain approval without undergoing the sampling required for the grant of approval provided that:
 - the health history of the farm over the last two years of its operation is known to the official service,
 - the farm has not been subject to animal-health measures in respect of the diseases listed in list II of Annex A and there have been no antecedents of those diseases on the farm,
 - prior to the introduction of the molluscs, the farm is cleaned and disinfected, followed by depopulation for a minimum period of 15 days under official supervision.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 July 1996. They shall forthwith notify the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

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

Article 3

This Directive shall enter into force on the 20th day after that of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 June 1995.

For the Council
The President
Ph. VASSEUR

COUNCIL DIRECTIVE 95/23/EC

of 22 June 1995

amending Directive 64/433/EEC on conditions for the production and marketing of fresh meat

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European 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 Directive 64/433/EEC ⁽⁴⁾ regulates the production and marketing of fresh meat of bovine animals, swine, sheep and goats and domestic solipeds;

Whereas the regulations for low-capacity establishments eligible for approval under simplified structure and infrastructure criteria should be simplified, to take account of particular circumstances and of the principle of subsidiarity;

Whereas hygiene requirements should be defined for the production and marketing of sliced offal;

Whereas the regulations on accompanying documents can be simplified;

Whereas meat from low-capacity establishments should comply only with general hygiene requirements for meat production and marketing and for this reason may be not marked with the Community stamp and be the subject of trade;

Whereas the maximum handling limits for low-capacity slaughterhouses and cutting plants should be aligned on those laid down in Council Directive 92/120/EEC of 17 December 1992 on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of certain products of animal origin ⁽⁵⁾;

Whereas, however, account should be taken of certain specific situations in applying these limits;

Whereas experience has shown the need to amend the Directive 64/433/EEC on a number of technical points which have caused problems of practical application,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

(1) The following point shall be added to Article 2:

‘(o) “repackaging centre” means a workshop or depot where wrapped meat intended for placing on the market is reassembled and/or repackaged.’

(2) Article 3 (1) shall be amended as follows:

(a) Section A (a) shall be replaced by the following:

‘(a) have been obtained in a slaughterhouse meeting the conditions laid down in Chapters I and II of Annex I and approved and supervised in accordance with Article 10;’

(b) in Section A (f):

(ba) subdivision (ii) shall be replaced by the following:

‘(ii) an accompanying commercial document which must:

— be drawn up by the dispatching establishment,

— in addition to the particulars provided for in point 50 of Chapter X of Annex I, bear the veterinary approval number of the approved establishment and in the case of frozen meat, the month and year of freezing in clear,

— for meat intended for Finland and Sweden, bear one of the indications provided for in the third indent of Part IV of Annex IV,

⁽¹⁾ OJ No C 224, 12. 8. 1994, p. 15.

⁽²⁾ OJ No C 109, 1. 5. 1995.

⁽³⁾ OJ No C 397, 31. 12. 1994, p. 18.

⁽⁴⁾ OJ No 121, 29. 7. 1994, p. 2012/64. Directive as updated by Directive 91/497/EEC (OJ No L 268, 24. 9. 1991, p. 69) and as last amended by the 1994 Act of Accession.

⁽⁵⁾ OJ No L 62, 15. 3. 1993, p. 86.

- be kept by the consignee so that it can be produced at the request of the competent authority. Computer data must be printed at the request of the aforesaid authority’;
- (bb) the last subparagraph shall be replaced by the following:

‘At the request of the competent authority in the Member State of destination, a health attestation must be supplied where meat is intended for export to a third country after processing. The costs incurred in such attestation shall be borne by operators.’
- (c) in Section B:
 - the introductory phrase shall be replaced by the following:

‘B. cuts or pieces smaller than those referred to in Section A, or boned meat whether or not wrapped.’;
 - in points (a) and (b), the words ‘or wrapped’ shall be inserted each time after ‘cut’;
- (d) in Section C:
 - in the first subparagraph the second sentence shall be replaced by the following:

‘Uncut offal must comply with the requirements of Sections A and B.’;
 - in the last sentence of the first subparagraph ‘sliced’ shall be deleted,
 - the second subparagraph shall be deleted;
- (e) the following sentence shall be added to Section D (b):

‘In this case the veterinary approval number of the cold store must be given on the accompanying commercial document.’;
- (f) the following section shall be added:

‘F. fresh meat from which the packaging has been removed and which is to be re-packaged in an establishment other than that in which it was first wrapped:

 - (a) must meet the requirements of Sections A, B, C and D;
 - (b) must be removed from its packaging and repackaged in a repackaging centre which satisfies the requirements of Chapter I of Annex I and is approved and supervised in accordance with Article 10.’

(3) Article 4 shall be replaced by the following:

‘Article 4

- A. As from 1 January 1995, Member States may, by way of derogation from Article 3, allow meat from slaughterhouses which do not satisfy the requirements of Chapters I and II of Annex I to be placed on the market for marketing in their national territory, provided the following conditions are met:
- (a) the slaughterhouses in question must:
 - (i) handle not more than 20 livestock units per week with a maximum of 1 000 livestock units per year;
 - (ii) satisfy the requirements of Annex I, Chapters V and VII, point 66 first, second and fourth paragraphs and point 67 of Chapter XIV and point 69 of Chapter XV, with the exception of the requirements relating to imported fresh meat, and points 71, 72 and 73;
 - (iii) fulfil the requirements of Annex II;
 - (iv) notify the veterinary service in advance of the time of slaughter and the number and the origin of the animals to allow it to carry out the *ante mortem* inspection in accordance with Chapter VI of Annex I, either on the farm or at the slaughterhouse.
 - (b) the operator of the slaughterhouse, the owner or his agent must keep a register of:
 - animals entering the establishment and slaughter products leaving it,
 - the checks carried out,
 - the results of those checks.

This information shall be communicated to the competent authority at its request;
 - (c) the official veterinarian or an auxiliary must carry out the *post-mortem* inspection of the meat in accordance with Annex I, Chapter VIII, in compliance with the requirements of Annex I, Chapter VII, point 32. Where the meat has lesions or appears to have deteriorated, the *post-mortem* inspection must be carried out by the official veterinarian. The official veterinarian or the auxiliary under his responsibility must regularly monitor compliance with the hygiene rules laid down in Chapters V and VII of Annex I.

When applying this Article, Member States shall use the following conversion rates:

- (i) *beef and veal*
 - adult bovine animals within the meaning of Regulation (EEC) No 805/68 and solipeds: 1 livestock unit
 - other bovines: 0,50 livestock unit
 - (ii) *pigmeat*
 - pigs with a live weight of over 100 kg: 0,20 livestock unit
 - other pigs ^(a): 0,15 livestock unit
 - (iii) *other meat*
 - sheep and goats: 0,10 livestock unit
 - lambs, kids and piglets of less than 15 kg live weight: 0,05 livestock unit.
- B. Within the limit of 1 000 livestock units referred to in Section A, first subparagraph, subdivision (a) (i), Member States may derogate from the weekly limit laid down therein to take account of the need to slaughter lambs and kids in the period leading up to religious festivals, provided that the official veterinarian is present at the time of slaughter, that the hygiene requirements are complied with and that the meat has not been frozen before being placed on the market.
- C. The maximum amounts provided for in Section A, first subparagraph, subdivision (a) (i) may be applied to individual operators slaughtering on their own account at quite separate times in the week in an establishment which satisfies the following requirements:
- (a) the owner of the establishment or any other person using this establishment has received specific training, recognized by the competent authority, in production hygiene;
 - (b) the animals to be slaughtered are the property of the owner of the establishment, or of a self-employed butcher or have been purchased by them to meet the requirements referred to in point (d);
 - (c) the meat is produced in premises which meet the requirements of Annex II;
 - (d) production must be confined to supplying establishments belonging to the butchers referred to in (b) and to sale on the spot to the consumer or to local bodies.

Where several individual slaughter quantities are added up, the maximum amounts provided for in Section A, first subparagraph, subdivision (a) (i) may be raised to 30 livestock units per week and 1 500 livestock units per year for the slaughterhouse meeting the conditions set out in the first subparagraph. Member States availing themselves of this

possibility shall forward the list of establishments benefiting from these provisions to the Commission.

- D. Under the procedures provided for in Article 16, Member States may, at their request, be authorized to apply the requirements of Section A to slaughterhouses situated in regions suffering from special geographical constraints or affected by supply difficulties which handle not more than 2 000 livestock units per year.
 - E. Derogations may be granted by the competent authority in accordance with Annex II in the case of cutting plants which are not situated in an approved establishment and which produce not more than five tonnes of boned meat per week or the equivalent of bone-in meat.
- The provisions of Annex I, Chapter V, Chapter VII, point 38, Chapter IX — with the exception of the requirement for the temperature of the cutting room laid down in the second sentence of point 46 (c) — and point 48 of Chapter X shall apply to cutting and storage operations in the establishments referred to in the first subparagraph.
- F. Meat that comes from the establishments referred to in this Article and that has been judged fit for human consumption, bearing in mind the hygiene and health requirements laid down by this Directive, must be marked with a national stamp which cannot be confused with the Community stamp and may in particular not be oval. However, this stamp shall not be necessary for cuts which have not been packaged.
 - G. Member States may also allow derogations from the minimum requirements of Chapter I of Annex I for low-capacity cold stores in which only packaged meat and other foodstuffs are stored. Sweden may, until 20 June 1997, authorize packaged meat and non-packaged meat to be stored in one and the same cold store by means of an appropriate separation.
 - H. Slaughterhouses benefiting from the derogations provided for in this Article shall be subject to the Community inspection required for approved establishments.

^(a) Game animals being treated in the same way as the respective species for the purposes of applying the conversion rates.;

- (4) The following Article shall be inserted:

Article 4a

- 1. Member States shall communicate, by 31 December 1995, the list of the establishments

referred to in Article 1 of Directive 91/498/EEC (*) and the list of the establishments for which the time limits are set pursuant to this Article.

2. The competent authorities may allow a slaughterhouse which qualifies for a derogation in accordance with Article 2 of Directive 91/498/EEC (*) and which can show, to the satisfaction of the competent authority, that it has begun to bring itself into compliance with the requirements of this Directive but which cannot, for reasons not attributable to it, meet the time limits originally laid down, the additional time essential in order for it to comply with them.

3. Where an establishment registered in accordance with Article 4 is undergoing alterations on the basis of a restructuring plan approved by the competent authority with the aim of obtaining authorization in accordance with Article 10, that authority may determine the quantities marketed by the establishment in question in line with the progress of the work.

4. In transposing the provisions of this Directive into their national legislation, Member States shall specify the manner in which the penalties provided for in Article 10 and in Article 2 (2) of Directive 91/498/EEC are to apply in the event of failure by an establishment referred to in this Article to honour the commitments entered into upon being granted a temporary derogation, so that those penalties can be applied by 31 December 1995 and, as regards Sweden, by 31 December 1996 and, as regards Austria and Finland, by 31 December 1997.

(*) Council Directive 91/498/EEC of 29 July 1991 on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of fresh meat (OJ No L 268, 24. 9. 1991, p. 105). Directive as last amended by the 1994 Act of Accession.

(5) In Article 5 in 1 (a) (iii), 'macroscopically visible' shall be added before 'sarcocystosis'.

(6) Article 6 shall be amended as follows:

— in the fifth indent of subparagraph (e) of paragraph 1, the words 'the correct conduct of bleeding' shall be deleted;

— in paragraph 1, subparagraph (h) shall be replaced by the following:

'(h) meat must be marked with a national stamp which cannot be confused with the Community stamp and in particular is not oval.'

(7) In (iii) of the first subparagraph of Article 9, the words 'and in an approved packaging centre' shall be inserted after 'cold-store'.

(8) The following shall be added at the end of the fourth and fifth subparagraphs of Article 10 (1): 'with regard to part of the activity in question or the whole establishment'.

(9) In Article 12:

(a) paragraph 1 shall be replaced by the following:

'1. Veterinary experts from the Commission may, in so far as is necessary to ensure uniform application of this Directive and in cooperation with the competent authorities in the Member States, make on-site checks. By checking a representative number of establishments, they may also verify whether the competent authorities are checking on compliance with this Directive by establishments. The Member State on whose territory the checks are being carried out shall provide the experts with all necessary assistance to fulfil their mission. The Commission shall inform the Member State concerned of the results of the checks carried out.'

(b) the following paragraph shall be added:

'3. Provisions for the implementation of this Article, in particular those to cover the arrangements for cooperating with the national authorities, shall be adopted in accordance with the procedure laid down in Article 16'.

(10) Article 13 (1) shall be deleted.

(11) Annex I shall be amended as follows:

(a) the following shall be added to point 14 (c) (i) of Chapter II:

'... if such operations are carried out in the slaughterhouse. In addition, where swine are concerned, this provision shall apply to the extent necessary to prevent contamination of fresh meat and offal';

(b) in point 17 (a) of Chapter IV, the reference to 'the fourth paragraph of point 66 of Chapter XIV' shall be replaced by 'the eighth paragraph of point 66 of Chapter XIV';

- (c) the first paragraph of point 25 of Chapter VI shall be replaced by the following:

'Animals must undergo *ante-mortem* inspection within a period which is less than 24 hours after their arrival in the slaughterhouse and less than 24 hours before slaughter. In addition, the official veterinarian may require inspection at any other time';

- (d) in point 33 of Chapter VII, the following sentence shall be added:

'Mechanical insufflation for the flaying of lambs and kids of a live weight of less than 15 kg may be approved by the competent authorities in compliance with the hygiene requirements.';

- (e) in point 43 of Chapter IX, the word 'slicing' shall be replaced by 'cutting' and the words 'of animals of the bovine species' shall be deleted;

- (f) in Chapter XI:

— point 49 shall be replaced by the following:

'Health marking must be carried out under the responsibility of the official veterinarian. For this purpose, he shall supervise

- (a) the health mark;
- (b) the marks and wrapping material when marked as provided for in this Chapter.';

— in point 50 (b), the following subparagraph shall be added:

'The dimensions and characters of the mark may be reduced for health marking of lamb, kids and piglets.';

— in point 51:

- (i) the following shall be inserted as second indent:

'— lamb, kid and piglet carcasses must bear at least two stamps, one on each side of the carcass, on the shoulder or on the external surface of the thighs.';

- (ii) the following shall be inserted as second subparagraph:

'However, in the case of lamb, kid and piglet carcasses, health marking may take the form of a label or tag but it must be possible to use them only once.';

— points 52 to 56 shall be replaced by the following:

'52. The livers of bovine animals, swine and solipeds must be hot-branded in accordance with point 50 if they are intended for another Member State or for an EEA country.

53. All other subproducts of slaughtering fit for human consumption must be marked immediately in accordance with point 50, either directly on the product or on the wrapping or packaging. The mark in accordance with point 50 must be applied to a label fixed to the wrapping or packaging or printed on the packaging. If wrapping or packaging takes place in a slaughterhouse, the mark must include the approval number of the establishment.

54. Packaging must always be marked in accordance with point 55.

55. Packaged cut meat and packaged offal referred to in point 52 and point 53 must bear a health mark in accordance with point 50. The mark must include the veterinary approval number of the cutting plant instead of that of the slaughterhouse. The mark must be applied to a label fixed to the packaging, or printed on the packaging, in such a way that it is destroyed when the packaging is opened. Non-destruction of the mark must be tolerated only when the packaging is destroyed by being opened.

However, when cut meat or offal is wrapped in accordance with point 62 of Chapter XII, the label referred to above may be affixed to the wrapping. In the case of offal packaged in a slaughterhouse, the number included in the mark must be the veterinary approval number of the slaughterhouse concerned. This requirement also applies where stackable meat transport containers (Euro-boxes) satisfying the requirements of point 59 (b) are used.

56. Where fresh meat is wrapped in commercial portions intended for direct sale to the consumer, points 53 and 55 shall apply. The dimension requirements of point 50 need not apply to the mark required under this point.

If meat is re-packaged in a plant other than that in which it was first wrapped, the wrapping must bear the health mark of the cutting plant where it was first wrapped, and the packaging must bear the health mark of the packaging centre.’;

— point 58 shall be replaced by the following:

‘58. The colours used for health marking must be those listed in Article 2 (8) of Directive 94/36/EC (OJ No L 237, 10. 9. 1994, p. 13).’

(g) in Chapter XII,

— the following subparagraph shall be added to point 59 (a):

‘Wood may not be used except in the case of lamb and kid carcasses, provided that all precautions are taken to prevent contact between the meat and the packaging in the event of a tear in the wrapping.’;

— the fourth subparagraph of point 60 shall be replaced by the following:

‘Where livers, kidneys or hearts are the subject of trade or are imported, each wrapping may contain only a complete organ.’;

— point 62 shall be replaced by the following:

‘However, when wrapping fulfils all the protective conditions of packaging, it need not be transparent and colourless. Euro-boxes may also be used as a second container, provided that the other conditions of point 59 are fulfilled.’;

— the following subparagraph shall be added to point 63:

‘Fresh meat may also be packed in a cutting room, provided that Euro-boxes, which must meet the requirements of point 59 (b) have been cleaned and disinfected prior to being brought into the cutting room.’;

— the following phrase shall be added to point 64:

‘except in the case of commercial portions intended for direct sale to the consumer’;

(h) in point 66 of Chapter XIV, the second paragraph shall be replaced by the following:

‘Derogations from this requirement may, for technical reasons relating to maturation of the meat, be granted by the competent authority on a case-by-case basis for the transportation of meat to cutting plants or butcher shops in the immediate vicinity of the slaughterhouse, provided that such transportation takes not more than two hours.’

(12) In Annex II, Chapter II:

(i) in point 10:

— in point (c), the words ‘distinctly separated areas’ shall be replaced by the words ‘a distinctly separated area’;

— point (f) shall be replaced by the following:

‘(f) a refrigerating room of sufficient capacity in relation to the size and type of animals slaughtered, with a separate area intended for storing confiscated carcasses, except in cases where confiscated carcasses are immediately dispatched, under official control, to a specialist establishment for additional examinations.’;

(ii) in point 11:

— the words ‘or clean’ shall be deleted,

— the following sentence shall be added:

‘In the slaughter room, stomachs and intestines may be cleaned at times when no slaughtering is taking place.’;

(ii) the following point shall be added:

‘(15) Slaughterhouses must have a room with a lockable cupboard at the disposal of the inspection service through its work.’

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions including any penalties, necessary to comply with this Directive by 1 July 1995. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

3. Pending the application of this Directive, the relevant national rules shall apply, in compliance with the general rules of the Treaty.

Article 3

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

It shall apply from 1 July 1995.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 June 1995.

For the Council
The President
Ph. VASSEUR

COUNCIL DIRECTIVE 95/24/EC

of 22 June 1995

amending the Annex to Directive 85/73/EEC on the financing of veterinary inspections and controls of animal products covered by Annex A to Directive 89/662/EEC and by Directive 90/675/EEC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 85/73/EEC of 29 January 1985 on the financing of veterinary inspections and controls of animal products covered by Annex A to Directive 89/662/EEC and by Directive 90/675/EEC⁽¹⁾, and in particular Article 6 (1) and (2) thereof,

Having regard to the proposal from the Commission,

Whereas Directive 85/73/EEC laid down the necessary detailed rules to ensure the financing of veterinary controls of fresh meat;

Whereas, for meat from third countries, a link should be established with the date as from which agreements should be concluded on the reduced frequency of physical checks on consignments of certain products to be imported from third countries, pursuant to Directive 90/675/EEC⁽²⁾; whereas this frequency should be defined under equivalence agreements being negotiated with certain third countries;

Whereas these negotiations have not yet been completed; whereas therefore the date from which the fee fixed by the Directive for fresh meat coming from those countries is to be charged should be extended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Chapter II of the Annex to Directive 85/73/EEC, point 2 shall be replaced by the following:

- ‘2. However, for imports from any of the following countries: New Zealand, Canada, Australia, the

⁽¹⁾ OJ No L 32, 5. 2. 1985, p. 14. Directive as last amended by Directive 94/64/EC (OJ No L 368, 31. 12. 1994, p. 8).

⁽²⁾ OJ No L 373, 31. 12. 1990, p. 1. Directive as last amended by Directive 94/360/EC (OJ No L 158, 25. 6. 1994, p. 41).

United States, Poland, the Czech Republic, the Slovak Republic, Hungary, Bulgaria, Romania, Uruguay, Chile, Argentina, Switzerland and Norway, which as at 31 December 1994 have begun exploratory talks with the European Community with a view to concluding a comprehensive agreement on the equivalence of veterinary guarantees (animal health and public health) based on the principle of reciprocal treatment, Member States may, until such an agreement is concluded or until 31 December 1996 at the latest, maintain the reduced level of fees which they applied as at 1 January 1994.

That reduction may not be more than 55 % of the flat-rate levels referred to in point 1.

The amount of the fee to be charged on imports from any of the third countries referred to in the first subparagraph shall be fixed, following the conclusion of the comprehensive equivalence agreement with the said third country, by the procedure referred to in paragraph 3, taking into account the following principles:

- the frequency of checks,
- the level of the fee applied by the said third country to imports originating in the Community,
- abolition of other charges levied by the third country, such as compulsory lodging or collection of a health bond.’

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic

law which they adopt in the field covered by this Directive.

Article 4

This Directive is addressed to the Member States.

Article 3

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

Done at Brussels, 22 June 1995.

It shall apply from 1 July 1995.

For the Council

The President

Ph. VASSEUR

COUNCIL DIRECTIVE 95/25/EC

of 22 June 1995

amending Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European 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 3 (3) of Directive 64/432/EEC ⁽⁴⁾ lays down the conditions to be fulfilled by bovine animals intended for trade;

Whereas with a view to these rules being extended to cover the placing on the market of the said animals, account should be taken of the improvement in the situation in Member States with regard to brucellosis and tuberculosis,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following paragraph (g) shall be added to Article 3 (3) of Directive 64/432/EEC:

'(g) by way of derogation from (a) and (b) above, not be subject to the test requirements laid down in the said (a) and (b) in the case of bovine animals aged less than 30 months intended for meat production which:

- come from a herd officially tuberculosis-free and officially brucellosis-free,
- are identified by a special mark at the time of their dispatch and remain under supervision until their slaughter,
- have not come into contact during transport with bovine animals not coming from herds officially free from those diseases,

and provided that:

- these arrangements are restricted to trade between Member States with the same health status with regard to tuberculosis and brucellosis,
- the Member State of destination takes all necessary measures to avoid any contamination of indigenous herds⁵.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions comprising possible sanctions necessary to comply with this Directive not later than 31 December 1995. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 June 1995.

For the Council
The President
Ph. VASSEUR

⁽¹⁾ OJ No C 33, 2. 2. 1994, p. 1.

⁽²⁾ OJ No C 128, 9. 5. 1994, p. 105.

⁽³⁾ OJ No C 133, 16. 5. 1994, p. 31.

⁽⁴⁾ OJ No 121, 29. 7. 1964, p. 1977. Directive as last amended by the 1994 Act of Accession.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 June 1995

on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs

(95/408/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European 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⁾,

Whereas products of animal origin, fishery products and live bivalve molluscs are included in the list of products set out in Annex II to the Treaty; whereas health rules applying to production and marketing have been laid down at Community level;

Whereas Community arrangements have been defined in respect of imports from third countries; whereas these arrangements require the drawing up of lists of third country establishments from which imports of certain products are permitted in accordance with Article 14.B (2) (a) of Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat ⁽³⁾, Article 4 (1) of Council Directive 72/462/EEC of

12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽⁴⁾, Article 9 (3) (c) of Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and placing on the market of live bivalve molluscs ⁽⁵⁾, Article 11 (4) (c) of Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and placing on the market of fishery products ⁽⁶⁾, Article 16 (3) (a) of Council Directive 92/45/EEC of 16 June 1992 on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat ⁽⁷⁾, Article 23 (3) (a) of Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products ⁽⁸⁾ and Article 10 (3) (b) of Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28. Directive as last amended by Regulation (EEC) No 1601/92 (OJ No L 173, 27. 6. 1992, p. 13).

⁽⁵⁾ OJ No L 268, 24. 9. 1991, p. 1. Directive as last amended by the EEA Agreement.

⁽⁶⁾ OJ No L 268, 24. 9. 1991, p. 15. Directive as last amended by the EEA Agreement.

⁽⁷⁾ OJ No L 268, 14. 9. 1992, p. 35. Directive as last amended by Directive 92/116/EEC (OJ No L 62, 15. 3. 1993, p. 1).

⁽⁸⁾ OJ No L 268, 14. 9. 1992, p. 1. Directive as last amended by Commission Decision 94/330/EC (OJ No L 146, 11. 6. 1994, p. 23).

⁽¹⁾ OJ No C 208, 28. 7. 1994, p. 9.

⁽²⁾ OJ No C 276, 3. 10. 1994, p. 13.

⁽³⁾ OJ No L 55, 8. 3. 1971, p. 23. Directive as last amended by Directive 92/116/EEC (OJ No L 62, 15. 3. 1993, p. 1).

referred to in Annex A (I) to Directive 89/662/EEC, and, as regards pathogens, to Directive 90/425/EEC ⁽¹⁾;

Whereas, in order to allow the time necessary to carry out Community inspections in third countries to verify that their establishments comply with Community provisions and to avoid a disruption in trade from third countries, a simplified approval system should be applied for an interim period;

Whereas during the interim period the guarantee of conformity with Community provisions for the protection of public and animal health should be undertaken by the competent authority of the third country concerned; whereas establishments may only be entered on the lists where the third country concerned has provided the necessary assurances on compliance with Community rules;

Whereas, it is appropriate to make provisions for a procedure establishing close and effective cooperation between the Commission and the Member States within the Standing Veterinary Committee;

Whereas provision should be made for the possibility for the Council to extend the current provisional measures in order to avoid any interruption in traditional flows of trade,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to the drawing up of provisional lists of third country establishments from which Member States are authorized to import the products defined in Article 2 (2) (a) of Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽²⁾. These lists of establishments shall be valid pending the drawing up of definitive lists of establishments in accordance with the provisions of the various directives governing the health rules applicable to each of the products concerned.

2. However, Article 2 of this Decision shall not apply to the drawing up of lists of third country establishments from which Member States are authorized to import fresh meat as defined in Article 1, third paragraph of Directive 72/462/EEC.

⁽¹⁾ OJ No L 62, 15. 3. 1993, p. 49. Directive as last amended by Commission Decision 94/723/EC (OJ No L 288, 9. 11. 1994, p. 48).

⁽²⁾ OJ No L 373, 31. 12. 1990, p. 1. Directive as last amended by Regulation (EEC) No 1601/92 (OJ No L 173, 27. 6. 1992, p. 13).

Article 2

1. The Commission may, in accordance with the procedure provided for in Article 4, draw up provisional lists of third country establishments from which imports are authorized for each of the products covered by Article 1 where the following conditions are met:

- (a) the establishments must be situated in a third country or part of a third country appearing on the list of third countries from which imports of the products concerned are authorized;
- (b) the establishment must be situated in a third country or part of a third country for which the relevant import conditions and certification requirements for the products concerned have been established in accordance with the provisions of the specific directives;
- (c) the competent authority of the third country concerned has provided the Commission with satisfactory guarantees that the establishments appearing on the list or lists meet the relevant Community health requirements and has officially approved the establishment appearing on the lists for exportation to the Community;
- (d) the competent authority of the third country must have a real power to suspend the activities for exportation to the Community of an establishment for which that authority has provided guarantees, in the event of non-compliance with the said guarantees;
- (e) a Community or Member State inspection mission has checked the structure and organization of the competent authority responsible for the approval of the establishment as well as the powers available to that competent authority and the guarantees that it can provide in regard to the implementation of Community rules. These checks must include on the spot inspection of a certain number of establishments appearing on the list or lists provided by the third country.

2. For fishery products as defined in Article 2 (1) of Directive 91/493/EEC, the Commission shall, in accordance with the procedure provided for in Article 4, draw up a list of third countries or parts of third countries from which the import of fishery products is authorized where the competent authority of the third country has provided the Commission with guarantees at least equivalent to those provided for by Directive 91/493/EEC.

3. The Commission may, in accordance with the procedure laid down in Article 5, modify or complete the lists provided for in paragraphs 1 and 2 to take account of new information received.

4. Where the conditions set out in paragraph 1 (e) have not been fulfilled, the Commission may, provided

that all the other conditions are met, draw up provisional lists of establishments from which imports are authorized in accordance with the procedure laid down in Article 4. However, imports from establishments on such lists will not be eligible for reduced physical checks provided for under Article 8 (3) of Directive 90/675/EEC pending the results of the information furnished under Article 8 (3) of that Directive on imports from those establishments of that third country.

Article 3

1. The procedure laid down in Article 5 may also be used:

- (i) to amend the lists of approved establishments drawn up in accordance with Article 4 of Directive 72/462/EEC in accordance with information provided by the third country concerned;
- (ii) to amend the lists of establishments and/or lists of factory vessels drawn up in accordance with Article 11 (5) of Directive 91/493/EEC in accordance with information provided by the third country concerned;
- (iii) to amend the lists of establishments drawn up in accordance with Article 9 (3) (c) and the lists of the production areas demarcated in accordance with Article 9 (3) (b) (ii) of Directive 91/492/EEC in accordance with information provided by the third country concerned;
- (iv) to amend the lists of establishments drawn up in accordance with Article 10 (3) (b) of Directive 92/118/EEC.

2. Where it seems necessary, the Commission shall carry out an on-the-spot inspection prior to amending a list.

Article 4

1. Where the procedure laid down in this Article is to be followed, matters shall, without delay, be referred to the Standing Veterinary Committee set up by Decision 68/361/EEC ⁽¹⁾ hereafter referred to as the 'Committee', by its chairman, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on such measures within a time limit which the chairman shall lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States

shall be weighted in the manner set out in that Article. The chairman shall not vote.

- 3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.
- (b) 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, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, within three months from the date of referral to the Council, the Council has not acted, the Commission shall adopt the proposed measures save where the Council has rejected the said measures by a simple majority.

Article 5

1. The Commission shall inform the Member States of the modifications proposed by the third country concerned to the lists of establishments within five working days of the receipt of the proposed modifications.

2. The Member States shall have seven working days, from receipt of the modifications to the lists of establishments referred to in paragraph 1, to send any written comments to the Commission.

3. (i) Where written comments are made by at least one Member State, the Commission shall inform the Member States within five working days and include the point on the next meeting of the Standing Veterinary Committee for decision in accordance with the procedure laid down in Article 4.

(ii) Where no comments are received from the Member States within the time limit laid down in paragraph 2, the modifications to the list shall be considered to have been accepted by the Member States. The Commission shall inform the Member States within five working days, and imports shall be authorized from such establishments five working days after receipt of this information by the Member States.

4. The Commission shall regularly, and at intervals of not less than six months, adopt the decisions necessary to update the lists of establishments, and shall publish them in the *Official Journal of the European Communities*.

Article 6

Decision 94/941/EEC is hereby repealed.

⁽¹⁾ OJ No L 255, 18. 10. 1968, p. 23.

Article 7

Acting in accordance with the procedure provided for in Article 4, the Commission may adopt the transitional measures necessary to facilitate the creation and orderly application of provisional establishment lists in accordance with this Decision.

Article 8

For the purpose of this Decision, Article 19 of Directive 90/675/EEC relating to safeguard measures shall apply. In case of repeated breaches, the Commission will withdraw the establishment in question from the provisional list.

Article 9

This Decision shall apply until 31 December 1996, unless the Council acting by a qualified majority on a proposal from the Commission decides to extend its validity.

Article 10

This Decision is addressed to the Member States.

Done at Brussels, 22 June 1995.

For the Council
The President
Ph. VASSEUR

COUNCIL DECISION

of 22 June 1995

laying down the rules for the microbiological testing by sampling of fresh beef and veal and pigmeat intended for Finland and Sweden

(95/409/EC)

THE COUNCIL OF THE EUROPEAN UNION,

programme recognized as equivalent to that implemented by Finland or Sweden;

Having regard to the Treaty establishing the European Community,

Whereas the provisions of this Decision are without prejudice to any provisions which might be adopted in implementation of Article 5 (2) of Directive 64/433/EEC,

Having regard to Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ⁽¹⁾, and in particular Article 5 (3) (a) and (b) thereof,

HAS ADOPTED THIS DECISION:

Whereas the Commission has approved the operational programmes submitted by Finland and Sweden regarding salmonella controls; whereas those programmes comprise specific measures for fresh beef and veal and pigmeat;

Article 1

Whereas the implementation of microbiological tests by an establishment constitutes one of the additional guarantees to be given to Finland and Sweden and provides equivalent guarantees to those obtained under the Finnish and Swedish operational programmes, as recognized by the relevant Commission decisions;

Pursuant to Article 5 (3) (a) of Directive 64/433/EEC, consignments of fresh beef and veal and pigmeat intended for Finland and Sweden shall be subject to the rules laid down in Articles 2, 3 and 4.

Article 2

Whereas Finland and Sweden must apply to consignments from third countries import requirements at least as stringent as those laid down in this Decision;

Fresh beef and veal and pigmeat intended for Finland and Sweden shall be subjected to microbiological testing for salmonella, as provided for in Article 5 (3) (a) of Directive 64/433/EEC, by sampling in the establishment of origin of such meat. These microbiological tests shall be carried out as laid down in the Annex.

Whereas, as far as the sampling methods to be applied are concerned, it is appropriate to make a distinction between carcasses and half-carcasses, on the one hand, and quarters, cuts and smaller pieces on the other;

Article 3

Whereas it is appropriate to take into account international methods for the microbiological examination of samples;

Fresh beef and veal and pigmeat from an establishment subject to a programme recognized, in accordance with the procedure laid down in Article 16 of Directive 64/433/EEC, as equivalent to that implemented by Finland or Sweden, shall not be subjected to the microbiological tests laid down in this Decision.

Whereas microbiological tests are not to be required for fresh meat from an establishment which is subject to a

Article 4

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 2012/64. Directive as last amended by Decision 95/1/EC, Euratom, ECSC (OJ No L 1, 1. 1. 1995, p. 1).

The Council, acting on a Commission proposal drawn up in the light of a report established on the basis of the

results of the operational programmes implemented by Finland and Sweden and the experience gained in applying this Decision, shall review this Decision before 1 July 1998.

Article 5

This Decision shall apply from 1 July 1995.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 22 June 1995.

For the Council

The President

Ph. VASSEUR

ANNEX

SECTION A

SAMPLING METHOD

1. Carcasses, half-carcasses and quarters obtained from the slaughterhouse of origin ('swab technique')

Samples using the surface swabbing method are taken at sites likely to be contaminated. Surface swabbing includes opening sides of the carcasses and cut surfaces. In addition beef carcasses are swabbed in at least three areas (leg, flank and neck), pork carcasses however are swabbed in at least two areas (leg and brisket).

To avoid cross-contamination, samples are taken without handling the meat and by using sterile swabs and templates.

The sampling areas (20 cm × 20 cm) described in the first paragraph are swabbed with two sterile cotton swabs. The first swab is moistened with sterile peptone water and is rubbed firmly several times across the sampling area. The same sampling area is rubbed with the second swab used dry. Subsequently swabs are put into 100 ml of buffered peptone water.

Each sample is duly marked and identified.

2. Quarter cuts obtained from an establishment other than the slaughterhouse of origin of the carcass, cuts and smaller pieces ('destructive method')

Pieces of tissue are obtained by punching a sterile cork borer into the meat surface or cutting a slice of tissue of approximately 25 cm² with sterile instruments. The samples are aseptically transferred into a sample container or plastic dilution bag and then homogenized (peristaltic stomacher or rotary blender (homogenizer)). Samples of frozen meat remain frozen during transport to the laboratory. Samples from chilled meat are not frozen but kept refrigerated. Separate samples of the same consignment may be pooled.

Each sample is duly marked and identified.

SECTION B

NUMBER OF SAMPLES TO BE TAKEN

1. Carcasses, half-carcasses, half-carcasses cut into a maximum of three pieces and quarters referred to under A (1)

The number of carcasses or half-carcasses (units) in a consignment of which separate random samples are to be taken is as follows:

<i>Consignment (number of units)</i>	<i>Number of units to be sampled</i>
1 — 24	Number equal to the number of units with a maximum of 20
25 — 29	20
30 — 39	25
40 — 49	30
50 — 59	35
60 — 89	40
90 — 199	50
200 — 499	55
500 or more	60

2. Quarters, cuts and smaller pieces as referred to under A (2)

The number of packing units in the consignment of which separate random samples are to be taken is as follows:

<i>Consignment (number of packing units)</i>	<i>Number of packing units to be sampled</i>
1 — 24	Number equal to the number of packing units with a maximum of 20
25 — 29	20
30 — 39	25
40 — 49	30
50 — 59	35
60 — 89	40
90 — 199	50
200 — 499	55
500 or more	60

Depending on the weight of the packing units, the number of packing units to be sampled can be reduced using the following multiplication factors:

Weight of packing units	> 20 kg	10 — 20 kg	< 10 kg
Multiplication factors	× 1	× ¾	× ½

SECTION C

MICROBIOLOGICAL METHOD FOR THE EXAMINATION OF THE SAMPLES

Microbiological testing of the samples for salmonella must be carried out according to the standard method of the International Organization for Standardization ISO 6579:1993. However, methods offering equivalent guarantees may be authorized on a case-by-case basis by the Council, acting on a proposal from the Commission.

COUNCIL DECISION

of 22 June 1995

laying down the rules for the microbiological testing by sampling in the establishment of origin
of poultry for slaughter intended for Finland and Sweden

(95/410/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs⁽¹⁾, and in particular Article 10b (1) thereof,

Whereas the Commission has approved the operational programmes submitted by Finland and Sweden regarding salmonella controls; whereas those programmes comprise specific measures for poultry for slaughter;

Whereas the implementation of microbiological tests by an establishment constitutes one of the additional guarantees to be given to Finland and Sweden and provides equivalent guarantees to those obtained under the Finnish and Swedish operational programmes, as recognized by the relevant Commission decisions;

Whereas Finland and Sweden must apply to consignments of poultry for slaughter from third countries import requirements at least as stringent as those laid down in this Decision;

Whereas rules for the microbiological testing by sampling should be laid down by determining the sampling method, the number of samples to be taken and the microbiological method for the examination of the samples;

Whereas, as regards the scope of the test and the methods to be adopted, it is necessary to refer to the opinion of the Scientific Veterinary Committee in its report of 10 June 1994;

Whereas microbiological tests are not to be required for poultry for slaughter from an establishment which is

subject to a programme recognized as equivalent to that implemented by Finland or Sweden;

Whereas, in accordance with Article 10b (2) of Directive 90/539/EEC, the provisions of this Decision must take account of the operational programmes adopted and implemented by Finland and Sweden,

HAS ADOPTED THIS DECISION:

Article 1

Pursuant to Article 10b of Directive 90/539/EEC, consignments of poultry for slaughter intended for Finland and Sweden shall be subject to the rules laid down in Articles 2 and 3.

Article 2

The microbiological test for salmonella, laid down in Article 10b of Directive 90/539/EEC, shall be carried out as laid down in Annex A.

Article 3

1. Poultry for slaughter to be sent to Finland and Sweden shall be accompanied by the certificate shown in Annex B.

2. The certificate provided for in paragraph 1 may:

- either be accompanied by the model 5 certificate in Annex IV to Directive 90/539/EEC,
- or be incorporated in the certificate referred to in the first indent.

Article 4

The Council, acting on a Commission proposal drawn up in the light of a report drafted on the basis of the results of the operational programmes implemented by Finland

⁽¹⁾ OJ No L 303, 31. 10. 1990, p. 6. Directive as last amended by Decision 95/1/EC, Euratom, ECSC (OJ No L 1, 1. 1. 1995, p. 1).

and Sweden and the experience gained in applying this Decision, shall review this Decision before 1 July 1998.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 22 June 1995.

Article 5

This Decision shall apply from 1 July 1995.

For the Council
The President
Ph. VASSEUR

ANNEX A

1. Sampling method

The flock must be sampled within 14 days before slaughter. The samples taken must comprise pooled faeces samples made up of several samples of fresh faeces each weighing not less than 1 g, taken at random from a number of sites in the building in which the birds are kept, or, where the birds have free access to more than one building on a particular holding, from each group of buildings on the holding in which birds are kept.

2. Number of samples to be taken

The number of sites from which separate faeces or litter samples are to be taken in order to make a pooled sample is as follows:

<i>Number of birds kept in a building</i>	<i>Number of faeces samples to be taken in the building or group of buildings on the holding</i>
1 — 24	Number equal to the number of units with a maximum of 20
25 — 29	20
30 — 39	25
40 — 49	30
50 — 59	35
60 — 89	40
90 — 199	50
200 — 499	55
500 or more	60

3. Microbiological method for the examination of the samples

Microbiological testing of the samples for salmonella must be carried out according to the standard method of the International Organization for Standardization, ISO 6579:1993. However, methods offering equivalent guarantees may be authorized on a case-by-case basis by the Council, acting on a proposal from the Commission.

ANNEX B

CERTIFICATE

I, the undersigned, official veterinarian, certify that the poultry for slaughter has been tested with negative results according to the rules laid down in Council Decision 95/410/EC of 22 June 1995 laying down the rules for the microbiological testing by sampling in the establishment of origin of poultry for slaughter intended for Finland and Sweden ⁽¹⁾.

Done at Date

.....
Signature

Stamp

.....
Name (in capitals)

.....
Qualification

.....
⁽¹⁾ OJ No L 243, 11. 10. 1995, p. 25.

COUNCIL DECISION

of 22 June 1995

laying down the rules for the microbiological testing for salmonella by sampling of fresh poultrymeat intended for Finland and Sweden

(95/411/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat ⁽¹⁾, and in particular Article 5 (3) (a) thereof,

Whereas the Commission has approved the operational programmes submitted by Finland and Sweden regarding salmonella controls; whereas those programmes comprise specific measures for fresh poultrymeat;

Whereas the implementation of microbiological tests by an establishment constitutes one of the additional guarantees to be given to Finland and Sweden and provides equivalent guarantees to those obtained under the Finnish and Swedish operational programmes as recognized by the relevant Commission decisions;

Whereas Finland and Sweden must apply to consignments of fresh poultrymeat from third countries import requirements as least as stringent as those laid down in this Decision;

Whereas rules for the microbiological testing by sampling should be laid down by determining the sampling method, the number of samples to be taken and the microbiological method for the examination of the samples;

Whereas as far as the sampling methods to be applied are concerned, it is appropriate to make a distinction between whole carcasses, on the one hand, and parts of carcasses and offal on the other;

Whereas, it is appropriate to take into account international methods for the microbiological examination of samples;

Whereas microbiological tests are not to be required for fresh poultrymeat from an establishment which is subject to a programme recognized as equivalent to that implemented by Finland or Sweden;

Whereas the provisions of this Decision are without prejudice to amendments to the Annexes to Directive 71/118/EEC which might be adopted pursuant to Article 19 of that Directive,

HAS ADOPTED THIS DECISION:

Article 1

Pursuant to Article 5 (3) (a) of Directive 71/118/EEC, consignments of fresh poultrymeat intended for Finland and Sweden shall be subject to the rules laid down in Articles 2 and 3.

Article 2

Fresh poultrymeat intended for Finland and Sweden shall be subject to microbiological testing for salmonella by sampling carried out in accordance with the Annex at the establishment of origin of such meat.

Article 3

Poultrymeat from an establishment subject to a programme recognized, in accordance with the procedure laid down in Article 21 of Directive 71/118/EEC, as equivalent to that implemented by Finland or Sweden, shall not be subject to the microbiological testing provided for in this Decision.

Article 4

The Council, acting on a Commission proposal drawn up in the light of a report established on the basis of the

⁽¹⁾ OJ No L 55, 8. 3. 1971, p. 23. Directive as last amended by Decision 91/1/EC, Euratom, ECSC (OJ No L 1, 1. 1. 1995, p. 1).

results of the operational programmes implemented by Finland and Sweden and the experience gained in applying this Decision, shall review this Decision before 1 July 1998.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 22 June 1995.

Article 5

This Decision shall apply from 1 July 1995.

For the Council
The President
Ph. VASSEUR

ANNEX

SECTION A

SAMPLING METHOD

1. Carcasses (with the neck skin still attached)

Random samples are evenly distributed through the whole consignment. Sampling consists of pieces of about 10 g of neck skin to be removed aseptically with a sterile scalpel and tweezers. Samples should be kept refrigerated at 4 °C until examination. For examination the samples are diluted 10-fold in buffered peptone water (BPW) and incubated at 37 °C for 16 to 20 hours. Subsequently the pre-enrichment broths are tested for the presence of salmonella according to the method described in Section C. Portions of the pre-enrichment broths may be pooled to a maximum of 10 for enrichment.

Samples are duly marked and identified.

2. Carcasses without neck skin, carcase parts and offal

Pieces of tissue of about 25 g are obtained by punching a sterile cork borer into the meat surface or cutting a slice of tissue with sterile instruments. Samples should be kept refrigerated at 4 °C until examination. For examination the samples are diluted 10-fold in buffered peptone water (BPW) and incubated at 37 °C for 16 to 20 hours. Subsequently the pre-enrichment broths are tested for the presence of salmonella according to the method described in Section C. Portions of the pre-enrichment broths may be pooled to a maximum of 10 for enrichment.

Samples are duly marked and identified.

SECTION B

NUMBER OF SAMPLES TO BE TAKEN

The number of packing units in the consignment of which separate random samples are to be taken is as follows:

<i>Consignment (number of packing units)</i>	<i>Number of packing units to be sampled</i>
1 — 24	Number equal to the number of packing units, with a maximum of 20
25 — 29	20
30 — 39	25
40 — 49	30
50 — 59	35
60 — 89	40
90 — 199	50
200 — 499	55
500 or more	60

Depending on the weight of the packing units, the number of samples can be reduced by using the following multiplication factors:

Weight of packing units	> 20 kg	10 — 20 kg	< 10 kg
Multiplication factors	× 1	× ¾	× ½

SECTION C

MICROBIOLOGICAL METHOD FOR THE EXAMINATION OF THE SAMPLES

Microbiological testing of the samples for salmonella must be carried out according to the standard method of the International Organization for Standardization, ISO 6579:1993. However, methods offering equivalent guarantees may be authorized on a case-by-case basis by the Council, acting on a proposal from the Commission.
