

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 507 final

Brussels, 20 October 1989

Proposal for a

COUNCIL REGULATION (EEC)

on animal health conditions governing intra-Community trade and imports  
from third countries of fresh poultrymeat and fresh meat of reared  
game birds

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(presented by the Commission)

Corr 507f

EXPLANATORY MEMORANDUM

The Proposal herewith provides for the approximation of the rules governing the animal health aspects of intra-Community trade in fresh poultrymeat and fresh meat of reared game birds. Removing the present requirements, will avoid the spread of contagious diseases. More specifically, fresh meat from a holding or area which, under Community rules, is the subject of a ban imposed on grounds of animal health protection will not qualify for the health mark specified in the Community rules. Such meat may however, be put to other uses if it has undergone treatment designed to destroy the germs of the diseases concerned, in which case it will bear a special mark to that effect.

The Proposal also provides for Community arrangements in respect of imports from third countries. With a view to safeguarding human and animal health, a number of animal health standards are laid down which will apply to third countries from which fresh poultrymeat and fresh meat of reared game birds may be imported into the Community.

This proposal will be complemented by measures for the control of Newcastle Disease in the Community, which will be proposed shortly. In addition, having regard to the different policies on vaccination pursued in the Member States, the Commission intends to have a study undertaken in relation to the potential risk of transmitting Newcastle Disease through fresh poultrymeat originating from vaccinated poultry. The proposal will be reviewed in the light of the results of the study.

In its proposal the Commission has opted for the regulatory-committee procedure. This does not bring into question its preference for the advisory committee system generally. In the case at hand, the regulatory-committee procedure is justified in view of the wish to avoid disrupting the present management system in the veterinary field and the special nature of the decisions to be adopted which involve animal health protection as such in the Community and which have a major impact on animal husbandry policies in the Community.

The proposed Regulation would apply with effect from 1 November 1990. This is advisable in view of the need to introduce harmonized control measures against contagious diseases - Newcastle disease in particular - which affect poultry.

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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,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas poultrymeat is included in the list of products in Annex II to the  
Treaty; whereas the breeding and rearing of poultry is generally included in  
the farming sector and constitutes a source of income for part of the farming  
population;

Whereas disparities between Member States should be removed by laying down  
rules regarding the animal health aspects of intra-Community trade in fresh  
poultrymeat with a view to ensuring the rational development of production in  
that sector and encouraging intra-Community trade, thus contributing to the  
completion of the internal market;

Whereas, in particular, to improve information concerning the state of health of the birds from which fresh meat for consignment to another Member State comes, it should be stipulated that the birds must either have been reared on the territory of the Community or have been imported from third countries in accordance with the rules adopted pursuant to Chapter III of Council Regulation (EEC) No / /On animal health conditions governing intra-Community trade and imports from third countries of poultry and hatching eggs 7 (1);

Whereas, in order to prevent it from propagating epizootic diseases, fresh meat coming from a holding or area which, in accordance with Community rules, has been placed under health restrictions, should be excluded from intra-Community trade;

Whereas care should be taken that fresh poultrymeat that does not comply with Community rules should not be given the health mark provided for in Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat (2), as last amended by Directive 88/657/EEC (3); whereas, such meat may, however, be put to other uses provided that it has undergone treatment designed to destroy the germs of diseases, in which case it will bear a special mark to that effect;

Whereas, in respect of the organization of and the follow-up to the checks being carried out by the Member State of destination and the safeguard measures to be implemented, reference should be made to the general rules laid down in Council Regulation (EEC) No /concerning veterinary checks in intra-Community trade with a view to the completion of the internal market (4);

Whereas provision should be made for independent checks to be carried out by the Commission;

Whereas, in the interests of the harmonious development of intra-Community trade, Community rules should be adopted in respect of imports from third countries;

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(1) OJ No L

(2) OJ No L 55, 8.3.1971, p. 23.

(3) OJ No L 382, 31.12.1988, p. 3.

(4)

Whereas defining Community provisions applicable to imports from third countries requires that a list be drawn up of third countries or parts of third countries from which fresh poultrymeat and fresh meat of reared game birds may be imported and that a certificated be produced;

Whereas the Commission's veterinary experts should be instructed to carry out checks in third countries in order to determine whether the rules are complied with;

Whereas, in respect of the organization of and the follow-up to the checks to be carried out and the safeguard measures to be implemented, reference should be made to the general rules laid down in Council Regulation (EEC) No /on guidelines for the organization of veterinary checks in respect of products from third countries, with a view to the completion of the internal market/ (5) ;

Whereas the provisions of this Regulation will have to be reviewed in the context of the completion of the internal market;

Whereas provision should be made for a procedure establishing close cooperation between the Member States and the Commission within the Standing Veterinary Committee;

Whereas it is advisable to allow sufficient time to introduce harmonized control measures against the main contagious diseases, Newcastle disease in particular, which affect poultry,

HAS ADOPTED THIS REGULATION :

#### CHAPTER I

#### GENERAL

#### Article 1

This Regulation lays down animal health requirements applicable to intra-Community trade in and imports from third countries of fresh meat of domestic birds of the following species : hens, turkeys, guinea fowl, ducks, geese and reared game birds.

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(5) OJ No L

Article 2

1. For the purposes of this Regulation :

- (a) "reared game birds" means birds normally regarded as game, but which have been hatched, reared and kept in captivity;
- (b) "meat" means any part of the animals referred to in Article 1 which is fit for human consumption;
- (c) "fresh meat" means any meat which is referred to in Article 1 and which, with a view to being preserved, has undergone no treatment other than refrigeration.

2. Moreover, for the purposes of this Regulation, the definitions set out in Article 2 of Council Regulation (EEC) No                    /On animal health conditions governing intra-Community trade and imports from third countries of poultry and hatching eggs/ shall also apply.

Article 3

Where appropriate, special exceptions from this Regulation or special requirements may be laid down in respect of fresh meat :

- contained in the personal luggage of travellers, provided that such meat is not subsequently used for commercial purposes,
- in small consignments to private individuals, provided that the said consignments are not of a commercial nature,
- intended, for catering purposes, for staff and passengers on board means of transport on international routes to or from third countries.

CHAPTER II

RULES GOVERNING INTRA-COMMUNITY TRADE

Article 4

In order to be traded within the Community the fresh meat must have been :

1. obtained from poultry or reared game bird which :
  - (a) have stayed in the Community since hatching or have been imported from third countries in accordance with the rules adopted pursuant to Chapter III of Regulation (EEC) No                      on animal health conditions governing intra-Community trade and imports from third countries of poultry and hatching eggs;
  - (b) come from a holding :
    - which has not been placed under animal health restrictions in connection with a poultry disease;
    - which is not situated in an area which has been declared an avian influenza or Newcastle disease infection area;
  - (c) during transport to the slaughterhouse did not come into contact with birds suffering from avian influenza or Newcastle disease. Transport through an area which has been declared an avian influenza or Newcastle disease infection area shall be prohibited unless major road or rail links are used;
2. produced in slaughterhouses in which at the time of slaughter, no case of avian influenza or Newcastle disease had been recorded. Any fresh meat which is suspected of having been contaminated at the slaughterhouse, cutting plant or storage depot or in the course of transport must be excluded from intra-Community trade.

Article 5

Fresh meat which does not meet the requirements laid down in Article 4 shall not be given the health mark specified in Article 3(1) A(e) of Directive 71/118/EEC.

Article 6

1. Notwithstanding Article 5, and insofar as it is not intended for intra-Community trade in fresh meat, fresh meat which does meet the requirements laid down in Article 4 may carry a mark in accordance with Article 3(1) A(e) of Directive 71/118/EEC, provided that it is overstamped in accordance with point 1 of the Annex to this Regulation or that the special mark referred to in point 2 of the Annex to this Regulation is immediately imposed thereon.

The provisions of Annex I, Chapter X, point 43 of Directive 71/118/EEC shall apply mutatis mutandis to the keeping and use of marking instruments.

2. The meat referred to in paragraph 1 must be obtained, cut, transported and stored separately from, or not at the same time as, meat intended for intra-Community trade in fresh meat.

Article 7

The rules laid down in Regulation (EEC) No \_\_\_\_\_ /on veterinary checks in intra-Community trade with a view to the completion of the internal market shall apply, in particular as regards the organization of and the follow-up to the checks carried out by the Member State of destination, and the safeguard measures to be applied.

Article 8

Commission veterinary experts may, to the extent necessary to ensure uniform application of this Regulation, carry out on-the-spot inspections. The Commission shall inform the Member States of the outcome of such inspections.

The Member States in whose territory an inspection is carried out shall give the experts all the assistance necessary for the performance of their tasks.

General rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17. Rules to be followed during the inspections provided for in this Article shall be adopted in accordance with the same procedure.

### CHAPTER III

#### RULES FOR IMPORTS FROM THIRD COUNTRIES

##### Article 9

Fresh meat imported into the Community must satisfy the requirements laid down in Articles 10 to 13.

##### Article 10

1. The fresh meat must come from a third country or part of a third country included in a list drawn up by the Commission in accordance with the procedure laid down in Article 17. The list may be supplemented or amended in accordance with the same procedure.
2. In deciding whether a third country or part thereof may be included in the list referred to in paragraph 1, particular account shall be taken of :
  - (a) the state of health of the poultry, other domestic animals and wildlife in the third country, particular attention being paid to exotic animal diseases and the health situation in the surrounding area in that country, where either are liable to endanger public and animal health in the Member States;
  - (b) the regularity and rapidity of the supply of information by the third country relating to the existence of contagious animal diseases in its territory, in particular the diseases in lists A and B of the International Office of Epizootics;

- (c) the country's rules on animal disease prevention and control;
  - (d) the structure of the veterinary services in the country and their powers;
  - (e) the organization and implementation of measures to prevent and control contagious animal diseases;
  - (f) the guarantees which the third country can give with regard to compliance with this Regulation.
3. This list referred to in paragraph 1 and any amendments thereto shall be published in the Office Journal of the European Communities.

#### Article 11

1. Fresh meat must come from third countries free from avian influenza and Newcastle disease.
2. The general criteria for classifying the third country from the point of view of the diseases referred to in paragraph 1 shall be adopted in accordance with the procedure laid down in Article 17.
3. The Commission may, in accordance with the procedure laid down in Article 17, decide that the provisions of paragraph 1 shall apply only to a part of the territory of a third country.

#### Article 12

The fresh meat must :

- (a) satisfy animal health requirements adopted in accordance with the procedure laid down in Article 17. These requirements may differ according to the species of animal;
- (b) come from flocks which, prior to consignment, have, without interruption, been in the territory or part of the territory of the third country for a period to be defined in accordance with the procedure laid down in Article 17.

Article 13

1. Fresh meat must be accompanied by a certificate drawn up by an official veterinary of the exporting third country.

The certificate must :

- (a) be issued on the day of loading for consignment to the country of destination;
  - (b) be drawn up in the official language or languages of the country of destination, and in one of the official languages of the country in which the import checks are to be carried out;
  - (c) accompany the consignment in the original;
  - (d) attest that the fresh meat satisfies the requirements of this Regulation and those adopted pursuant to this Regulation with regard to importation from third countries;
  - (e) consist of a single sheet of paper;
  - (f) be made out, in principle, for a single consignee.
2. The certificate must conform with a model established in accordance with the procedure laid down in Article 17.

Article 14

On-the-spot inspections shall be carried out by veterinary experts on the Member States and the Commission to ensure that the provision of this Regulation are effectively applied.

The Member States' experts responsible for these inspections shall be designated by the Commission on proposals from the Member States.

The inspections shall be carried out on behalf of the Community, and the latter shall bear the costs.

The frequency of the inspections and the inspection procedure shall be determined in accordance with the procedure laid down in Article 17.

Article 15

1. The Commission may, in accordance with the procedure laid down in Article 17, decide that imports from a third country or part of a third country are to be confined to fresh meat of a particular species.
2. The Commission may decide, in accordance with the procedure laid down in Article 17, to apply animal health restrictions, as required, after importation.

Article 16

The general rules laid down in Regulation (EEC) No \_\_\_\_\_ [concerning veterinary checks on products from third countries with a view to the completion of the internal market] shall apply in particular as regards the organization of and the follow-up to the checks to be carried out and the safeguard measures to be implemented.

CHAPTER IV

COMMON PROVISIONS

Article 17

1. The Commission shall be assisted by the Standing Veterinary Committee, set up by Council Decision 68/361/EEC (6), hereinafter referred to as the "Committee".
2. Where the procedure laid down in this Article is to be followed, the provisions set out below shall apply.
3. 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 the draft within a time-limit which the Chairman may 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 within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

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(6) OJ No L 255, 18.10.1968, p. 23.

4. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.
5. 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, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### Article 18

This Regulation shall be reviewed before 31 December 1991 in the light of proposals concerning the completion of the internal market.

#### Article 19

This Regulation shall enter into force on the 30th day following that of its publication in the Official Journal of the European Communities.

It shall apply from 1 November 1990.

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

Done at Brussels,

For the Council

**ANNEX**

**Mark for meat intended for a use other than intra-Community trade in fresh poultrymeat and fresh meat of reared game birds**

1. The over stamping must be done in such a way that the health mark defined in 44.1(a) and (b) of Chapter X of Annex I to Directive 71/118/EEC is covered by a diagonal cross consisting of two straight lines crossing at right angles, with the point of intersection in the centre of the stamp and the information thereon remaining legible.
2. The single special mark shall consist of the health mark defined in 44 (a) and (b) of Chapter X of Annex I to Directive 71/118/EEC, as over stamped in accordance with point 1.



FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

I. Quelle est la justification principale de la mesure ?

Harmoniser les conditions de police sanitaire régissant le commerce intracommunautaire et les importations de viandes fraîches de volaille.

II. Caractéristiques des entreprises concernées. En particulier :

(a) Y a-t-il un grand nombre de PME ?

Abattoirs de volaille et ateliers de découpe

(b) Note-t-on des concentrations dans des régions

i. éligibles aux aides régionales des Etats membres ?

NON

ii. éligibles au Feder ?

NON

III. Quelles sont les obligations imposées directement aux entreprises ?

Respect de la réglementation

IV. Quelles sont les obligations susceptibles d'être imposées indirectement aux entreprises via les autorités locales ?

NEANT

V. Y a-t-il des mesures spéciales pour les PME ?

Lesquelles ?

NON

VI. Quel est l'effet prévisible

a) sur la compétitivité des entreprises ?

NEANT

b) sur l'emploi ?

NEANT

VII. Les partenaires sociaux ont-ils été consultés ?  
avis ?

Quels sont leurs

NON

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# DOCUMENTS

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**Catalogue number : CB-CO-89-503-EN-C**

**ISBN 92-77-54376-0**

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