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REPORT

of the Committee on the Environment, Public Health and
Consumer Protection

on the proposal from the Commission to the Council for a
regulation laying down health rules for the production
and placing on the market of fresh poultrymeat
(COM(89) 668 final - C 3-0069/90)

Rapporteur: Mrs A. CECI

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By letter of 22 February 1990, the Council consulted the European Parliament, pursuant to Article 43 of the EEC Treaty, on the proposal from the Commission for a Council regulation laying down health rules for the production and placing on the market of fresh poultrymeat.

At the sitting of 12 March 1990, the President of the European Parliament announced that he had referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Agriculture, Fisheries and Rural Development and the Committee on Budgets for their opinions.

At its meeting of 23 March 1990 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Ceci rapporteur.

By letter of 17 October 1990 the committee requested the President of Parliament, pursuant to Rule 36(3) of the Rules of Procedure, to consult the Committee on Legal Affairs and Citizens' Rights on the proposed legal basis.

The committee considered the Commission proposal and the draft report at its meetings of 29 June 1990 and 17 October 1990.

At the latter meeting, the committee unanimously adopted the draft legislative resolution with one abstention.

The following took part in the vote: Mr Collins, chairman; Mrs Schleicher, vice-chairman; Mrs Ceci, rapporteur; Mr Amendola, Mr Bertens, Mrs Bjornvig, Mr Bombard, Mr Bowe, Mr Canavarró, Mr Chanterie, Mrs Diez de Rivera Icaza, Mr Florenz, Mrs Green, Mr Guidolin, Mrs Caroline Jackson, Mrs Jensen, Mr Lannoye (for Mr Monnier-Besombes), Mrs Llorca Vilaplana, Mr Muntingh, Mr Newens (for Mr Avgerinos), Mrs Oomen-Ruijten, Mr Partsch, Mr Pimenta, Mrs Pollack, Mr Roth-Behrendt, Mr Schmid, Mr Schwartzenberg, Mr Siso Cruellas (for Mr Alber), Mr Llewellyn Smith, Mr Valverde Lopez, Mrs Veil, Mr Vernier, Mr Vittinghoff, Mr Vohrer, Mr Wijsenbeek (for Mr Pereira).

The opinions of the Committee on Agriculture, Fisheries and Rural Development and the Committee on Budgets, together with the opinion of the Committee on Legal Affairs and Citizens' Rights are attached.

The report was tabled on 15 November 1990.

The deadline for tabling amendments to this report will appear on the agenda for the part-session at which it is to be considered.

A

Proposal from the Commission to the Council for a regulation laying down health rules for the production and placing on the market of fresh poultrymeat.

Commission text¹

Amendments

(Amendment No. 1)

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

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

(Amendment No. 2)

2nd recital

Whereas in order to ensure the rational development of this sector and to increase the productivity, public health rules affecting production and placing on the internal market must be laid down at Community level;

Whereas the growth of intra-Community trade in fresh poultrymeat must be accompanied by the parallel introduction of measures in the field of consumer protection, public health and animal welfare;

(Amendment No. 3)

5th recital

Whereas the official veterinarians in a slaughterhouse should be in charge of controlling the welfare of slaughter poultry;

Whereas the official veterinarians are responsible for ensuring that the provisions of this Regulation are applied in slaughterhouses;

¹ Full text: COM(89) 668 final - OJ No. C 84, 2.4.1990, p.71

(Amendment No. 4)

After the 5th recital insert the following new recital:

Whereas independent checks by the Commission are nevertheless necessary,

(Amendment No. 5)

Insert the following new recital after the 11th recital

Whereas the ante-mortem and post-mortem inspection system laid down in Chapters V, VII and VIII must be amended on the basis of the results of the pilot study funded by the EC and various Member States; whereas uniform provisions for implementing the ante-mortem inspection, including the residue tests, must be laid down before the new procedures take effect;

(Amendment No. 6)

Article 2(6)

'official veterinarian' means the veterinarian designated by the competent central authority of the Member State.

'official veterinarian' means the holder of a meat inspection qualification designated by the competent central authority of the Member State.

(Amendment No. 7)

Article 2(7)

7. 'assistant' means a person officially designated by the competent central authority of the Member State under Article 4(2) to assist the official veterinarian;

7. 'assistant' means a trained person officially designated ...
(rest unchanged)

(Amendment No. 8)

Article 3B 1(b)

have been cut and obtained in accordance with the requirements of Chapter IX of Annex I and come from:

have been cut and obtained in accordance with the requirements of Chapter IX of Annex I and wrapped in accordance with the requirements of Chapter XIII of Annex I and
(remainder unchanged)

- fresh poultry meat coming from animals slaughtered in the Community and complying with the requirements set out in section A or
- fresh poultry meat imported from third countries in accordance with Community provisions relating to the importation of fresh poultry meat from third countries;

(Amendment No. 9)
Article 6(2)

- | | |
|---|---|
| 2. treated with ionizing or ultraviolet radiations <u>in conditions other than those specified in Council Directive .../.../EEC (on the approximation of the laws of Member States concerning foods and food ingredients treated with ionizing radiations);</u> | 2. treated with ionizing or ultraviolet radiations; |
|---|---|

(Amendment No. 10)
Article 7(1)

1. Member States shall entrust to a central service or body the task of collecting and using the results of the ante-mortem and post-mortem inspections carried out by the official veterinarian, in cases of diagnosis of diseases transmissible to humans. unchanged.

Where such a disease is diagnosed, the results of the specific case shall be communicated as soon as possible to the competent veterinary authorities responsible for supervision of the herd from which the animals originated. unchanged.

In such cases, the general provisions laid down in Council Regulation (EEC) No. .../... laying down general health rules for the production and placing on the market of products of animal origin and specific health rules for certain products of animal origin shall apply.¹

(Amendment No. 11)
Article 9

Veterinary experts from the Commission may, in so far as is necessary to ensure uniform application of this Regulation, make on-the-spot checks; they may verify whether establishments are actually complying with this Regulation. The Commission shall inform the Member States of the results of the investigation.

Veterinary experts from the Commission shall be required to make on-the-spot checks in order to monitor the application of this Regulation. They shall verify whether establishments are actually complying with this Regulation. The Commission shall inform the Member States of the results of the investigation.

¹ See proposal for a Council regulation (COM(89) 492 final - OJ No. C 327, 30.11.1989, p. 29

(Amendment No. 12)
Article 12

The rules laid down in Council Regulation (EEC) No.... (concerning veterinary checks on intra-Community trade in view of completing the internal market), shall apply in particular with respect to the organization of and the action to be taken following the checks carried out by the country of destination and the safeguard measures to be applied in relation to health problems affecting production and distribution of fresh meat in the territory of the Community.

The rules laid down in Council Directive No. 89/662/EEC of 11 December 1989² concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ...
(rest unchanged)

(Amendment No. 13)
Article 14

Until the implementation of Community rules concerning importation of poultrymeat from third countries, Member States apply to those importations conditions at least equivalent to those laid down in this Regulation.

Member States shall apply to importations of poultrymeat from third countries conditions equivalent to those laid down in this Regulation.

(Amendment No. 14)
Article 15(4) and (5)

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.

4. The Commission shall adopt measures which shall apply immediately.

5. If the measures envisaged are not in accordance with the opinion delivered by the committee, they shall be immediately communicated by the Commission to the Council.

The Commission shall delay the application of the measures it has adopted by a maximum of three months from the date of communication.

The Council acting by a qualified majority may take a different decision within the period referred to in the previous paragraph.

(Amendment No. 15)
Article 17(3)

When granting the derogations referred to in paragraph 1, the Commission shall establish, in accordance with procedure referred to in Article 15, the general and particular conditions applicable to the enforcement of each derogation.

When granting the derogations referred to in paragraph 1, the Commission shall establish, in accordance with procedure referred to in Article 15, blanket provisions governing derogations for small-scale businesses. The Commission may not itself issue derogations in each individual case.

(Amendment No. 16)
Annex I, Chapter VI (41)

Carcases to be subjected to an immersion chilling process in accordance with the process described in 42 must, immediately after evisceration, be thoroughly washed by spraying and immersed without delay. The spraying must be carried out by means of equipment which washes both the internal and external surfaces of the carcasses efficiently.

For health reasons carcasses shall no longer be chilled by immersion but by other appropriate methods, such as spray chilling.

For carcasses weighing:

- not more than 2.5 kg, at least 1.5 litres of water must be used per carcass,
- between 2.5 kg and 5 kg, at least 2.5 litres of water must be used per carcass,
- 5 kg or more, at least 3.5 litres of water must be used per carcass.

(Amendment No. 17)
Annex I, Chapter VI (42)

Delete

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a regulation laying down health rules for the production and placing on the market of fresh poultrymeat.

The European Parliament,

- having regard to the proposal from the Commission to the Council¹, (COM(89) 668 final)
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (C 3-69/90),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Agriculture, Fisheries and Rural Development, the Committee on Budgets and the Committee on Legal Affairs and Citizens' Rights (Doc. A 3-0309/90),
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 4. Instructs its President to forward this opinion to the Council and Commission.

¹ OJ No. C 84, 2.4.1990, p. 71

B

EXPLANATORY STATEMENT

I. Objectives of the proposal for a regulation

The proposal for a Council regulation under consideration is designed to replace Council Directive 71/118/EEC of 15 February 1971² on health problems affecting trade in poultrymeat. However, the implementing measures adopted pursuant to the aforementioned directive remain valid as far as the present regulation is concerned.

The present proposal is one of a series of proposals for regulations concerning products of animal origin submitted by the Commission with a view to the completion of the internal market by 31 December 1992. The aim is to eliminate distortions of competition caused by excessive differences between the health regulations of the various Member States. The main aim of this proposal is therefore the free movement of fresh poultrymeat within the Community.

In addition, the expansion of the intra-Community market in poultrymeat in recent years has been accompanied by an increase in the risks to human health; accordingly, the Commission is introducing in its proposal a new concept not present in the 1971 directive, namely the need to reconcile the free movement of fresh poultrymeat with the requirements of public health protection.

Finally, the present proposal seeks to extend the principles laid down in the 1971 directive to all poultrymeat produced in the Community, while also introducing a number of technical adjustments made necessary following the implementation of the directive by the Member States.

II. Proposed amendments

While endorsing the proposal for a regulation as a whole, your rapporteur nevertheless wishes to propose a number of amendments.

- (1) First of all, given that the main aim of this proposal as far as the Committee on the Environment, Public Health and Consumer Protection is concerned, is the free movement of goods, and specifically fresh poultrymeat, your rapporteur feels that the legal basis in this case should be Article 100a of the Treaty and not Article 43 (the 1971 directive was based on both Article 43 and Article 100).

² OJ No. L 55, 8.3.1971, p. 23

Indeed, in its explanatory memorandum, the Commission begins by pointing out that 'the Community must adopt, before 31 December 1992, the measures aimed at establishing the internal market'³ and measures designed to secure the free movement of poultrymeat come within the terms of Article 8a of the Treaty to which Article 100a makes reference.

In addition, Article 100a(3) stipulates that 'the Commission, in its proposals ... concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection'.

- (2) Similarly, by seeking to amend the second recital, your rapporteur wishes to place greater emphasis on the aim of protecting consumer health by highlighting the need for the growth in intra-Community trade to be accompanied by parallel health protection measures.
- (3) With regard to the monitoring of the application of the provisions of this Regulation by slaughterhouses, your rapporteur feels that greater emphasis should be placed on the role and responsibilities of official veterinarians, notably by comparison with assistants, although the vital role played by the latter must be tightly controlled. Furthermore, mention should also be made of the need to allow Commission experts to undertake independent checks. In this connection, the Commissioner responsible agreed to this amendment on 18 May 1990, when discussing the draft report on the proposal for a regulation on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs (Doc. A 3-77/90).

In the same spirit, Article 9 has been re-worded in the amended form adopted by Parliament and accepted by the Commissioner during the discussion of the abovementioned report.

- (4) With regard to the definitions contained in Article 2 of the proposal, your rapporteur wishes to amend the definition of 'assistant' to include the description 'trained person' which appears in Directive 71/118/EEC and which is more in line with the abilities and training required by the provisions of Annex II of the proposal.
- (5) If Parliament wishes to be consistent, it must delete the second part of Article 6(2), having expressed the view that poultrymeat should under no circumstances be irradiated in the report by Mrs Quistorp on food treated with ionizing radiation (OJ No. C 291, 20.11.1989, p. 58).
- (6) Article 7 of the proposal for a regulation deals with the collection and use of the results of the ante-mortem and post-mortem inspections. Your rapporteur feels that, in cases where diseases transmissible to humans are diagnosed, it is clearly necessary to apply the general provisions laid down in the regulation (not yet adopted by the Council) laying down general

³ COM(89) 668 final, page 2

health rules for the production and placing on the market of products of animal origin⁴ and in particular Articles 4, 5 and 6 thereof.

- (7) In Article 12 your rapporteur has merely filled in the details which the Commission services were unable to include, the regulation referred to in this article having in the meantime become a directive published in the Official Journal.
- (8) The amendment to Article 14 seeks to reaffirm a basic principle to which Parliament is particularly attached, namely that the conditions laid down for the importation of products from third countries must be equivalent to those laid down for the export of Community products to third countries. On the one hand, the Community purports to be an open economic area, while on the other it would be unthinkable for it to lapse into protectionism on the pretext of health rules or to attempt to dispose in third countries of products whose marketing is prohibited in the Community.

III. Conclusions

Although your rapporteur is proposing that this proposal for a regulation be approved with a number of amendments, he can only regret the way in which Parliament has been required to deal with a series of more than 30 proposals laying down health rules for products of animal origin. It is to be regretted that the Commission has not had the good sense first of all to adopt the framework directive (COM(89) 492 final) laying down health rules for the production and placing on the market of products of animal origin, together with two proposals for decisions, one concerning the conditions for granting temporary derogations and restricted to specific Community health rules for the production and placing on the market of products of animal origin (COM(89) 670 final), and the other concerning safeguard measures in the veterinary field in the framework of the internal market (COM(89) 493 final).

This haste, which can be explained but not justified by the proximity of the 31 December 1992 deadline, can only damage the overall coherence and the introduction of a genuine Community policy on health rules governing products intended for human consumption.

Finally, it need hardly be stressed that the European Parliament must do everything in its power to safeguard both consumer choice and consumer health.

⁴ COM(89) 492 final - OJ No. 327, 30.12.1989, p. 29

O P I N I O N

(Rule 120 of the Rules of Procedure)

of the Committee on Agriculture, Fisheries and Rural Development
for the Committee on the Environment, Public Health and Consumer Protection
Draftsman: Mr Mark KILLILEA

At its meeting of 22/23 mARCH 1990, the Committee on Agriculture, Fisheries and Rural Development appointed Mr Mark Killilea draftsman.

At its meeting 29/30 May and 26/27 September 1990, it considered the draft opinion.

At the latter meeting it adopted the conclusions as a whole unanimously.

The following were present for the vote: Colino Salamanca, chairman; Killilea, vice-chairman and rapporteur; Böge (for Bocklet), Fernex (for Falqui) Funk; Garcia; Keppelhoff-Wiechert; Lane; Maher (for Kofoed); Partsch (for Graefe zu Baringdorf); Sierra Bardaji; Simmonds, Stevenson; Vázquez Fouz; Verbeek.

The proposal in question is part of a series aimed at assuring, before 31 December 1992, the free circulation of products of animal origin which must be reconciled with the need for protection of public health. Most of the proposal relates to public health matters, with detailed statements of the conditions which must be met regarding hygiene requirements, inspection, storage and packaging, as well as control procedures to ensure that the meat is of suitable quality and does not contain residues. Member States have to meet certain conditions and draw up a list of approved establishments. On-the-spot checks are envisaged.

There is a detailed Annex I on general conditions for the approval of establishments including special conditions for the approval of poultry slaughterhouses, poultry cutting plants and stores, hygiene of the staff, premises and equipment in the establishments, 'ante mortem' health inspection, slaughter and hygiene requirements, 'post mortem' health inspection, health control of cut meat and stored meat, health marking, storage, wrapping and packaging of fresh poultry meat, transport and requirements relating to assistants. Annex II refers to requirements relating to assistants. Annexes III and IV contain Models of Health Attestations.

In terms of impact on agriculture, the proposal is acceptable. The draftsman suggests only one relatively minor amendment concerning the derogation in Article 17, which may be granted in favour of establishments which have small production. The poultry meat business is seasonal (Christmas, Easter), and many producers provide poultry meat for the market at these times, although they are not otherwise sellers. This production should also be exempted in order to make better provision for these producers.

Text proposed by the Commission

Amendment

(Amendment No. 1)
Article 17, item 1

1. According to the procedure referred to in Article 15 derogations from the rules referred to in points 1 to 16 of Annex I may be granted in favour of establishments which have small production.

1. According to the procedure referred to in Article 15 derogations from the rules referred to in points 1 to 16 of Annex I may be granted in favour of establishments which have small production or exclusively seasonal production.

OPINION

of the Committee on Budgets on the proposal for a Council regulation laying down health rules for the production and placing on the market of fresh poultrymeat (COM(89) 668 final - C 3-69/90)

Dear Mr Collins,

The Committee on Budgets considered the above proposal at its meeting of 28 June 1990.

The committee considers it incorrect to enter administrative appropriations in Part B of the budget which is intended for operating appropriations.

It therefore calls on the Commission to allocate these appropriations in a more suitable way when drawing up the preliminary draft budget.

The committee also notes that the Commission proposes to call on the assistance of a regulatory committee for the implementation of this decision. Pursuant to Article 205 of the EEC Treaty and the conclusions of the working party set up by the Bureau of Parliament in March 1989 on the problems of committeeology, the Committee on Budgets has adopted an amendment to Article 15 of the proposal for a regulation seeking to replace the regulatory committee by a management committee.

It has also adopted an amendment to Article 2(6). These amendments are annexed to this letter.

Yours sincerely,

(s) Thomas von der VRING

Amendments adopted by the Committee on Budgets

Article 2(6)

'official veterinarian' means the veterinarian designated by the competent central authority of the Member State.

'official veterinarian' means the holder of a meat inspection qualification designated by the competent central authority of the Member State.

Article 15
Paragraph 4

4. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

4. The Commission shall adopt measures which shall apply immediately.

Paragraph 5

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

5. If the measures envisaged are not in accordance with the opinion delivered by the committee, they shall be immediately communicated by the Commission to the Council.

The Commission shall delay the application of the measures it has adopted by a maximum of three months from the date of communication.

The Council acting by a qualified majority may take a different decision within the period referred to in the previous paragraph.

Present: von der VRING, chairman; ARBELOA MURU, COLOM I NAVAL, GOEDMAKERS, KELLETT-BOWMAN, LAMASSOURE, LO GIUDICE, NAPOLETANO and THEATO

OPINION

of the Committee on Legal Affairs and Citizens' Rights on the legal basis of the proposal for a Council regulation (EEC) laying down health rules for the production and placing on the market of fresh poultrymeat (COM(89) 668 final).

Dear Mr Collins,

On 17 October 1990 the Committee on the Environment, Public Health and Consumer Protection consulted the Committee on Legal Affairs and Citizens' Rights on the appropriateness of the legal basis of the above proposal for a regulation.

After having heard the conclusions submitted by Mr GARCIA AMIGO, member responsible for questions concerning the legal basis, the Committee on Legal Affairs and Citizens' Rights decided at its meeting of 8 and 9 November 1990 that the legal basis proposed by the Commission, viz. Article 43 of the Treaty, was appropriate.

Yours sincerely,

(s) Graf STAUFFENBERG

Present for the vote: Stauffenberg, chairman; Rothley, vice-chairman; Garcia Amigo, member responsible; Bandres Molet, Bontempi, Bru Puron, Cooney, Falconer, Grund, Herman (for Reymann), Hoon, Inglewood, Merz, Oddy, Valent, van Outrive, Zavvos.

