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Report

drawn up on behalf of the Committee on Public Health and the Environment

on the proposal from the Commission of the European Communities to the Council (Doc. 389/73) for a Directive amending the Council Directive of 15 February 1971 on health problems affecting trade in fresh poultrymeat

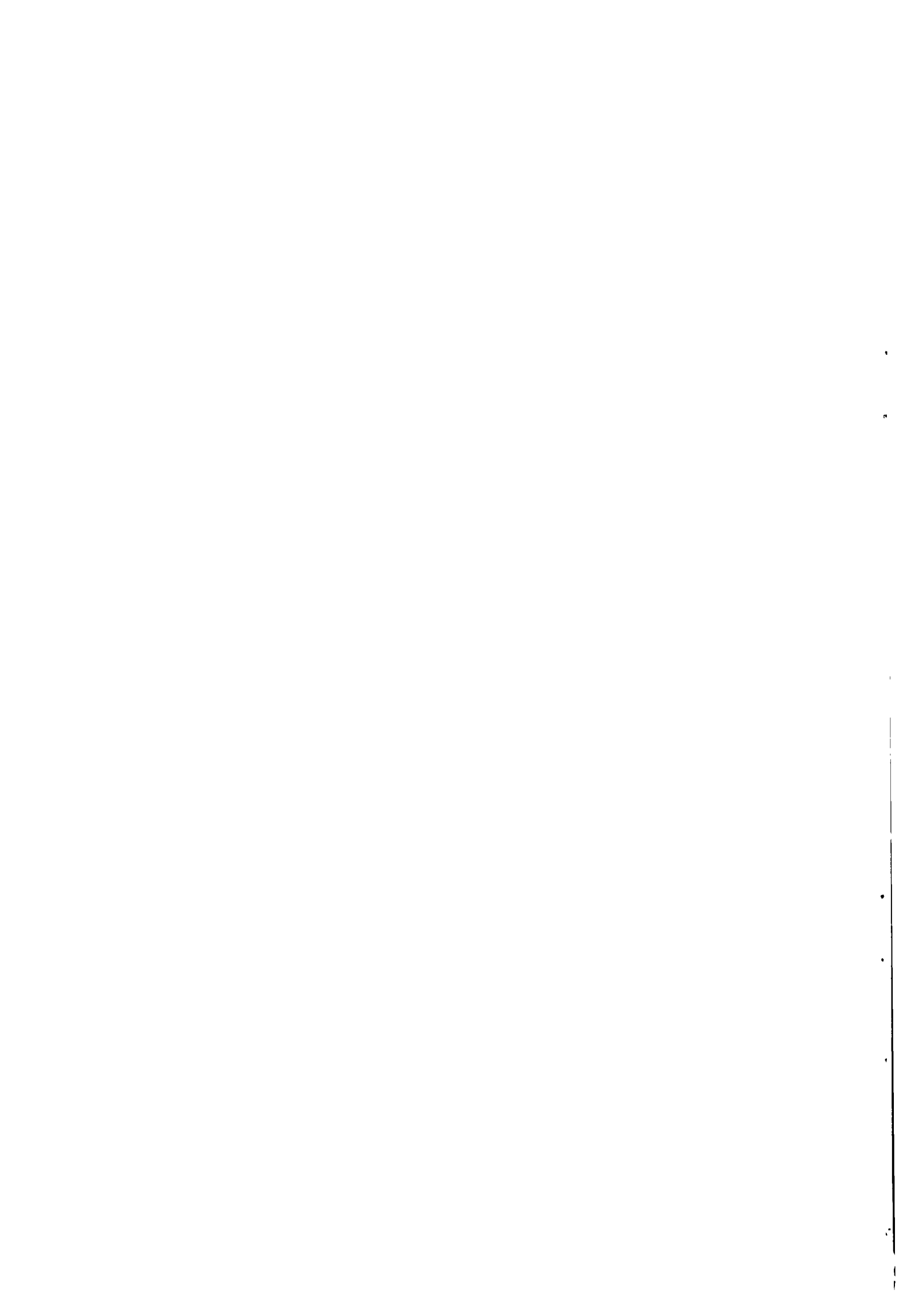
Rapporteur: Mrs Elisabeth ORTH

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1.2.2

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By letter of 26 February 1974 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a Directive amending the Council Directive of 15 February 1971 on health problems affecting trade in fresh poultrymeat.

On 11 March 1974 the European Parliament referred this proposal to the Committee on Public Health and the Environment as the committee responsible and to the Committee on Agriculture for its opinion.

The Committee on Public Health and the Environment appointed Mrs ORTH rapporteur on 19 March 1974.

It considered this proposal at its meetings of 19 April, 9 May and 24 May 1974. At the last meeting it unanimously adopted the motion for a resolution and explanatory statement.

The following were present: Mr Jahn, vice-chairman and acting chairman; Mr Scott-Hopkins, vice-chairman; Mrs Orth, rapporteur; Mr Adams, Mr Antoniozzi, Mr Albertsen, Mr Brégegère, Mr Cousté (deputizing for Mr Rivierez), Mr Jarrot, Mr Martens, Mr W. Müller, Mr Petersen, Mr Rosati and Mr Walkhoff.

The opinion of the Committee on Agriculture is attached.

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The Committee on Public Health and the Environment hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Directive amending the Council Directive of 15 February 1971 on health problems affecting trade in fresh poultrymeat

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council pursuant to Articles 43 and 100 of the EEC Treaty (Doc. 389/73),
 - having regard to the report of the Committee on Public Health and the Environment and the opinion of the Committee on Agriculture (Doc. 115 /74),
1. Notes with satisfaction that the Commission's proposals on trade in fresh poultrymeat go far towards meeting health requirements;
 2. Demands as a matter of principle that Community provisions on health problems affecting trade in fresh poultrymeat should be based on the provisions of the Member State with the strictest and most progressive legislation;
 3. Insists, therefore, that evisceration of slaughtered poultry must be made compulsory throughout the Community by 1980 at the latest in order to give the consumer effective protection against infection;
 4. Urges the Commission and the Council to lay down equally strict hygiene provisions for poultry slaughterhouses and cutting-up premises as those existing in similar fresh meat premises;

¹ OJ No. C 35 of 28 March 1974, p. 70

5. Requests the Commission of the European Communities to adopt the following amendments to its proposal pursuant to Article 149, second paragraph, of the EEC Treaty;
6. Requests its appropriate committee to check carefully whether the Commission adopts the European Parliament's amendments to its proposal and, if necessary, to report back on this matter;
7. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities.

Proposal for a Council Directive amending the Council
Directive of 15 February 1971 on health problems affecting
trade in fresh poultrymeat

Preamble, recitals and Articles 1 to 4 unchanged

Article 5

The following article is added after
Article 12:

'Article 12a

1. Where the procedure laid down in this Article is to be used, matters shall without delay be referred by the Chairman, either on his own initiative or the request of a Member State, to the Standing Veterinary Committee (hereinafter called "the Committee") set up by the Council Decision of 15 October 1968.
2. Within the Committee, the votes of Member States shall be weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.
3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its Opinion on such measures within two days. Opinions shall be delivered by a majority of 41 votes.

Article 5

The following article is added after
Article 12:

'Article 12a

1. Unchanged.

2. Unchanged.

3. Unchanged.

¹ For complete text see OJ No C 35 of 28 March 1974, p. 70

4. The Commission shall adopt the measures and shall apply them immediately where they are in accordance with the Opinion of the Committee. Where they are not in accordance with the Opinion of the Committee or if no Opinion is delivered, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall adopt the measures by a qualified majority.

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

4. The Commission shall adopt the measures, which shall be implemented immediately. If, however, they are not in accordance with the Opinion of the Committee, the Commission shall notify the Council to that effect without delay. In that case the Commission may postpone the application of the measures it has adopted for one month after such notification.

The Council may take a different decision under the procedure laid down in Article 43(2) of the EEC Treaty.'

Articles 6 to 10 unchanged

Article 11

The following Chapter is added after Chapter I of Annex I:

'Chapter Ia

Hygiene Requirements for cutting-up premises

Paragraphs 1 to 3 unchanged

Paragraph 4(a) to (i) unchanged

(j) facilities enabling the veterinary inspections provided for in this Directive to be carried out efficiently at any time;

Article 11

The following Chapter is added after Chapter I of Annex 1:

(j) facilities enabling the veterinary inspections provided for in this Directive to be carried out efficiently and the possibility of state health authorities carrying out their own special laboratory investigations;

Sub-paragraphs (k) to (s) unchanged

Article 12

The following Chapter is inserted
after Chapter II of Annex I:

'Chapter II a

Hygiene requirements for staff, premises and
equipment in poultrymeat cutting premises

1. Absolute cleanliness shall be required of staff, premises and equipment:
- (a) staff must in particular wear clean working clothes and headgear which are of a light colour and easily washable. Staff who work on or handle meat shall wash and disinfect their hands several times during each working day and each time they resume work. Persons who have been in contact with sick animals or with infected meats must immediately afterwards carefully wash their hands and arms in hot water and then disinfect them. Smoking shall be forbidden in work rooms and store rooms;

Paragraphs 1(b) and (c) unchanged

Paragraphs 2 to 9(d) unchanged

- (e) wearing a bandage on the hand, other than a waterproof dressing protecting a non-infected finger wound.

Paragraph 10 unchanged

Article 13 unchanged

Article 12

The following Chapter is inserted
after Chapter II of Annex I:

1. Absolute cleanliness shall be required of staff, premises and equipment:
- (a) staff must in particular wear clean working clothes and headgear, if necessary with neck protection, which are of a light colour and easily washable. Staff who work on or handle meat shall wash and disinfect their hands several times during each working day and each time they resume work. Persons who have been in contact with sick animals or with infected meats must immediately afterwards carefully wash their hands and arms in hot water and then disinfect them. Smoking shall be forbidden in work rooms and store rooms;

- (e) wearing a bandage on the hand, other than a waterproof dressing protecting a fresh, non-infected finger wound.

Article 14

The beginning of the second sub-paragraph of paragraph 35 of Chapter X of Annex I is amended to read as follows:

'At least 2/3rds of the surface of such packagings must be transparent; the packagings must be colourless and ...'

Article 14

The beginning of the second sub-paragraph of paragraph 35 of Chapter X of Annex I is amended to read as follows:

'At least $\frac{3}{4}$ of the surface of such packagings must be transparent; the packagings must be colourless and ...'

Article 15 unchanged

Article 16

The Member States shall not later than bring into force the laws, regulations and administrative provisions necessary to comply with this Directive.

Article 16

The Member States shall not later than 1 January 1975 bring into force the laws, regulations and administrative provisions necessary to comply with this Directive.

Article 17 unchanged

EXPLANATORY STATEMENT

1. In the explanatory memorandum to its amended proposal for a directive the Commission points out that it became necessary to amend and supplement the basic Council Directive of 15 February 1971. The main amendments and additions are as follows:

- extension of the period during which application of certain provisions of the Directive may be postponed, in particular as regards evisceration operations;
- supplementary provisions on health requirements for the approval of meat-cutting premises;
- supplementary hygiene provisions for staff, premises, equipment and instruments in poultrymeat cutting premises;
- supplementary provisions on veterinary control by inspectors from the Member States and the Commission;
- laying down the procedure by which the Standing Veterinary Committee may amend the Annexes to the Directive.

2. The Commission notes that the implementation of the common organization of the market in poultrymeat cannot have the desired effect as long as trade is hindered by the different health requirements of Member States. Hygiene and supervision provisions in cutting-up premises for poultrymeat must, therefore, be made uniform.

3. The Commission bases its proposal for an amendment on Articles 43 and 100 of the EEC Treaty. Since the original Directive also referred to these articles, your committee approves the legal basis of the proposal.

4. Besides editorial changes (see Articles 1 to 4 of the proposal for a directive), Article 5 of the Commission's proposal contains an important provision which adds a new Article 12a, laying down the procedure for the Standing Veterinary Committee.

Unlike Article 12, which refers to an urgent procedure under which the Council or, where necessary, the Commission, must within fifteen days adopt the proposed measures, Article 12a lays down the normal procedure by which the Council or Commission must decide within three months. Parliament has repeatedly criticized the procedure of the Standing Veterinary Committee, as in Mr BEHRENDT's report on the Commission's proposal for a directive on health problems affecting intra-Community trade in certain cut fresh meat (Doc. 88/68).

Section 13 of the explanatory statement reads as follows: 'Your committee again points out that the Veterinary Committee may act only in an advisory capacity.

The Commission is not entitled to transfer part of its own powers to this Committee. Nor may it be bound by this Committee's decisions, but must decide on its own responsibility. Furthermore, it must be in a position to take decisions that depart from the Veterinary Committee's opinion. Such an arrangement is necessary to ensure proper control by the European Parliament in the veterinary sector.

If, however, the provision proposed by the Commission is applied, the Commission would be dependent on a vote of approval by the Veterinary Committee, which would thus acquire more than a mere advisory function. Only if the Council cannot decide within three months may the Commission take its own decision. Your committee is opposed to the Commission submitting a proposal which further weakens its powers. It is not acceptable that the Commission's terms of reference should be gradually transferred to the Council.'

Accordingly your committee insists that the wording of Article 12a (4), (Article 5 of the Commission's proposal for an amendment) be amended as follows:

'The Commission shall adopt the measures which shall be applied immediately. If however, they are not in accordance with the Opinion of the Committee, the Commission shall notify the Council to that effect without delay. In that case the Commission may postpone the application of the measures it has adopted for one month after such notification.

The Council may take a different decision within one month under the procedure laid down in Article 43 (2) of the EEC Treaty.'

5. Article 7 of the proposal for a directive adds new Articles 15 and 16, laying down that the official veterinarians of the Member States and of the Commission shall make on-the-spot checks to ensure that the provisions of the Directive are actually applied. The Community shall bear the cost of these checks.

The provisions of Annexes I to IV (i.e. hygiene provisions, provisions on ante mortem and post mortem health inspection of poultry for slaughter, health marking, storage, packaging and transport, requirements relating to assistants, health certificates and attestations) may be amended or supplemented according to the Standing Veterinary Committee's normal procedure (Article 12a).

Your committee has no objections to new Articles 15 and 16 provided the Commission and Council finally adopt our committee's proposed amendment to Article 12a.

6. However, the amendment to Article 18 (b) of the basic directive proposed in Article 9 does give rise to reservations. Article 9 provides that for not more than nine years following notification of the original directive, i.e. by February 1980,

- poultry meat need not be eviscerated wholly in accordance with this Directive;
- geese raised for production of foie gras need not be slaughtered and eviscerated wholly in accordance with this Directive.

Your committee asked the Commission why this exception was necessary and how it justified the long transitional period of nine years. The Commission justified the derogation by reference to the difficulties of adjustment in the United Kingdom and Ireland where poultry evisceration was not compulsory. It gave assurances, however, that it would not prolong the period beyond 1980.

In agreement with the Commission, your committee points out that with the current custom of mass production and the increasingly long transport routes resulting from the expansion of intra-Community trade, there is an increasing danger of foci of infection forming in non-eviscerated poultry. It insists, therefore, that the evisceration of slaughtered poultry laid down in Annex I (19) and (20) of the original directive must be made compulsory throughout the Community by 1980 at the latest. The Committee on Agriculture asked for its opinion also approved this stipulation by a majority vote.

7. Article 10 amends the provisions on the supply of drinking water (Annex I, Chapter I (1) (u)), by adding that in exceptional cases non-drinking water may be used for steam production and fire-fighting purposes.

The basic directive lays down that the pipes for this water must be painted red, while the Commission proposal merely requires that they must be clearly distinguished from those for drinking water.

Your committee has no objection to these amendments since they meet practical requirements.

8. Article 11 inserts a new Chapter Ia after Chapter I, Annex I, laying down hygiene requirements for cutting-up premises.

These are the same provisions the Commission laid down earlier in a similar proposal for a directive on health problems affecting intra-Community trade in certain cut fresh meat and which the European Parliament approved at the time with a few exceptions.

One exception concerns Paragraph 4(j) of Chapter Ia, according to which cutting-up premises must have, among others, facilities enabling the veterinary inspections provided for in the Directive to be carried out efficiently at any time.

The Committee on Social Affairs and Health had amended the provision in 1968 by adding that cutting-up premises must also offer the possibility of the state health authorities carrying out their own special laboratory investigations.

Your committee approves this decision and once again urges that the proposal be supplemented accordingly.

9. In general it may be said that conditions for approval of poultry-meat cutting-up premises are strict and comply with hygiene requirements; yet there is one area in which the provisions could be made more precise.

This can be seen from a comparison with the requirements for approval of fresh-meat cutting-up premises proposed by the Commission in 1968 (Doc. 54/68). Your committee therefore requests the Commission to amend Chapter Ia (4) (n) of the present proposal for an amendment to the effect that cutting-up premises must have an adequate supply of hot drinking water under pressure¹. The hygiene requirements for slaughterhouses (see Annex I, Chapter I (1) (v) of the basic directive are the same.

10. The Commission's proposal aims at the insertion in Annex I of a new Chapter IIa, which contains hygiene requirements for staff, premises and equipment in poultrymeat cutting premises.

Here, too, a comparison with the text of the proposed directive on cut fresh meat reveals a divergence or relaxation of the requirements in two respects.

¹ This is already stipulated in the English text of the Commission's proposal.

Your committee is in favour of an addition being made to the provision contained in Chapter IIa, (1) (a) to the effect that staff must wear clean working clothes and headgear, if necessary with neck protection, which are of a light colour and easily washable.

The second amendment urged by your committee concerns Chapter IIa (9) (e), which prohibits persons wearing a bandage on the hand from working on or handling meat. This ban does not apply to persons wearing a 'waterproof dressing protecting a non-supporating finger wound'. Your committee feels that as in the Commission's earlier proposal, this exclusion from the ban on handling meat should be restricted to the wearing of a waterproof dressing protecting a fresh, non-infected¹ finger wound.

11. The object of Article 13 of the Commission's proposal is the insertion of a new Chapter VIa to govern the health inspection of cut meat.

The provisions concern in particular supervision by an official veterinarian. Compared with the Commission's earlier proposal the official veterinarian's duties are extended, especially by the provision contained in Chapter VIa (2) (e), to include any other checks which he considers will contribute to enforcing the provisions of the directive. This means that the official veterinarian will be given considerable responsibility, which he can only meet if the assistants allocated to him carry out systematic checks.

12. Chapter X of Annex I of the basic directive contains provisions on the packaging of fresh poultrymeat. According to Article 14 of the Commission's proposal, at least 2/3 of the surface of such packagings must be transparent and colourless. This amendment would constitute a restriction of the original requirement that the whole surface of packagings must be transparent and colourless.

Your committee regrets that this restriction will make it possible to conceal imperfect parts of the poultrymeat and thus confuse the consumer. The latter must be able to inspect poultrymeat from every angle in order to be in full possession of the facts before making his decision to buy.

Your committee therefore calls on the Commission to replace 'at least 2/3 of the surface' by 'at least 3/4 of the surface'.

¹ The English text of the Commission's proposal already has 'non-infected'.

13. The Commission has refrained from fixing the date by which the Member States must incorporate this directive in their national legislation. The committee requests the Commission to supplement Article 16 in such a way that the Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the directive by 1 January 1975.

This request appears to be all the more justified as the Council itself considers the matter urgent: in its letter of 26 February 1974 consulting Parliament the Council states that it 'would appreciate it if the Assembly could deliver its opinion during its May 1974 part-session.'

14. The Committee on Agriculture, which was asked to express its opinion on this subject, has done so in the form of a letter forwarded by its chairman and dated 19 April 1974. The opinion is attached to this report.

The Committee on Agriculture approves the whole of the proposed directive. In particular, it welcomes the possibility provided by Article 9 of the evisceration of poultrymeat not being subject to the directive until 1980 (see section 6 of the Explanatory Statement). A minority was, however, in favour of the directive not governing the evisceration of poultrymeat for an unlimited period.

OPINION OF THE COMMITTEE ON AGRICULTURE

Letter of 19 April 1974 from Mr HOUDET, chairman of the Committee on Agriculture, to Mr DELLA BRIOTTA, chairman of the Committee on Public Health and the Environment.

Dear Mr DELLA BRIOTTA,

At its meeting of 18 and 19 April 1974 in Brussels the Committee on Agriculture considered, on the basis of an oral statement by Mr Bourdellès, draftsman, the proposal from the Commission of the European Communities to the Council for a directive amending the Council directive of 15 February 1971 on health problems affecting trade in fresh poultrymeat.

The Committee on Agriculture has instructed me to inform you that it approves the whole of the proposed directive on which it has been requested to deliver an opinion.

It is especially in favour of the possibility provided by Article 9 of the evisceration of poultrymeat not being suspect to the directive for a period of nine years. It considers that this derogation will allow certain Member States who have just acceded to the Community to adapt their internal legislation gradually to the Community provisions introduced by the proposed directive.

This opinion was adopted by 13 votes in favour and 5 against, with 2 abstentions.

The following were present: Mr Houdet, chairman; Mr Vetrone, vice-chairman, Mr Bourdellès, draftsman of the opinion; Mr Baas, Mr Brugger, Mr Cavanagh, Mr Dalsager, Mr Dewulf, Mr Frehsee, Mr Früh, Mr Gibbons, Mr Héger, Mr John Hill, Mr de Koning, Mr Lemoine, Mr Ligios, Mrs Orth, Mr Scott-Hopkins and Mr Thornley.

Yours sincerely,

(sgd.) R. HOUDET

