

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 87 final

Brussels, 4 March 1980

Proposal for a

COUNCIL DECISION

amending Commission Decision 79/277/EEC as regards animal health
conditions governing the import of masseter muscles from Argentina,
Brazil, Uruguay and Paraguay

COM(80) 87 final

EXPLANATORY MEMORANDUM

The import of masseter muscles from Argentina, Brazil, Uruguay and Paraguay, is the subject of a specific Decision, 79/277/EEC, derogating from the basic Decisions fixing animal health conditions on imports of fresh meat from those countries.

On account of divergences in the various language versions, interpretation of Article 20 k of Directive 72/462/EEC is not uniform and it is difficult to determine with certainty whether or not it is meant to prohibit imports of masseter muscles. This is why, pending clarification of the drafting of Article 20 k and in order not to disrupt existing trade patterns, the Commission, acting on a favourable Opinion by the Standing Veterinary Committee and in accordance with Article 29 of Directive 72/462/EEC, adopted Decision 79/277/EEC (limited to 31 July 1979) which specifies the animal health conditions permitting imports of such muscles. This Decision was prolonged until 31 December 1979 by Decision 79/654/EEC.

The object of this proposal is to prolong the period of application of Decision 79/277/EEC until 31 December 1980, the period which the Commission considers necessary for the adoption of the proposal for the consolidation of Directive 72/462/EEC, forwarded to the Council on 13 December 1979 (1), which will make possible a clear and unequivocal drafting of Article 20 k.

Again with a view to clarification, this proposal specifies, in an Article 5a to be inserted in Decision 79/277/EEC, that, since what is involved is an animal health Decision (protection of animal health) taken on the basis of Article 16, it applies without prejudice to the provisions relating to hygiene (protection of public health) which require provisions taken on other legal bases of Directive 72/462/EEC and, in particular, Community approval of undertakings authorized to export to the Community.

Since the Community provisions relating to hygiene are still incomplete, on account of the absence of Community lists of approved undertakings, their application by Member States is leading to divergencies which are resulting in different national lists, although in principle they are drawn up on the basis of the criteria, currently applicable, of Directive 72/462/EEC.

(1) Doc. COM(79) 691 final.

This is why, until the adoption of complete Community measures in the area of hygiene, it is important to note that national measures relating to hygiene remain applicable provided that they relate to what is not yet covered by the Community Regulations currently applicable.

At the meeting of the Standing Veterinary Committee of 29 January 1980, this proposal did not receive a favourable Opinion from a majority of the Committee. Some delegations considered that authorization to import should be linked to the exclusion from intra-Community trade not only of masseter muscles but also of meat-based products produced from such muscles, on account especially of risks from the point of view of public health. Another Delegation, on the other hand, considered impossible any exclusion from intra-Community trade of meat based products and did not take part in the voting.

At all events, the Commission could not consider the first point of view since it notes that, on the basis of Article 16 of the Directive, an animal health Decision cannot take into consideration aspects relating to hygiene without thereby infringing the correct procedure.

Moreover, these considerations concerning the hygienic quality of the products in question could not justify a general and absolute barrier to intra-Community trade.

Following the absence of the Opinion of the Standing Veterinary Committee, this draft is therefore being forwarded to the Council as a Commission proposal pursuant to Article 29 of the above Directive.

Proposal for
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amending Commission Decision 79/277/EEC as regards animal health conditions governing the import of masseter muscles from Argentina, Brazil, Uruguay and Paraguay

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries⁽¹⁾, as last amended by Directive 77/98/EEC⁽²⁾, and in particular Articles 16 and 28 thereof,

Having regard to the proposal from the Commission,

Whereas animal health conditions concerning imports of fresh meat from Argentina, Brazil and Uruguay were laid down by Commission Decisions 78/693/EEC, 78/694/EEC and 78/695/EEC⁽³⁾ respectively, as amended by Decision 79/18/EEC⁽⁴⁾, and from Paraguay by Commission Decision 79/238/EEC⁽⁵⁾;

Whereas difficulties exist in the application of Article 20 k of Directive 72/462/EEC which have still to be resolved; whereas, in order not to disrupt existing trade patterns, Member States should be allowed, on a temporary basis, to continue to authorize imports of whose masseter muscles of bovine animals;

Whereas Commission Decisions 79/277/EEC⁽⁶⁾ and 79/654/EEC⁽⁷⁾ provide for such temporary authorizations; whereas a further period is necessary to resolve the difficulties referred to above; whereas the Commission has made the necessary proposals;

Whereas, since the Standing Veterinary Committee has not given its assent, the Commission has been unable to adopt the provisions it had envisaged on this matter under the procedure provided for in Article 29 of Directive 72/462/EEC;

(1) O.J. No L 302, 31.12.1972, p. 28

(2) O.J. No L 26, 31.1.1977, p. 81

(3) O.J. No L 236, 28.8.1978, pp. 19, 29 and 37

(4) O.J. No L 7, 11.1.1979, p. 31

(5) O.J. No L 53, 3.3.1979, p. 33

(6) O.J. No L 65, 15.3.1979, p. 32

(7) O.J. No L 186, 24.7.1979, p. 42

HAS ADOPTED THIS DECISION :

Article 1

Decision 79/277/EEC is amended as follows:

1. In Articles 1, 2, 3 and 4, the date '31 December 1979' is replaced by '31 December 1980'.

2. An Article 5 a as follows is inserted:

"Article 5 a

Pending the adoption of complete Community measures in the area of hygiene, Articles 1, 2, 3 and 4 shall apply without prejudice to the national provisions of Member States relating to the protection of public health."

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President