

Proposal for a Directive of the European Parliament and of the Council repealing certain Directives on the hygiene of foodstuffs and the health conditions for the production and placing on the market of certain products of animal origin intended for human consumption, and amending Directives 89/662/EEC and 91/67/EEC

(2000/C 365 E/06)

(Text with EEA relevance)

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(Submitted by the Commission on 14 July 2000)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37, 95 and 152(4)(b) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

(1) Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾ lays down the general requirements for ensuring the production of safe food.

(2) The animal and public health conditions for the production and the placing on the market of products of animal origin are laid down in a number of different Council Directives.

(3) These conditions concern, in particular, products such as fresh meat, poultrymeat, meat products, egg products, live bivalve molluscs, fishery products, rabbit and game meat, milk and milk products, minced meat as well as certain other products intended for human consumption.

(4) The rules contained in these Directives have been recast and adopted as:

— European Parliament and Council Regulation .../... on the hygiene of foodstuffs,

— European Parliament and Council Regulation .../... laying down specific hygiene rules for food of animal origin,

— European Parliament and Council Regulation .../... laying down detailed rules for the organisation of official controls on products of animal origin intended for human consumption,

— Council Regulation .../... laying down the animal health rules governing the production, placing on the market and importation of products of animal origin intended for human consumption.

(5) The Directives concerned must therefore be repealed.

(6) Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽²⁾, as last amended by Directive 92/118/EEC ⁽³⁾, and 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 ⁽⁴⁾, as last amended by Directive 98/45/EC ⁽⁵⁾, must also be amended to take account of the recasting exercise,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The following Directives are hereby repealed:

1. Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs.

2. Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ⁽⁶⁾, as last amended by Directive 95/23/EC ⁽⁷⁾.

3. Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat ⁽⁸⁾, as last amended by Directive 97/79/EC ⁽⁹⁾.

⁽²⁾ OJ L 395, 30.12.1989, p. 13.

⁽³⁾ OJ L 62, 15.3.1993, p. 49.

⁽⁴⁾ OJ L 46, 19.2.1991, p. 1.

⁽⁵⁾ OJ L 189, 3.7.1998, p. 12.

⁽⁶⁾ OJ 121, 29.7.1964, p. 2012/64.

⁽⁷⁾ OJ L 243, 11.10.1995, p. 7.

⁽⁸⁾ OJ L 55, 8.3.1971, p. 23.

⁽⁹⁾ OJ L 24, 30.1.1998, p. 31.

⁽¹⁾ OJ L 157, 19.7.1993, p. 1.

4. Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.
5. Council Directive 77/96/EEC of 21 December 1976 on the examination for trichinae (*Trichinella spiralis*) upon importation from third countries of fresh meat derived from domestic swine ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.
6. Council Directive 77/99/EEC of 21 December 1976 on health problems affecting the production and marketing of meat products and certain other products of animal origin ⁽³⁾, as last amended by Directive 97/76/EC ⁽⁴⁾.
7. Council Directive 80/215/EEC of 22 January 1980 on animal health problems affecting intra-Community trade in meat products ⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Norway.
8. Council Directive 89/362/EEC of 26 May 1989 on general conditions of hygiene in milk production holdings ⁽⁶⁾.
9. Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products ⁽⁷⁾, as last amended by Directive 96/23/EC ⁽⁸⁾.
10. Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs ⁽⁹⁾, as last amended by Directive 97/79/EC.
11. Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁰⁾, as last amended by Directive 97/79/EC.
12. Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat ⁽¹¹⁾, as last amended by Directive 93/121/EC ⁽¹²⁾.
13. Council Directive 91/495/EEC of 27 November 1990 concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat ⁽¹³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.
14. 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 ⁽¹⁴⁾, as last amended by Directive 97/79/EC.
15. 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 ⁽¹⁵⁾, as last amended by Directive 96/23/EC.
16. Council Directive 92/48/EEC of 16 June 1992 laying down the minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with Article 3(1)(a)(i) of Directive 91/493/EEC ⁽¹⁶⁾.
17. Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations ⁽¹⁷⁾.

Article 2

Annex II 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 referred to in Annex A, Chapter I to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC ⁽¹⁸⁾, as last amended by Directive 97/79/EC ⁽¹⁹⁾, is hereby repealed.

Article 3

Notwithstanding Article 1:

1. Until temperature requirements for the storage and transport of products of animal origin and microbiological standards for these products have been established in accordance with the procedure laid down in Article 6 of European Parliament and Council Regulation . . ./. . . on the hygiene of foodstuffs, the requirements and standards laid down in the Directives referred to in Articles 1 and 2 or their implementing rules shall continue to apply.

⁽¹⁾ OJ L 302, 31.12.1972, p. 24.

⁽²⁾ OJ L 26, 31.1.1977, p. 67.

⁽³⁾ OJ L 26, 31.1.1977, p. 85.

⁽⁴⁾ OJ L 10, 16.1.1998, p. 25.

⁽⁵⁾ OJ L 47, 21.2.1980, p. 4.

⁽⁶⁾ OJ L 156, 8.6.1989, p. 30.

⁽⁷⁾ OJ L 212, 22.7.1989, p. 87.

⁽⁸⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁹⁾ OJ L 168, 24.9.1991, p. 1.

⁽¹⁰⁾ OJ L 268, 24.9.1991, p. 15.

⁽¹¹⁾ OJ L 268, 24.9.1991, p. 35.

⁽¹²⁾ OJ L 340, 31.12.1993, p. 39.

⁽¹³⁾ OJ L 268, 24.9.1991, p. 41.

⁽¹⁴⁾ OJ L 268, 14.9.1992, p. 35.

⁽¹⁵⁾ OJ L 268, 14.9.1992, p. 1.

⁽¹⁶⁾ OJ L 187, 7.7.1992, p. 41.

⁽¹⁷⁾ OJ L 368, 31.12.1994, p. 10.

⁽¹⁸⁾ OJ L 62, 15.3.1993, p. 49.

⁽¹⁹⁾ OJ L 24, 30.1.1998, p. 31.

2. Implementing rules adopted on the basis of the Directives referred to in Articles 1 and 2 shall remain in force until they are replaced by rules having the same effect adopted on the basis of
- European Parliament and Council Regulation .../... on the hygiene of foodstuffs,
 - European Parliament and Council Regulation .../... laying down specific hygiene rules for food of animal origin,
 - European Parliament and Council Regulation .../... laying down detailed rules for the organisation of official controls on products of animal origin intended for human consumption,
 - Council Regulation .../... laying down the animal health rules governing the production, placing on the market and importation of products of animal origin intended for human consumption.
3. When the health mark prescribed in the Directives referred to in Article 1 is different from the one prescribed in European Parliament and Council Regulation .../... laying down specific hygiene rules for food of animal origin, Member States shall ensure that the former health mark is replaced by the latter at the latest five years after entry into force of the said Regulation.

Article 4

Annex A of Council Directive 89/662/EEC is replaced by the following:

‘ANNEX A

CHAPTER I

- Council Regulation .../..., of ... laying down the animal health rules governing the production, placing on the market and importation of products of animal origin intended for human consumption,
- The products of animal origin as referred to in European Parliament and Council Regulation .../..., of ..., on the hygiene of foodstuffs.

CHAPTER II

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 referred to in Annex A(1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC (with the exception of pathogens).’

Article 5

In Directive 91/67/EEC, Article 9 is replaced by the following:

‘Article 9

The placing on the market for human consumption in an approved zone of aquaculture products and molluscs originating in a non-approved zone shall be subject to the relevant requirements laid down in Council Regulation .../... (laying down the animal health rules governing the production, placing on the market and importation of products of animal origin intended for human consumption).’

Article 6

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2004 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 7

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

Article 8

This Directive is addressed to the Member States.