



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 July 2003**

**Interinstitutional Files:  
2002/0141 (COD)  
2000/0182 (COD)**

**11502/03  
ADD 2**

**AGRILEG 192  
CODEC 994**

**ADDENDUM TO REPORT**

---

from: General Secretariat  
to: Committee of permanent representatives

---

No. prev. doc.: 10164/03  
No. Cion prop.: 10427/00 – COM(2000) 438 final  
10987/02 – COM(2002) 377 final

---

Subject: **Food hygiene** – proposals for:

- a Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption
- a Directive of the European Parliament and of the Council repealing certain Directives concerning food hygiene and 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 92/118/EEC and Decision 95/408/EC

**COMMON GUIDELINES**

**Consultation deadline: 25/07/2003**

---

The Annex contains an updated draft of the Directive providing for the **transition from existing hygiene rules for products of animal origin to the new hygiene legislation** (Directive “H5”).

**DRAFT**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**repealing certain Directives concerning food hygiene and 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 92/118/EEC and Decision 95/408/EC**

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<sup>1</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>2</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>3</sup>,

---

<sup>1</sup> OJ C 365 E, 19.12.2000, p. 43.

<sup>2</sup> OJ C 155, 29.5.2001, p. 39.

<sup>3</sup> Opinion of the European Parliament of 5 June 2003 (not yet published in the Official Journal), Council Common Position of (not yet published in the Official Journal) and Decision of the European Parliament of (not yet published in the Official Journal).

Whereas:

- (1) Several Directives lay down animal and public health rules for the production and placing on the market of products of animal origin.
- (2) The following acts contain new rules recasting and updating the rules in those Directives:
  - Regulation (EC) .../... of the European Parliament and of the Council on the hygiene of foodstuffs<sup>1</sup>;
  - Regulation (EC) .../... of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin<sup>2</sup>;
  - Regulation (EC) .../... of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>3</sup>; and
  - Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption<sup>4</sup>.
- (3) It is therefore appropriate to repeal the earlier Directives. Since Regulation (EC) .../... on the hygiene of foodstuffs provides for the repeal of Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>5</sup>, the present Directive need only repeal the Directives concerning products of animal origin.

---

<sup>1</sup> See p. of this Official Journal.

<sup>2</sup> See p. of this Official Journal.

<sup>3</sup> See p. of this Official Journal.

<sup>4</sup> OJ L 18, 23.1.2003, p. 11.

<sup>5</sup> OJ L 157, 19.7.1993, p. 1.

- (4) It is necessary, however, to provide for certain implementing rules to remain in force pending the taking of necessary measures under the new legal framework.
- (5) Amendments to Directive 89/662/EEC<sup>1</sup>, Directive 92/118/EEC<sup>2</sup> and Decision 95/408/EC<sup>3</sup> are also necessary to take account of the recasting exercise,

---

<sup>1</sup> 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 (OJ L 395, 30.12.1989, p. 13). Directive as last amended by Directive 92/118/EEC (OJ L 62, 15.3.1993, p. 49).

<sup>2</sup> 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 (OJ L 62, 15.3.1993, p. 49). Directive as last amended by Decision 2003/42/EC (OJ L 13, 18.1.2003, p. 24).

<sup>3</sup> Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs (OJ L 243, 11.10.1995, p. 17). Decision as last amended by Regulation (EC) 806/2003 (OJ L 122, 16.5.2003, p. 1).

Regulation (EC) .../... of the European Parliament and of the Council on the hygiene of foodstuffs;

- Regulation (EC) .../... of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin; and
- Regulation (EC) .../... of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

## Article 2

The following Directives shall be repealed with effect from the relevant date:

1. Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat;<sup>1</sup>
2. Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultry meat;<sup>2</sup>
3. Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat;<sup>3</sup>
4. 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;<sup>4</sup>

---

<sup>1</sup> OJ L 121, 29.7.1964, p. 2012/64. Directive as last amended by Directive 95/23/EC (OJ L 243, 11.10.1995, p. 7).

<sup>2</sup> OJ L 55, 8.3.1971, p. 23. Directive as last amended by Directive 97/79/EC (OJ L 24, 30.1.1998, p. 31).

<sup>3</sup> OJ L 302, 31.12.1972, p. 24. Directive as last amended by the Act of Accession of Austria, Finland and Sweden.

<sup>4</sup> OJ L 26, 31.1.1977, p. 67. Directive as last amended by the Act of Accession of Austria, Finland and Sweden.

5. 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;<sup>1</sup>
6. Council Directive 80/215/EEC of 22 January 1980 on animal health problems affecting intra-Community trade in meat products;<sup>2</sup>
7. Council Directive 89/362/EEC of 26 May 1989 on general conditions of hygiene in milk production holdings;<sup>3</sup>
8. 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;<sup>4</sup>
9. 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;<sup>5</sup>
10. 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;<sup>6</sup>
11. 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 poultry meat;<sup>7</sup>
12. 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;<sup>8</sup>
13. 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;<sup>9</sup>
14. 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;<sup>10</sup>

---

<sup>1</sup> OJ L 26, 31.1.1977, p. 85. Directive as last amended by Directive 97/76/EC (OJ L 10, 16.1.1998, p. 25).

<sup>2</sup> OJ L 47, 21.2.1980, p. 4. Directive as last amended by the Act of Accession of Austria, Finland and Sweden.

<sup>3</sup> OJ L 156, 8.6.1989, p. 30.

<sup>4</sup> OJ L 212, 22.7.1989, p. 87. Directive as last amended by Directive 96/23/EC (OJ L 125, 23.5.1996, p. 10).

<sup>5</sup> OJ L 168, 24.9.1991, p. 1. Directive as last amended by Directive 97/79/EC.

<sup>6</sup> OJ L 268, 24.9.1991, p. 15. Directive as last amended by Directive 97/79/EC.

<sup>7</sup> OJ L 268, 24.9.1991, p. 35. Directive as last amended by Directive 93/121/EC (OJ L 340, 31.12.1993, p. 39).

<sup>8</sup> OJ L 268, 24.9.1991, p. 41. Directive as last amended by the Act of Accession of Austria, Finland and Sweden.

<sup>9</sup> OJ L 268, 14.9.1992, p. 35. Directive as last amended by Directive 97/79/EC.

<sup>10</sup> OJ L 268, 14.9.1992, p. 1. Directive as last amended by Directive 96/23/EC.

15. 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;<sup>1</sup> and
16. 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.<sup>2</sup>

### Article 3

Directive 92/118/EEC shall be amended as follows with effect from the relevant date:

1. all references to “Annexes I and II” are replaced by references to “Annex
2. in Article 4(1), the words “and Annex II as regards public health aspects” are deleted; and
3. Annex II is repealed.

### Article 4

1. With effect from the relevant date, references to the Directives referred to in Article 2 or to Annex II to Directive 92/118/EEC shall be construed as being made, as the context demands, to:
  - (a) Regulation (EC) .../... laying down specific hygiene rules for food of animal origin;
  - (b) Regulation (EC) .../... laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption; or
  - (c) Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption.
2. Pending the adoption of microbiological criteria and temperature control requirements in accordance with Article 4 of Regulation (EC) .../... on the hygiene of foodstuffs, any such criteria or requirements laid down in the Directives referred to in Article 2, Annex II to Directive 92/118/EEC, or their implementing rules shall continue to apply.

---

<sup>1</sup> OJ L 187, 7.7.1992, p. 41.

<sup>2</sup> OJ L 368, 31.12.1994, p. 10.

3. Pending the adoption of the necessary provisions on the basis of:
- Regulation (EC) .../... on the hygiene of foodstuffs,  
Regulation (EC) .../... laying down specific hygiene rules for food of animal origin,  
Regulation (EC) .../... laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, or
  - Council Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption,

the following acts shall continue to apply *mutatis mutandis*:

- (a) implementing rules adopted on the basis of the Directives referred to in Article 2;
- (b) implementing rules adopted on the basis of Annex II to Directive 92/118/EEC, with the exception of Decision 94/371/EC<sup>1</sup>; and
- (c) provisional lists of third countries and third country establishments drawn up in accordance with Decision 95/408/EC.

#### Article 5

Council Directive 89/662/EEC shall be amended as follows with effect from the relevant date.

1. The references:

- (a) in Article 1, to “products of animal origin which are covered by the Directives listed in Annex A”; and
- (b) in Article 4(1), to “products obtained in accordance with the Directives referred to in Annex A”,

shall be replaced by “products of animal origin covered by the acts referred to in Annex A”.

---

<sup>1</sup> OJ L 168, 2.7.1994, p. 34 .

2. Annex A shall be replaced by the following:

“ANNEX A

#### CHAPTER I

Directive 2002/99/EC laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption\*

Regulation (EC) .../... laying down specific hygiene rules for food of animal origin\*\*

#### CHAPTER II

Directive 92/118/EEC 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†

Regulation (EC) No 1774/2002 laying down health rules concerning animal by-products not intended for human consumption††

---

\* OJ L 18, 23.1.2003, p. 11.

\*\* See p.        of this Official Journal.

† OJ L 62, 15.3.1993, p. 49. Directive as last amended by Decision 2003/42/EC (OJ L 13, 18.1.2003, p. 24).

†† OJ L 273, 10.10.2002, p. 1.]”.

### Article 6

In Decision 95/408/EC, Article 9 shall be replaced by the following with effect from the date of entry into force of this Directive:

“Article 9

This Decision shall apply until the “relevant date”, as defined in Directive .../.../EC. \*

---

\* OJ: insert the title of the present Directive.

### Article 7

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by the relevant date 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 8

This Directive shall enter into force on the date of its publication in the Official Journal of the European Union.

### Article 9

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

---