CHAPTER III

SPECIAL REQUIREMENTS FOR THE PRODUCTION OF PREPARED MEALS

Beyond the general requirements of Annex A, Chapter I, and depending on the type of production concerned

1 (a) If the production of prepared meals does not take place in the room laid down for that purpose in Chapter I (1) (c), the establishment shall possess a separate room for the production of prepared meals,

(b) the production of prepared meals shall take place under conditions of temperature control,

2 (a) the operator or proprietor of the establishment or his representative shall conduct a regular check on the general hygiene of conditions of production in his establishment, in particular by microbiological controls in accordance with the fourth subparagraph

These controls shall cover utensils, fittings and machinery at all stages of production and, according to the type of production concerned, products

He shall be in a position, upon request to inform the competent authority or the Commission's veterinary experts of the nature, frequency and results of the controls conducted to this end, together with the name of the investigating laboratory if need be

The nature of these controls, and their frequency, as well as the sampling methods and the methods for bacteriological examination will be stipulated in a recommendation to be established by the Commission in accordance with the procedure laid down in Article 12,

(b) the competent authority shall regularly analyze the results of the controls provided for in (a) It may, on the basis of this analysis, conduct further microbiological examinations at all stages of production or on the products

The results of these analyses shall be written up in a report, the conclusions and recommendations of which shall be notified to the operator, who shall see to the rectification of shortcomings noted with a view to improving hygiene,

3 in addition, prepared meals which have been cooked shall

— be wrapped immediately before or after cooking,

— after cooking and wrapping operations, be cooled rapidly in an insulated chamber which is satisfactory from the hygiene point of view

— be cooled to an internal temperature of + 10 °C within a period of not more than two hours after the end of cooking,

— where appropriate, be frozen or quick frozen immediately after they have been cooled

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Proposal for a Council Decision on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of products of animal origin

COM(89) 670 final

(Submitted by the Commission on 12 February 1990)

(90/C 84/08)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas products of animal origin are included in the list of products in Annex II to the Treaty; whereas the marketing of

products of animal origin is a source of income for a large part of the farming population;

Whereas, to ensure rational development of the sector and increase productivity, health rules applying to production and marketing must be laid down at Community level;

Whereas the Community is called upon to adopt measures for gradual establishment of the internal market over the period to 31 December 1992;

Whereas in pursuit of the abovementioned objectives the Council has laid down specific Community health rules on the production and marketing of products of animal origin, in particular fresh meat, poultrymeat, game and rabbit meat, meat products, minced meat, meat in pieces of less than 100 grams, meat preparations, fishery products, live bivalve molluscs, raw milk, heat-treated drinking milk, milk products, egg products, animal fats and rendered products;

Whereas it is possible that, because of particular circumstances, some establishments will be unable, by 1 January 1993, to comply with all of the specific rules laid down; whereas in order to take account of local situations and to prevent abrupt closures of establishments, arrangements should be made for limited and temporary derogations for establishments in operation before 1 January 1992;

Whereas the granting of derogations from specific Community health rules to certain establishments is without prejudice to the requirement that all production and marketing of products of animal origin conform to the general health rules laid down by Council Regulation (EEC) No . . . of . . . laying down general health rules applicable to the production and placing on the market of products of animal origin and specific health rules applicable to certain products of animal origin [1];

Whereas to forestall any risk of abuse these derogations must be strictly controlled by the Commission; whereas to this end there should be a procedure for close and effective cooperation between the Commission and the Member States within the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of this Decision:

1. 'establishment' means any premises subject to specific Community health rules where products of animal origin are prepared, processed, wrapped, packed or stored;

2. 'product of animal origin' means any product, whether or not processed, derived directly or indirectly from an animal and intended for human consumption.

Article 2

1. A Member State which after a thorough examination of the situation in each establishment considers that certain establishments in operation before 1 January 1992 will be unable to observe certain specific Community health rules on the production and marketing of products of animal origin shall submit a reasoned application for a derogation to the Commission.

2. The application referred to in paragraph 1 must be submitted to the Commission before 1 January 1992 and must give, for each establishment, the following information:

— the rules in question,

— the grounds for the application,

— the duration envisaged for the derogation,

— the part of its territory affected, if appropriate,

— the socio-economic impact on local, regional and national production,

— the number and identity of establishments concerned,

— the volume of production,

— the distribution area for the products concerned,

— the health rules planned,

— the movement control rules for the products.

Article 3

1. The Commission shall consider the reasons notified by the Member State. It may request any further information needed. If necessary, Commission representatives may make an on-the-spot visit.

2. The Commission may grant a temporary limited derogation as requested, in accordance with the procedure laid down in Article 4. It shall set the general and particular terms of the derogation in accordance with the same procedure.

3. In examining the application the Commission shall take into consideration:

— essential health and control requirements,

— essential requirements as regards direct sales on local markets,

[1] OJ No L . . .

— the geographical situation of the establishments,

— local traditions,

— the size of the establishments concerned and their production volume,

— the nature of the production concerned, including the technology used,

— the distribution channels for the production concerned,

Article 4

1. The Commission shall be assisted by the Standing Veterinary Committee set up by Council Decision 68/361/EEC (1), hereinafter called 'the Committee'.

2. Whereas the procedure laid down in this Article is to be followed the following provisions shall apply.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

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

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, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 5

This Decision is addressed to the Member States.

(1) OJ No L 255, 18. 10. 1968, p. 23.

Proposal for a Council Regulation (EEC) laying down animal health requirements for the placing on the market in the Community of animals and products of animal origin not covered in this respect by specific Community rules

COM(89) 658 final

(Submitted by the Commission on 13 February 1990)

(90/C 84/09)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas live animals and products of animal origin are included in the list of products in Annex II to the Treaty; whereas the placing on the market of animals and products of animals origin constitutes a source of income for a large part of the farming population;

Whereas in order to ensure the rational development of this sector and to increase productivity, animal health rules governing the placing of animals and products of animal origin on the market should be laid down at Community level;

Whereas the Community must adopt the measures intended to establish the internal market progressively over a period expiring on 31 December 1992;

Whereas, in view of the abovementioned objectives, the Council has laid down animal health rules applicable to cattle, swine, sheep and goats, equidae, poultry and hatching eggs, fish and fish products, rodents, semen of bulls and boars, bovine embryos, fresh meat, poultrymeat, meat products, game meat and rabbit meat;

Whereas animal health rules should be adopted for the placing on the market of animals and products of animal origin which are not covered by the abovementioned rules;

Whereas, in order to be placed on the market, animals and products of animal origin must satisfy certain animal health