

Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 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 Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC

DIRECTIVE 2004/41/EC OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 21 April 2004

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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⁽¹⁾,

Having regard to the Opinion of the European Economic and Social Committee⁽²⁾,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽³⁾,

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) No ... /2003 of the European Parliament and of the Council of ... on the hygiene of foodstuffs⁽⁴⁾;
 - Regulation (EC) No ... /2003 of the European Parliament and of the Council of ... laying down specific hygiene rules for food of animal origin⁽⁵⁾;
 - Regulation (EC) No ... /2003 of the European Parliament and of the Council of ... laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽⁶⁾; 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⁽⁷⁾.
- (3) It is therefore appropriate to repeal the earlier Directives. Since Regulation (EC) No ... 72003⁽⁸⁾ provides for the repeal of Council Directive 93/43/EEC of 14 June 1993 on

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the hygiene of foodstuffs⁽⁹⁾, this Directive need only repeal the Directives concerning products of animal origin.

- (4) The requirements of Council Directive 72/462/EEC⁽¹⁰⁾ should continue to apply only to the import of live animals, since the new hygiene rules and Directive 2002/99/EC will supersede its rules on fresh meat and meat products.
- (5) 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.
- (6) Amendments to Council Directives 89/662/EEC⁽¹¹⁾ and 92/118/EEC⁽¹²⁾ and to Council Decision 95/408/EC⁽¹³⁾ are also necessary to take account of the recasting exercise,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 365 E, 19.12.2000, p. 132.](#)
- (2) [OJ C 155, 29.5.2001, p. 39.](#)
- (3) Opinion of the European Parliament of 3 June 2003 (not yet published in the Official Journal), Council Common Position of 27 October 2003 ([OJ C 48 E, 27.2.2004, p. 1](#)) and Position of the European Parliament of 30 March 2004 (not yet published in the Official Journal).
- (4) See p. of this Official Journal.
- (5) See p. of this Official Journal.
- (6) See p. of this Official Journal.
- (7) [OJ L 18, 23.1.2003, p. 11.](#)
- (8) Note for Official Journal: Please insert here the No. of Regulation in first indent of Recital (2).
- (9) [OJ L 175, 19.7.1993, p. 1.](#)
- (10) 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 ([OJ L 302, 31.12.1972, p. 28](#)). Directive as last amended by Council Regulation (EC) No 807/2003 ([OJ L 122, 16.5.2003, p. 36](#)).
- (11) 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 Regulation (EC) No 806/2003 ([OJ L 122, 16.5.2003, p. 1](#)).
- (12) 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 Commission Decision 2003/42/EC ([OJ L 13, 18.1.2003, p. 24](#)).
- (13) 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) No 806/2003.