

ANNEX I

FRESH MEAT

SECTION II: ACTION FOLLOWING CONTROLS

CHAPTER I: COMMUNICATION OF INSPECTION RESULTS

1. The official veterinarian is to record and to evaluate the results of inspection activities.
2.
 - (a) If inspections reveal the presence of any disease or condition that might affect public or animal health, or compromise animal welfare, the official veterinarian is to inform the food business operator.
 - (b) When the problem identified arose during primary production, the official veterinarian is to inform the veterinarian attending the holding of provenance, the food business operator responsible for the holding of provenance (provided that such information would not prejudice subsequent legal proceedings) and, where appropriate, the competent authority responsible for supervising the holding of provenance or the hunting area.
 - (c) If the animals concerned were raised in another Member State or in a third country, the official veterinarian is to inform to the competent authority of the Member State where the establishment is located. That competent authority is to take appropriate measures in accordance with applicable Community legislation.
3. The results of inspections and tests are to be included in relevant databases.
4. When the official veterinarian, while carrying out ante-mortem or post-mortem inspection or any other inspection activity, suspects the presence of an infectious agent mentioned on OLE List A or, where appropriate, OLE List B, the official veterinarian must immediately notify the competent authority and both must take all necessary measures and precautions to prevent the possible spread of the infectious agent in accordance with applicable Community legislation.

CHAPTER II: DECISIONS CONCERNING FOOD CHAIN INFORMATION

1. The official veterinarian is to verify that animals are not slaughtered unless the slaughterhouse operator has been provided with and checked relevant food chain information.
2. However, the official veterinarian may allow animals to undergo slaughter in the slaughterhouse even if the relevant food chain information is not available. In this case, all relevant food chain information must be supplied before the carcase is approved for human consumption. Pending a final judgement, such carcasses and related offal must be stored separately from other meat.
3. Notwithstanding paragraph 2, when relevant food chain information is not available within 24 hours of an animal's arrival at the slaughterhouse, all meat from the animal is to be declared unfit for human consumption. If the animal has not yet been slaughtered, it is to be killed separately from other animals.

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4. When the accompanying records, documentation or other information shows that:
 - (a) animals come from a holding or an area subject to a movement prohibition or other restriction for reasons of animal or public health;
 - (b) rules on the use of veterinary medicinal products have not been complied with; or
 - (c) any other condition which might adversely affect human or animal health is present, animals may not be accepted for slaughter other than in accordance with procedures laid down under Community legislation to eliminate human or animal health risks.

If the animals are already present at the slaughterhouse, they must be killed separately and declared unfit for human consumption, taking precautions to safeguard animal and public health where appropriate. Whenever the official veterinarian considers it necessary, official controls are to be carried out on the holding of provenance.

5. The competent authority is to take appropriate action if it discovers that the accompanying records, documentation or other information do not correspond with the true situation on the holding of provenance or the true condition of the animals or aim deliberately to mislead the official veterinarian. The competent authority is to take action against the food business operator responsible for the holding of provenance of the animals, or any other person involved. This action may consist in particular of extra controls. The food business operator responsible for the holding of provenance or any other person involved are to bear the costs of such extra controls.

CHAPTER III: DECISIONS CONCERNING LIVE ANIMALS

1. The official veterinarian is to verify compliance with the food business operator's duty under Regulation (EC) No .../2004⁽¹⁾ to ensure that animals accepted for slaughter for human consumption are properly identified. The official veterinarian is to ensure that animals whose identity is not reasonably ascertainable are killed separately and declared unfit for human consumption. Whenever the official veterinarian considers it necessary, official controls are to be carried out on the holding of provenance.
2. When there are overriding animal welfare considerations, horses may undergo slaughter at the slaughterhouse even if the legally required information concerning their identity has not been supplied. However, this information must be supplied before the carcass may be declared fit for human consumption. These requirements also apply in the case of emergency slaughter of horses outside the slaughterhouse.
3. The official veterinarian is to verify compliance with the food business operator's duty under Regulation (EC) No .../2004 to ensure that animals that have such hide, skin or fleece conditions that there is an unacceptable risk of contamination of the meat during slaughter are not slaughtered for human consumption unless they are cleaned beforehand.
4. Animals with a disease or condition that may be transmitted to animals or humans through handling or eating meat and, in general, animals showing clinical signs of systemic disease or emaciation, are not to be slaughtered for human consumption. Such animals must be killed separately, under conditions such that other animals or carcasses can not be contaminated, and declared unfit for human consumption.
5. The slaughter of animals suspected of having a disease or condition that may adversely affect human or animal health is to be deferred. Such animals are to undergo detailed

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ante-mortem examination in order to make a diagnosis. In addition, the official veterinarian may decide that sampling and laboratory examinations are to take place to supplement post-mortem inspection. If necessary, the animals are to be slaughtered separately or at the end of normal slaughtering, taking all necessary precautions to avoid contamination of other meat.

6. Animals that might contain residues of veterinary medicinal products in excess of the levels laid down in accordance with Community legislation, or residues of forbidden substances, are to be dealt with in accordance with Directive 96/23/EC.
7. The official veterinarian is to impose the conditions under which animals are to be dealt with under a specific scheme for the eradication or control of a specific disease, such as brucellosis or tuberculosis, or zoonotic agents such as salmonella, under his/her direct supervision. The competent authority is to determine the conditions under which such animals may be slaughtered. These conditions must have the aim of minimising contamination of other animals and the meat of other animals.
8. Animals that are presented to a slaughterhouse for slaughter must as a general rule be slaughtered there. However, in exceptional circumstances, such as a serious breakdown of the slaughter facilities, the official veterinarian may allow direct movements to another slaughterhouse.

CHAPTER IV: DECISIONS CONCERNING ANIMAL WELFARE

1. When the rules concerning the protection of animals at the time of slaughter or killing are not respected, the official veterinarian is to verify that the food business operator immediately takes necessary corrective measures and prevents recurrence.
2. The official veterinarian is to take a proportionate and progressive approach to enforcement action, ranging from issuing directions to slowing down and stopping production, depending on the nature and gravity of the problem.
3. Where appropriate, the official veterinarian is to inform other competent authorities of welfare problems.
4. When the official veterinarian discovers that rules concerning the protection of animals during transport are not being respected, he or she is to take necessary measures in accordance with the relevant Community legislation.
5. When:
 - (a) an official auxiliary is carrying out checks on animal welfare pursuant to Sections III or IV; and
 - (b) those checks identify non-compliance with the rules on the protection of animals,the official auxiliary is immediately to inform the official veterinarian and, if necessary in cases of urgency, is to take the necessary measures referred to in paragraphs 1 to 4 pending the arrival of the official veterinarian.

CHAPTER V: DECISIONS CONCERNING MEAT

1. Meat is to be declared unfit for human consumption if it:

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- (a) derives from animals that have not undergone ante-mortem inspection, except for hunted wild game;
- (b) derives from animals the offal of which has not undergone post-mortem inspection, unless otherwise provided for under this Regulation or Regulation (EC) No .../2004⁽²⁾;
- (c) derives from animals which are dead before slaughter, stillborn, unborn or slaughtered under the age of 7 days;
- (d) results from the trimming of sticking points;
- (e) derives from animals affected by an OIE List A or, where appropriate, OIE List B disease, unless otherwise provided for in Section IV;
- (f) derives from animals affected by a generalised disease, such as generalised septicaemia, pyaemia, toxaemia or viraemia;
(g) is not in conformity with microbiological criteria laid down under Community legislation to determine whether food may be placed on the market;
- (h) exhibits parasitic infestation, unless otherwise provided for in Section IV;
- (i) contains residues or contaminants in excess of the levels laid down in Community legislation. Any overshooting of the relevant level should lead to additional analyses whenever appropriate;
- (j) without prejudice to more specific Community legislation, derives from animals or carcasses containing residues of forbidden substances or from animals that have been treated with forbidden substances;
- (k) consists of the liver and kidneys of animals more than two years old from regions where implementation of plans approved in accordance with Article 5 of Directive 96/23/EC has revealed the generalised presence of heavy metals in the environment;
- (l) has been treated illegally with decontaminating substances;
- (m) has been treated illegally with ionising or UV-rays;
- (n) contains foreign bodies (except, in the case of wild game, material used to hunt the animal);
- (o) exceeds the maximum permitted radioactivity levels laid down under Community legislation;
- (p) indicates patho-physiological changes, anomalies in consistency, insufficient bleeding (except for wild game) or organoleptic anomalies, in particular a pronounced sexual odour;
- (q) derives from emaciated animals;
- (r) contains specified risk material, except as provided for under Community legislation;
- (s) shows soiling, faecal or other contamination;
- (t) consists of blood that may constitute a risk to public or animal health owing to the health status of any animal from which it derives or contamination arising during the slaughter process;

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- (u) in the opinion of the official veterinarian, after examination of all the relevant information, it may constitute a risk to public or animal health or is for any other reason not suitable for human consumption.
- 2. The official veterinarian may impose requirements concerning the use of meat derived from animals having undergone emergency slaughter outside the slaughterhouse.

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- (1) Note for Official Journal: Insert No of Regulation laying down specific hygiene rules for food of animal origin (see recital 1, 2nd Regulation).
- (2) Note for Official Journal: Insert No of Regulation laying down specific hygiene rules for food of animal origin (see recital 1, 2nd Regulation).