



COMMISSION OF THE EUROPEAN COMMUNITIES

**Brussels, 22.05.1997
COM(97) 227 final**

97/ 0142 (CNS)

**Proposal for a
COUNCIL DECISION**

**amending Council Decisions 95/409/EC, 95/410/EC and 95/411/EC
concerning the methods to be used for microbiological testing**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Following the accession of Austria, Finland and Sweden and in the context of the file concerning the protection against salmonella, additional guarantees were defined by the Council for consignments of fresh beef and veal and pigmeat, of poultry for slaughter and of poultrymeat intended for Finland and Sweden. The respective Council Decisions 95/409/EC⁽¹⁾, 95/410/EC⁽²⁾ and 95/411/EC⁽³⁾ provide for the standard method "ISO 6579:1993" from the International Organisation for Standardisation to be used as microbiological testing method for the presence of salmonella in the samples.

Following the opinion of the Scientific Veterinary Committee, the method described by the Nordic Committee on Food Analysis ("NMKL method") can be considered as equivalent to the "ISO method".

This proposal provides for the possibility to use the "NMKL method" as an alternative method. In case of conflicting results between Member States, the "ISO-method" should be used.

This Decision has no impact on the Community budget.

Although not provided for, the Council is invited to consult the European Parliament on this proposal.

⁽¹⁾OJ N° L 243, 11.10.1995, p. 21.

⁽²⁾OJ N° L 243, 11.10.1995, p. 25.

⁽³⁾OJ N° L 243, 11.10.1995, p. 29.

PROPOSAL FOR A
COUNCIL DECISION

of

amending Council Decisions 95/409/EC, 95/410/EC and 95/411/EC
concerning the methods to be used for microbiological testing

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission¹,

Having regard to the Opinion of the European Parliament²,

Having regard to Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat³, as amended by Directive 95/23/EC⁴, and in particular article 5, 3 (a),

Having regard to Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and exports from third countries of, poultry and hatching eggs⁵, as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 10b, (1),

Having regard to Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat⁶, as amended by Directive 96/23/EC⁷, and in particular article 5, 3 (a),

Whereas the Scientific Veterinary Committee in its report of 03 June 1996 has given an opinion concerning microbiological testing methods offering equivalent guarantees;

¹OJ N° C , , p.

²OJ N° C , , p.

³OJ N° L 121, 29. 7. 1964, p. 2012/64

⁴OJ N° L 243, 11.10.1995, p. 7

⁵OJ N° L 303, 31. 10. 1990, p. 6

⁶OJ N° L 55, 8.3.1971, p. 23

⁷OJ N° L 125, 23.5.1996, p. 10

Whereas it is appropriate to modify the Decisions 95/409/EC, 95/410/EC and 95/411/EC in order to introduce the possibility to use a microbiological method offering equivalent guarantees as the one which is provided for;

Whereas for the authorisation of new methods offering equivalent guarantees, it is appropriate to provide for a procedure of close co-operation between the Commission and the Member States as foreseen in Article 16 of Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat⁸, as last amended by the Act of Accession of Austria, Finland and Sweden, or in Article 32 of Council directive 90/539/EEC on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs⁹, as last amended by the Act of Accession of Austria, Finland and Sweden, or in Article 21 of Council Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat¹⁰, as last amended by the Act of Accession of Austria, Finland and Sweden;

Whereas the methods described in this Decision take into account the opinion of the Scientific Veterinary Committee;

HAS ADOPTED THIS DECISION:

Article 1

Section C of the Annex of Decision 95/409/EC is replaced by the following:

"MICROBIOLOGICAL METHOD FOR THE EXAMINATION OF THE SAMPLES

- Microbiological testing of the samples for salmonella should be carried out to the standard of the International Organisation for Standardisation ISO 6579 : 1993 or revised editions, or by the method described by the Nordic Committee on Food Analysis (NMKL method n° 71, 4th edition, 1991) or revised editions. However, methods offering equivalent guarantees may be authorised in accordance with the procedure laid down in Article 16 of Directive 64/433/EEC.

- Where the results of analysis are contested between Member States, the standard of the International Organisation for Standardisation ISO 6579 : 1993 or revised editions should be regarded as the reference method."

⁸OJ N° L 121, 29.7.1964, p. 2012/64

⁹OJ N° L 303, 31.10.1990, p. 6

¹⁰OJ N° L 55, 8.3.1971, p. 23

Article 2

In Annex A of Decision 95/410/EC point 3 is replaced by the following point:

"3. Microbiological method for the examination of the samples

- Microbiological testing of the samples for salmonella should be carried out to the standard of the International Organisation for Standardisation ISO 6579 : 1993 or revised editions, or by the method described by the Nordic Committee on Food Analysis (NMKL method n° 71, 4th edition, 1991) or revised editions. However, methods offering equivalent guarantees may be authorised in accordance with the procedure laid down in Article 32 of Directive 90/539/EEC.

- Where the results of analysis are contested between Member States, the standard of the International Organisation for Standardisation ISO 6579 : 1993 or revised editions should be regarded as the reference method."

Article 3

Section C of the Annex of Decision 95/411/EC is replaced by the following:

"MICROBIOLOGICAL METHOD FOR THE EXAMINATION OF THE SAMPLES

- Microbiological testing of the samples for salmonella should be carried out to the standard of the International Organisation for Standardisation ISO 6579 : 1993 or revised editions, or by the method described by the Nordic Committee on Food Analysis (NMKL method n° 71, 4th edition, 1991) or revised editions. However, methods offering equivalent guarantees may be authorised in accordance with the procedure laid down in Article 21 of Directive 71/118/EEC.

- Where the results of analysis are contested between Member States, the standard of the International Organisation for Standardisation ISO 6579 : 1993 or revised editions should be regarded as the reference method."

Article 4

This Decision is addressed to the Member States.

Done at Brussels

For the Council
The President

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