DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 21 April 2004


2004/41/EC

corrigendum by (OJ No. L 195, 02.06.2004, p. 12)

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:


and


(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 (8) and 92/118/EEC (9) and to Council Decision 95/408/EC (10) are also necessary to take account of the recasting exercise,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, the ‘relevant date’ shall mean the date of application of Regulations (EC) No 852/2004, (EC) No 853/2003 and (EC) No 854/2003.

Article 2

The following directives shall be repealed with effect from the relevant date:


Article 3

Directive 92/118/EEC is amended as follows with effect from the relevant date:
1. all references to ‘Annexes I and II’ are replaced by references to ‘Annex I’;
2. in Article 4(1), ‘and Annex II as regards public health aspects’ is 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 Annex II is repealed.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) No 853/2004;
   (b) Regulation (EC) No 854/2004; or
   (c) Directive 2002/99/EC.
2. Pending the adoption of microbiological criteria and temperature control requirements in accordance with Article 4 of Regulation (EC) No 852/2004, 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.
   (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 (27);
   (c) implementing rules adopted on the basis of Directive 72/462/EEC; and
   (d) provisional lists of third countries and third-country establishments drawn up in accordance with Decision 95/408/EC.

Article 5

1. As from 1 January 2005, the animal health rules laid down in Directive 72/462/EEC shall continue to apply only to the import of live animals.
2. With effect from the relevant date, Directive 72/462/EEC shall continue to apply only to the import of live animals.

**Article 6**

Directive 89/662/EEC is 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’,
   are replaced by ‘products of animal origin covered by the acts referred to in Annex A’;

2. Annex A is replaced by the following:

   **ANNEX A**
   **CHAPTER I**


   **CHAPTER II**


   (*) OJ L 18, 23.1.2003, p. 11.

**Article 7**

Article 9 of Decision 95/408/EC is 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 Article 1 of 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 (*).

   (*) OJ L 157, 30.4.2004.’

**Article 8**

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 these measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such references shall be laid down by Member States.

**Article 9**

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

**Article 10**

This Directive is addressed to the Member States.

Done at Strasbourg, 21 April 2004.

For the European Parliament
The President
P. COX
For the Council
The President
M. McDOWELL

(4) See page 139 of this Official Journal.
(22) OJ L 168, 2.7.1994, p. 34.