II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 June 1994

on the criteria to be applied to establishments manufacturing meat products without having an industrial structure or an industrial production capacity

(Text with EEA relevance)

(94/383/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/99/EEC of 21 December 1976 on health problems affecting the production and marketing of meat products and certain other products of animal origin [1], as last amended by Directive 92/118/EEC [2], and in particular Article 9 (5) thereof,

Whereas it is necessary to lay down criteria for the classification of establishments in order to ensure a uniform implementation of Directive 77/99/EEC;

Whereas Member States have communicated to the Commission the criteria which they have adopted to assess whether an establishment or a category of establishments has no industrial structure or production capacity;

Whereas the derogations referred to in Article 9 (1) and (2) of Directive 77/99/EEC concern only the structure of the estabishments and not the hygienic requirements laid down in the said Directive;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of granting the derogations referred to in Article 9 (1) and (2) of Directive 77/99/EEC, Member States shall fix a maximum production limit for each establishment.

When fixing that limit, they shall take particular account of the following parameters: the establishment's structure and layout, the flow of the products, and the storage capacity for raw materials and end products.

2. The granting of the derogations referred to in paragraph 1 is subject to observance by each establishment of the production limit laid down in pursuance of paragraph 1.

3. In no case shall the production limit laid down in paragraph 1 exceed a quantity of 7,5 tonnes of finished product per week, or one tonne per week in the case of foie gras production.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 June 1994.

For the Commission

René STEICHEN

Member of the Commission

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[1] OJ No L 26, 31. 1. 1977, p. 85. Updated by Directive 92/5/EEC (OJ No L 57, 2. 3. 1992, p. 1).

[2] OJ No L 62, 15. 3. 1993, p. 49).