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from: General Secretariat

to: Committee of permanent representatives

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Subject: **Food hygiene** – proposals for:

- a Regulation of the European Parliament and of the Council on the hygiene of foodstuffs
  - a Regulation of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin
  - a Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption
  - a Directive of the European Parliament and of the Council 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 Directives 89/662/EEC and 92/118/EEC and Decision 95/408/EC
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The draft Regulation on the **hygiene of foodstuffs** (Regulation “H1”) contained in document 10543/02 and COR 1 is to be amended as set out in the Annex.

**AMENDMENTS TO REGULATION “H1”**

**Recital 6**

Recital 6 is to read as follows:

“(6) In addition to this common basis, specific hygiene rules are necessary for certain foodstuffs. Regulation (EC) .../... of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin lays down these rules\*.

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\* Page ... of this JO.”.

**Recital 25**

Recital 25 is to read as follows:

“(25) The requirements of this Regulation should not apply until all parts of the new legislation on food hygiene have entered into force. It is also appropriate to provide for at least [one year] to elapse between entry into force and the application of the new rules, to allow the affected industries time to adapt.”.

are to become specific references to the Regulation first referred to in recital 6.

**Articles 8(1)(c) & 9(2)(d)**

These provisions are to read:

“when they concern primary production and those associated operations listed in Annex I, having regard to the recommendations set out in Part B of Annex I.”.

**Article 8(2)**

Article 8(2) is to refer to Annex II to Directive 98/34/EC, not Annex I.

**Article 17(1)**

Article 17(1) is to read as follows:

“1. Directive 93/43/EEC shall be repealed with effect from the date of application of this Regulation.”.

## **Article 18**

The following text is to replace the current first and second subparagraphs of Article 18:

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

It shall apply [one year] after the date on which all of the following acts have entered into force:

- (a) Regulation (EC) .../... laying down specific hygiene rules for food of animal origin;
- (b) Regulation (EC) .../... laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption; and
- (c) Directive .../.../EC 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 Directives 89/662/EEC, 91/67/EEC and 92/118/EEC.

However, it shall apply no earlier than [1 January 2006].”.

## **Annex I**

The introductory phrase in paragraph 1 is to read as follows:

“1. This Annex applies to primary production and the following associated operations:”.

A new paragraph 5a is to be added at the end of Section II:

“5a. Food business operators are to take appropriate remedial action when informed of problems identified during official controls.”.

The references in paragraphs 2, 3 and 4(a) of Part A and paragraphs 1 and 2 of Part B to “primary production” are to become references to “primary production and associated operations”.

Paragraph 7(b) is to refer to “veterinary medicinal products” rather than to “veterinary products”.

## **Annex II, Chapter IX**

Paragraph 3 is to read as follows:

“3. At all stages of production, processing and distribution food is to be protected against any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.”.

## **Annex II, Chapter XI**

The following introductory sentence is to be added:

“The following requirements apply only to food placed on the market in hermetically sealed containers.”.