

**QUESTIONNAIRE**  
**REVIEW OF THE HYGIENE REGULATIONS**  
**PROPOSED AMENDMENTS**  
**concerning**  
**COMITOLOGY**

*Please ensure that you reply using this version (dated 25.09.2007) as the basis for your corrections and positions.*

*Please note also the instructions in the covering e-mail*

The following Member State did not return its questionnaire before 29 May 2007:  
MT  
The replies from NO and CH are included in the summary.

**SUMMARY PREPARED BY THE COMMISSION**

**Date completed: 19 July 2007**

**Modified: 25 September 2007**

## Regulation (EC) No 852/2004

**Table 1a**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex I	Covers handling of fishery products on board vessels; should be extended to landing points and aquaculture farms	EE	12	9	Y: AT, CY, DK, EE, ES, HU, IE?, IT, LV, PL, SI, SK, N: BE, CZ, DE, FI, FR, NL, RO, SE, UK
Annex II, Chapter I, Point 1	Food premises are more than just rooms (also: outside facilities, surface of trucks, loading facilities)	DK	14	5	Y: BE, CY, DK, EE, ES, IE, IT, LV, NL, PL, RO, SE, SI, UK N: BG, CZ, DE, FR, HU,
Annex II, Chapter I, Point 3	Other solution for lavatories not "connected to a drainage system"	NO	11 + NO	10	Y: DK, EE, FI, IE, IT, LV, NL, NO, PL, RO, SE, SI, N: BE, BG, CY, CZ, DE, ES, FI, HU, SK, UK
Annex II, Chapter I, Point 3	"Flush lavatories"; other solutions should be allowed (in remote areas!)	SE	14 + NO	3	Y: BE, BG, CZ, DK, EE, FI, FR, HU, IE ? IT, NL, NO, PL, RO, SE, SI, : CY, DE, ES, LV, SK, UK
Annex II, Chapter III	Definition of a "dwelling house" What type of food can be prepared? Is approval necessary?	EE	18	2 + NO	Y: BE, BG, CY, CZ, DK, EE, ES, FI, FR, IE, IT, LV, PL, RO, SE, SI, SK, UK N: DE, NL? NO
Annex II, Chapter III	The tem "regularly" needs explanation Churches, schools or village fairs are not within the scope. This is misused by small businesses	BE	19	2 + NO	Y : BE, BG, CY, CZ, DK, EE, ES, FI, FR, HU, IE, IT, LV, NL, RO, SE, SI, SK, UK N : DE, NO, PL,

Annex II, Chapter III	Strict interpretation of dwelling house in DK: day care (up to 5 children), b&b places (up to 12 guests); but <b>not</b> catering establishments	DK	11	6 + NO	Y: BG, DK, EE, FR, HU, IE, IT, RO, SE, SI, UK  N : CZ, DE, FI LV, NL, NO, PL,
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**Table 1b**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex II, Chapter IV, Point 3	Transportation of goods	CZ	9	12 + NO	Y: BG, CZ, ES, FR, HU, IT, LV, SI, SK, N: BE, CY, DE, DK, EE, FI, IE, NL, NO, PL, RO, SE, UK
Annex II, Chapter VII	Permanent rules allowing the use of clean seawater	NO	12 + NO	8	Y: BG, DK, EE, FR, HU, IE, NL, NO, PL, RO, SE, SI, UK N: BG, CY, CZ, DE, FI, IT, LV, SK,

## Regulation (EC) No 853/2004

**Table 2a**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex II, Section I, A 2	No new mark can be applied when a product is not altered (text proposal)	BE	14	6 + NO	Y: AT, BE, DE, DK, ES, FI, FR, HU, IE, LV, PL, SE, SK, UK N: BG, CY, CZ, EE, NO, RO, SI,
Annex II, Section I, A 3	Harmonise rules for marking eggs with rules for other types of food	SE	8 + NO	12	Y: DK, SE, ES, HU, NO, LV, PL, SK, N: AT, BE, CY, CZ, DE, EE, FI, FR, IT, RO, SI, UK
Annex II, Section I, B 7	Stipulate that the FBO may place only its own id mark on the product	CZ	12	5 + NO	Y: BE, BG, CZ, DE, DK, FI, FR, HU, LV, RO, SE, SK, N: CY, EE, IE, NO, PL, SI,
Annex II, Section I, B 8	Products from third countries may not be marked with "EC number xxx"	DK	13	6 + NO	Y: CY, CZ, DE, DK, FI, FR, HU, IE, IT, LV, NO, RO, SE, SK, N: EE, ES, NL, NO, PL, SI, UK
Annex II, Section I, C 9 and 13	Point 13 is ambiguous; mark must be directly visible	DK	15	4 + NO	Y: BE, BG, CY, CZ, DE, DK, ES, FI, HU, IE, PL, RO, SE, SI, SK, N: EE, LV, NL, NO, UK
Annex II, Section II, 2 d	"clean enough that they do not present an unacceptable risk of contaminating meat during slaughter and dressing"	UK	19 + NO	2	Y: BE, CY, CZ, DE, DK, EE, ES, FI, HU, IE, IT, LV, NL, NO, PL, RO, SE, SI, SK, UK N: BG, FR,
Annex II, Section II, 2 a till f	Can be deleted (no relation with HACCP and are mentioned in other parts of EU Regulations)	NL	3	18 + NO	Y: AT, LV, NL, N: BE, BG, CY, CZ, DE, DK, EE, ES, FI, FR, HU, IE, IT, NO, PL, RO, SE, SK, UK
Annex II, Section	Abandon the requirement that FCI	AT, IE	14	8 +	Y: AT, BG, CY, CZ, DE, EE, HU, IE, IT, LV, PL, RO, SI, SK,

III, Point 2	arrives 24 hours ahead of the animals			NO	N: BE, DK, ES, FI, FR, NL, NO, SE, UK
Annex II, Section III, Point 1, 3, 5, 6 and 7	The terms "food safety information" and "food chain information" are used	LV	18 + NO	3	Y: AT, BE, BG, CY, CZ, DE, DK, EE, ES, FI, HU, IT, LV, NO, PL, RO, SI, SK, UK  N: IE, NL, SE,

**Table 2b**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex II, Section III, Point 3 b)	The animals' health status	FR	13	7 + NO	Y: BE, BG, DE, FI, FR, HU, IT, LV, NL, PL, RO, SI, UK N: CY, CZ, DK, EE, IE, NO, SE, SK,
Annex II, Section III, Point 4 a) ii)	"no relevant information to report"	LV	13	8 + NO	Y: BE, BG, DE, ES, HU, IT, LV, NL, PL, RO, SI, SK, UK N: CY, CZ, DK, EE, FI, FR, IE, NO, SE,
Annex II, Section III, Point 7	Change the word "evaluate" with "check" or delete the provision	IE	10	6 + NO	Y: BG, DK, EE, FR, IE, IT, LV, NL, PL, SK, N: CZ, DE, FI, HU, NO, RO, UK
Annex III	The temperature requirements for food of animal origin should also apply to retail	BE	12	7 + NO	Y: AT, BE, CY, CZ, EE, FR, HU, IT, LV, PL, SI, SK, N: BG, DE, DK, IE, NO, RO, SE, UK
Annex III, Section I, Chapter II, Point 1 a)	Slaughterhouses must have adequate and hygienic lairage facilities, "unless otherwise authorised by the competent authority in the case of young animals to be slaughtered immediately"...	FR	8	12 + NO	Y: BG, CY, DE, EE, FI, FR, SI, SK, N: BE, CZ, DK, ES, HU, IE, IT, LV, NL, NO, PL, RO, UK
Annex III, Section I, Chapter II, Point 1 b)	Insert "and where appropriate" (after the words climate permitting)	FR	5	16 + NO	Y: AT, DE, FR, LV, PL, N: BE, BG, CY, CZ, DK, EE, ES, FI, HU, IE, IT, NL, NO, RO, SE, SK, UK
Annex III, Section I, Chapter II, Point 2 e)	Add: f) have a system for collecting the blood intended for human consumption, thus preventing any contamination of this product.	FR	14 + NO	5	Y: BE, BG, CY, DE, DK, EE, FI, FR, HU, IE, LV, NO, PL, SI, SK, N: CZ, ES, NL, SE, UK
Annex III, Section I, Chapter IV, Point 2 b)	Slaughter of all types of animals on the farm should be discussed	DK, BE, SE, HU	11 + NO	9	Y: BE, DE, DK, EE, FI, HU, NO, PL, RO, SE, SI, UK N: BG, CY, CZ, IE, IT, LV, NL, RO, SK,

Annex III, Section I, Chapter IV, Point 2 c)	Set a time limit for accepting an animal following an accident	FR	4	17 + NO	Y: BG, FR, RO, SK, N: AT, BE, CY, CZ, DE, DK, EE, ES, FI, HU, IE, IT, LV, NL, NO, PL, SE, UK
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**Table 2c**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex III, Section I, Chapter IV, Point 4	clean "enough so as not to present an unacceptable risk of contaminating meat during slaughter and dressing"	DK	20 + NO	2	Y: AT, BE, BG, CY, CZ, DE, DK, EE, ES, HU, IE, IT, LV, NL, NO, PL, RO, SE, SI, SK, UK  N: FI, FR,
Annex III, Section I, Chapter IV, point 7 a)	Slaughter of sheep using a ventral cut, which cuts both arteries, the trachea and the oesophagus. In DK also for ruminants in small slaughterhouses	IE, DK	8 + NO	11	Y: BG, DE, DK, IE, NO, PL, SE? SI, UK  N: BE, CY, CZ, EE, ES, FI, FR, HU, IT, NL, RO,
Annex III, Section I, Chapter IV, point 10	Add same paragraph as in Annex III, Section II, Chapter IV, point 10	SE	17	5 + NO	Y: AT, BE, BG, CZ, DE, DK, EE, ES, FI, FR, HU, IE, NL, PL, SE, SI, SK,  N: CY, IT, LV, NO, RO, UK
Annex III, Section I, Chapter IV, point 18	Can the cleaning of stomachs take place in another establishment?	DK	13 + NO	6	Y: AT, BG, DK, EE, FR, HU, IE, LV, NO, PL, RO, SI, SK, UK  N: CY, CZ, DE, ES, NL, SE,
Annex III, Section I, Chapter VI	The review should also discuss the issue of emergency slaughter	UK	14 + NO	3	Y: BG, CY, DE, DK, EE, HU, IE, LV, NL, NO, PL, RO, SE, SI, UK  N: AT, FI, SK,
Annex III, Section I, Chapter VI, Point 3	Evisceration outside the slaughterhouse should not be allowed	UK	7 + NO	14	Y: BE, CY, CZ, DK, IT, NO, SE, UK,  N: AT, CZ, DE, EE, ES, FI, FR, HU, LV, NL, PL, RO, SI, SK,
Annex III, Section I, Chapter VI, Point 9	Health mark can be oval	NL	12 + NO	8	Y: BE, DE, DK, FI, FR, HU, NL, NO, PL, RO, SE, SI, UK  N: AT, BG, CY, CZ, EE, ES, IE, LV,
Annex III, Section I, Chapter VII,	Clarify temperature requirements for transport	FI	10 + NO	10	Y: AT, BE, CZ, DE, FI, FR, HU, IT, NO, PL, SK,

Point 3					N: BG, CY, DK, EE, LV, NL, RO, SE, SI, UK
Annex III, Section I, Chapter VII, Points 2 and 3	Same temperature requirements for meat of poultry and lagomorphs during storage and transport	CZ	14 + NO	5	Y: AT, BE, BG, CY, CZ, DK, EE, ES, FI, FR, IT, LV, NO, PL, SI, N: DE, HU, IE, RO, SE, UK

**Table 2d**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex III, Section I, Chapter VII, Point 3	Loading of meat above temperature should be possible	UK	8 + NO	13	Y: BE, BG, DK, FR, IT, NO, RO, SI, UK  N: CY, CZ, DE, EE, ES, FI, HU, IE, LV, NL, PL, SE, SK,
Annex III, Section I, Chapter VII, Point 3	Delete: "to enable the production of specific products"	FR	8	14 + NO	Y: DK, FI, FR, IT, LV, NL, SI, UK  N: AT, BE, BG, CY, CZ, DE, EE, ES, HU, IE, NO, PL, RO, SE, SK,
Annex III, Section I, Chapter VII, Point 4	Similar provision for other types of meat (poultry)? Is freezing, thawing, cutting and re-freezing possible?	DK	19 + NO	3	Y: AT, BE, BG, CY, CZ, DE, DK, EE, ES, FI, FR, HU, IE, LV, NL, NO, PL? RO, SE, SI,  N: IT, SK, UK
Annex III, Section II	Chilling of poultry meat	CZ	3	3	Y: BG, CZ, PL?  N: ES, HU, RO,
Annex III, Section II, Chapter I, point 3	add: "unless otherwise authorised by the competent authority" at the end of the paragraph	FR	8	14 + NO	Y: BG, DE, EE, FR, IT, LV, PL, SI,  N: BE, CY, CZ, DK, ES, FI, HU, IE, NL, NO, RO, SE, SI, SK, UK
Annex III, Section II, Chapter II, point 1	Add: "where necessary"	FR	11	8 + NO	Y: AT, BE, DE, DK, EE, FI, FR, HU, LV, PL, UK  N: BG, CY, CZ, ES, IE, NL, NO, RO, SE,
Annex III, Section II, Chapter II, point 2 c)	In French it says: "in space and time"	FR	7 + NO	4	Y: DE, DK, FI, FR, IT, NO, PL, UK  N: EE, HU, LV, NL,
Annex III, Section II, Chapter II, point 2 e)	Replace "where operated" by "when this type of material is used for moving carcasses"	FR	5	15 + NO	Y: CY, DE, FR, HU, IT,  N: BE, BG, DK, EE, ES, FI, IE, LV, NL, NO, PL, RO, SE, SI, SK, UK



**Table 2e**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex III, Section II, Chapter II, point 6	Add in the first line: ...place "or space" Add in the last line: ...nearby "or in some particular cases defined by the competent authority, which must also specify the conditions	FR	8	14 + NO	Y: BG, DE, DK, EE, FR, IT, LV, UK(nearby), N: BE, CY, CZ, ES, FI, HU, IE, NL, NO, PL, RO, SE, SI, SK, UK('or space')
Annex III, Section II, Chapter IV, point 3	What is meant by the term animal species? No cleaning between turkeys and hens?	FR	7	9 + NO	Y: CY, DE, EE, FR, HU, PL, RO, N: BG, CZ, DK, ES, FI, IE, LV, NO, SE, UK
Annex III, Section II, Chapter IV, point 5	Add: ...without undue delay ", unless otherwise authorised by the competent authority", in such a way....	FR	7	12	Y: BG, FI, FR, HU, IT, RO, SE, N: BE, CY, CZ, DK, EE, ES, IE, LV, NL, PL, SI, UK
Annex III, Section III, point 4	Include highland cattle and buffaloes	FI	15 + NO	4	Y: BE, BG, CZ, DE, DK, EE, FI, FR, HU, LV, NO, PL, RO, SE, SI, SK, N: CY, IE, IT, NL,
Annex III, Section IV	Review needs to assess: responsibilities of trained hunters; Viscera need not accompany wild game; more stringent control requirements	UK	12	5 + NO	Y: BE, BG, CY, CZ, DK, IE, IT, LV, PL, RO, SK, UK N: FI, HU, NL, NO, SE, SI,
Annex III, Section IV, Chapter II, point 4 a)	Boar's head is used as a hunting trophy. Amendment: head does not have to accompany the rest of the body provided two conditions	ES	13 + NO	8	Y: BE, BG, CZ, DK, ES, FR? IE, IT, LV, NO, PL, RO, SI, UK N: CY, DE, EE, FI, HU, NL, SE, SK,
Annex III, Section IV, Chapter II, point 4 a)	Insert: text between second and third sentence of point 4 a): This declaration must not be attached to each animal body if :	BE	18 + NO	4	Y: AT, BE, BG, CY, DE, DK, ES, FI, FR, IE, IT, LV, NL, NO, PL, RO, SE, SK, UK N: CZ, EE, HU, SI,

**Table 2f**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex III, Section IV, Chapter II, point 4 c)	Insert: c) if, "by way of exception", no trained person is available....	FR	11	7 + NO	Y: BE, CY, DE, DK, EE, ES, FR, HU, LV, PL, UK N: BG, CZ, FI, NL, NO, RO, SE, SI,
Annex III, Section IV, Chapter II, point 7	Large wild game is presented to the CA for inspection. Amend: it is a FBO responsibility to accept for processing	UK	5	15 + NO	Y: DE, EE, IE, SK, UK N: BE, BG, CY, CZ, DK, FI, FR, HU, IT, LV, NL, NO, PL, RO, SE,
Annex III, Section IV, Chapter II, point 7	Large wild game delivered to a game-handling establishment must be presented <b>skinned</b> to the competent authority for inspection.	FR	11 + NO	9	Y: AT, BG, DE, DK, EE, FI, FR, IE, IT, NL, NO, UK N: BE, CY, CZ, ES, HU, PL, RO, SE, SK,
Annex III, Section V, Chapter II, points 1 and 2	iii) meat containing bone fragments iv) meat containing skin amend point 2, c i) insert "and iv"	BE	11	9 + NO	Y: BE, CZ, DE, EE, FI, HU, IE, IT, LV, RO, UK N: CY, DK, FR, NL, NO, PL, SE, SI, SK,
Annex III, Section V, Chapter III, point 2	delete very specific requirements for the preparation of minced meat. (poultry 3 days after slaughter)	IE, UK	6 + NO	14	Y: BG, IE, LV, NO, SE, SI, UK N: BE, CY, CZ, DK, EE, ES, FI, FR, HU, IT, NL, PL, RO, SK,
Annex III, Section V, Chapter III, point 4 a)	it is unclear if "raw material for deboning" refers to carcasses or meat bearing bones.	UK	5 + NO	15	Y: BG, LV, NO, PL, SI, UK N: BE, CY, CZ, DE, DK, EE, ES, FI, FR, HU, IE, NL, RO, SE, SK,
Annex III, Section V, Chapter III	Discussion is requested on the temperature requirements	DK	11 + NO	8	Y: BG, DE, DK, EE, DK, FR, IE, IT, LV, NO, PL, SI, N: CY, CZ, FI, NL, NO, SE, SK, UK

**Table 2g**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex III, Section VII, Chapter VI, point 2	Amend first part of the sentence: " <b>all packages</b> of live bivalve molluscs <b>destined for retail</b> must be closed..."	BE	15	4	Y: BE, BG, CY, CZ, (DE), ES, FR, HU, IE, IT, LV, NL, PL, RO, SK, N: DK, EE, SE, UK
Annex III, Section VII, Chapter VIII, point 2	French version does not specify "for retail sale"	FR	10	3	Y: BE, CZ, DK, FR, IE, IT, PL, RO, SE, UK N: EE, HU, NL,
Annex III, Section VII, Chapter IX	Conditions for sale in auction markets should be clarified (traceability!)	FR	14	2	Y: BG, CY, CZ, DE, DK, ES, FR, HU, IT, LV, PL, RO, SE, SK, N: EE, UK
Annex III, Section VIII	review the rules on the storage and transport of fishery products in cooled water and prepare proposals	UK	13 + NO	2	Y: BG, CY, CZ, DE, DK, FR, HU, IT, LV, NL, NO, PL, RO, UK N: SE, UK
Annex III, Section VIII	Specific operations carried out on land after fishing should also be considered as primary production associated operations	FI	10	9	Y: BG, EE, ES, FI, HU, IT, PL, SI, SK, UK N: CY, CZ, DE, DK, FR, LV, NL, RO, SE,
Annex III, Section VIII, Chapters I, III and IV	Use of <b>clean seawater</b> in establishments handling fishery products	NO	12 + NO	6	Y: BG, DE, DK, EE, FR, HU, IT, NO, NL, PL, SE, SI, UK N: BE, CY, CZ, FI, RO, SK,
Annex III, Section VIII, Chapter I, Part I, point D 2	Stricter requirements for vessels cooking crustaceans and molluscs on board than in old legislation?	NO	5 + NO	8	Y: BG, CY, CZ, HU, NO, RO, N: DK, EE, ES, LV, NL, PL, SE, UK
Annex III, Section VIII, Chapter III, A point 1 & 5	Storage of fresh fishery products in cooled water	NO	12 + NO	3	Y: CY, CZ, DE, DK, FR, HU, IT, NO, PL, RO, SE, SK, UK N: EE, ES, NL,

**Table 2h**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex III, Section VIII, Chapter III, A 2) and IV, 1	Use of clean water in land based establishments	NO	11 + NO	8	Y: BG, DK, EE, FR, HU, NL, NO, PL, RO, SE, SI, UK N: BE, CY, CZ, DE, FI, IT, LV, SK,
Annex III, Section VIII, Chapter III, A 5)	Use of additives and salt will render fresh fish into processed fishery products and requires labelling	ES	12	4	Y: BE, BG, CY, CZ, DK, ES, FI, IT, LV, PL, RO, SI, N: EE, HU, SE, UK
Annex III, Section VIII, Chapter III, Part D	Discuss the issue of exemptions from the requirement to freeze certain fishery products and prepare proposals	UK	15+ NO	1	Y: BE, BG, CY, CZ, DE, DK, EE, ES, FI, HU, IT, NO, PL, RO, SE, UK N: LV,
Annex III, Section VIII, Chapter III, Part D	Clarify the requirements concerning parasites (farmed fish, wild fish, threatened species)	FR	16 + NO	2	Y: BE, BG, CY, CZ, DE, DK, EE, ES, FI, FR, HU, IT, LV, NO, PL, SE, UK N: NL, RO,
Annex III, Section VIII, Chapter V, Part D	Clarify the term: “obviously contaminated with parasites”; living larvae versus dead parasites	ES	16 + NO	1	Y: BE, BG, CY, CZ, DE, DK, EE, ES, FI, HU, IT, LV, NO, PL, RO, SE, UK N: NL,
Annex III, Section IX, Chapter I, III	Lay down criteria for the laboratory carrying out tests	LV	9 + NO	10	Y: BG, CY, FI, LV, HU, IT, NO, PL, RO, SK, N: BE, CZ, DE, DK, EE, IE, NL, SE, SI, UK
Annex III, Section IX, Chapter I, III	Which FBO should notify in case of non-compliance? What action must CA take?	UK	11	7 + NO	Y: BG, CY, CZ, DE, IE, IT, LV, PL, SI, SK, UK N: BE, DK, EE, FI, HU, NL, NO, SE,
Annex III, Section IX, Chapter I, III	Amend: small operator should calculate geometric means of germs taking at least <i>one sample per month</i>	SI	10	7 + NO	Y: BG, CY, EE, ES, FI, FR, HU, IE, IT, RO, SE, SI, SK, N: AT, BE, CZ, DE, DK, LV, NO, PL?

**Table 2i**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex III, Section IX, Chapter II	<i>"The resulting whey of the production of dairy products may be used like raw material for the elaboration of another dairy product provided that: 1) it comes from a product obtained in accordance with paragraphs I to III of the present chapter and, 2) in the case it comes from cheeses elaborated with raw milk, suffer a heat treatment in the course of elaboration."</i>	ES	9 + NO	12	Y: BG, CY, CZ, EE, ES, LV, NL, NO, PL, RO, N: AT, BE, DE, DK, ES, FR, HU, IE, SE, SI, SK, UK
Annex III, Section X, Chapter I, point 3	Delete that eggs shall be delivered to the consumer within 21 days of laying	SE	7 + NO	14	Y: BG, FI, HU, IT, NO, PL, SE, SI, N: BE, CY, CZ, DE, DK, EE, ES, FR, IE, LV, NL, RO, SK, UK
Annex III, Section X, Chapter I, point 3	eggs shall be delivered to the consumer within 21 days of laying	FR	10 + NO	8	Y: BG, CZ, EE, FR, HU, IT, LV, NO, PL, RO, SE, SI, N: BE, CY, DE, DK, ES, IE, NL, UK
Annex III, Section X, Chapter II	Review: identification marking; the approval of establishments; the washing of eggs; flexibility regarding the time limit for the delivery of eggs to consumers and storage temperatures; the analytical specifications for egg products	UK	12 + NO	5	Y: BG, DK, EE, FI, HU, IE, IT, LV, NO, PL, SE, SI, UK N: CY, CZ, DE, DK, RO,
Annex III, Section X	Add: Requirements for food containing raw eggs handled or processed at retail level	DE	8	13 + NO	Y: BG, CZ, DE, IE, LV, NL, PL, SK, N: AT, BE, CY, DK, EE, ES, FI, FR, HU, NO, RO, SE, SI, UK
Annex III, Section XII, Chapter II, point 4	Delete parameters: FFA (m/m% oleic acid), total insoluble impurities and odour, taste and colour	SK	12	6 + NO	Y: BE, DE, DK, ES, FI, HU, IT, NL, SE, SI, SK, UK N: BG, CY, CZ, EE, NO, PL, RO,

Table 2j

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex III, Section XIV, Chapter I, point 3	proposal: "...wild game, <i>and fish skin and bones, must derive from animals which have been</i> found fit..."	BE	16	4	Y: BE, BG, CY, CZ, ES, FR, HU, IE, IT, LV, NL, PL, RO, SI, SK, UK N: DE, DK, EE, SE,
Annex III, Section XIV, Chapter II, point 2	proposal: "... <i>unless they are dispatched and processed within 24 hours after their production.</i> "	BE	16	5 + NO	Y: BE, BG, CZ, EE, ES, FR, HU, IE, IT, LV, NL, PL, RO, SI, SK, UK N: DE, CY, DE, DK, NO, SE,
Annex III, Section XIV, Chapter III, point 1	Amend the definition of "low incidence"	FR, BE	15 + NO	1	Y: BE, BG, CY, CZ, DK, EE, FR, HU, IE, IT, LV, NL, NO, PL, RO, UK N: SI,
Annex III, Section XV, Chapter I, point 3	Same remarks as for the gelatine section.	BE	10 + NO	3	Y: BE, BG, CZ, ES, FR, HU, LV, NL, NO, PL, SI, N: DE, DK, IE,
Annex III, Section XV, Chapter II, point 2	Same remarks as for gelatine section	DK	0	1	Y: N: DK,
Article 7, point 2	Establish a minimum scope of information for the model documents that may be established	PL	9	7 + NO	Y: BE, BG, CY, FI, HU, IT, LV, PL, SK, N: CZ, DE, DK, EE, NL, NO, RO, SE,

## Regulation (EC) No 854/2004

**Table 3a**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex I, Section I, Chapter II, B, point 5	Amend: allow ante-mortem inspection of <b>all animals</b> to be carried out by official or approved veterinarians at holdings of provenance and at collection centres.	UK, FI	9 + NO	10	Y: (BG,) DK, FI, FR, NL, NO, RO, SE, SI, UK N: BE, CY, CZ, EE, ES, HU, IE, LV, PL, SK,
Annex I, Section I, Chapter III, point 2 a)	Introduce a binding requirement for the identification of game meat	IT	12	9 + NO	Y: BE, BG, CY, CZ, DE, FI, FR, HU, IT, LV, RO, SK, N: AT, DK, EE, ES, IE, NL, NO, PL, SE, SI,
Annex I, Section I, Chapter III, point 2 b)	Add "lamb, kid and piglet carcasses must bear at least four stamps, two on each side of the carcass, on the shoulder and on the external surface of the thigh"	CY	1	0	Y: CY, N:
Annex I, Section II, Chapter II, point 3	Delete point 3, because a longer waiting time does not pose additional risks	IE	10	10 + NO	Y: AT, BG, CY? DE, FR, IE, IT, LV, PL, SI, N: BE, CZ, DK, EE, FI, HU, NL, NO, RO, SE, SK,
Annex I, Section II, Chapter II, point 4	Inconsistency between Chapter II, point 4 (x) and Chapter III, point 6 (xx)	SE	13 + NO	7	Y: BE, BG, CY, DE, DK, EE, HU, LV, NO, PL, RO, SE, SI, SK, N: AT, CZ, ES, FR, IE, IT, NL,
Annex I, Section II, Chapter III	Amend: operator's responsibility to ensure the correct outcome of his or her checks	UK	8 + NO	9	Y: CZ, FI, FR, HU, IT, LV, NO, PL, UK N: AT, BE, DK, EE, IE, NL, RO, SE, SK,
Annex I, Section II, Chapter III, point 8	Add: "If it is considered necessary by the competent authority, animals may be returned under official control to	IE	7	12 + NO	Y: BG, FI, HU, IE, LV, RO, SK, N: BE, CY, CZ, DE, DK, EE, ES, IT, NL, NO, PL, SE, SI,

	the holding of origin or to a place of detention”.				
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**Table 3b**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex I, Section II, Chapter V, point 1	lay down non edible parts of the animals and the details when the product has to be declared unfit for human consumption.	HU	8	12 + NO	Y: BG, CY, DE, FR? HU, LV, RO, SK, N: CZ, DK, EE, ES, FI, IE, IT, NL, NO, PL, SE, SI, UK
Annex I, Section II, Chapter V, point 1 e)	Amend, because there is now one OIE list Clarify: "animals affected"	DE, FI	21 + NO	1	Y: AT, BE, BG, CZ, DE, DK, EE, ES, FI, FR, HU, IE, IT, LV, NL, NO, PL, RO, SE, SI, SK, UK N: CY,
Annex I, Section II, Chapter V, point 1 p)	Amend: ...or organoleptic anomalies, <b>namely in terms of colour and odour;</b> and in particular a pronounced sexual odour	FR	12	9 + NO	Y: AT, DE, EE, FI, FR, HU, IT, LV, NL, PL, RO, SK, N: BE, BG, CY, CZ, DK, IE, NL, NO, SI, UK
Annex I, Section III, Chapter II, point 2 b)	Flexibility should also be available for middle sized slaughterhouses, which slaughter daily	FI	8	10	Y: BG, CY, CZ, FI, FR? LV, SE, UK N: BE, DE, DK, ES, HU, IE, NL, PL, RO, SK,
Annex I, Section III, Chapter III, A, a)	Amend: training of slaughterhouse staff: require training for just the specific tasks the plant staff is to perform	DK, FI, NL, UK, BE	16 + NO	5	Y: AT, BE, BG, CY, CZ, DK, EE, ES, FI, FR, NL, NO, PL, RO, SE, SI, UK N: DE, HU, IE, LV, SK,
Annex I, Section III, Chapter III, A	Include reindeer	FI	17 + NO	3	Y: BE, BG, CY, CZ, DE, DK, EE, FI, FR, HU, IE, NL, NO, PL, SE, SI, SK, UK N: ES, LV, RO,
Annex I, Section III, Chapter IV, B, point 1	The competent authority should be authorised to make derogations from point 1 (similar to point 8)	EE, CY	14 + NO	6	Y: AT, BG, CY, EE, FI, FR, IE, LV, NL, NO, RO, SE, SI, SK, UK N: CZ, DE, DK, ES, HU, PL,
Annex I, Section III, Chapter IV, B,	Consider to extend point 8 to cases where official auxiliaries carry out	UK	16 + NO	4	Y: AT, BE, BG, CY, CZ, DK, EE, FI, FR? IE, LV, NO, RO, SE, SI, SK, UK

point 8	other sampling and analysis tasks				N: DE, ES, HU, PL,
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**Table 3c**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex I, Section IV, Chapter I, B, point 11	Add: “When the udder is excluded from human consumption, and where no abnormalities of or related to the udder have been detected in the course of ante mortem examination, these inspections are not necessary.”	IE	12 + NO	9	Y: BG, CY, DK, EE, ES, FI, FR, IE, IT, NO, PL, SI, UK N: BE, CZ, DE, HU, LV, NL, RO, SE, SK,
Annex I, Section IV, Chapter V, A, point 2 & 3	Amend: allow the OV to decide, on the basis of food chain information, whether a flock inspection, other than a welfare check, at the slaughterhouse is necessary.	UK	8 + NO	13	Y: BG, FR, LV, NO, PL, RO, SE, SI, UK N: AT, CY, CZ, DE, DK, EE, ES, FI, HU, IE, IT, NL, SK,
Annex I, Section IV, Chapter VIII, A, point 5	the size of the representative sample of whole parts of game to undergo post-mortem inspection	FR	9	10 + NO	Y: AT, BG, CZ, DK, FI, FR, IT, PL, RO, N: CY, DE, EE, HU, IE, NL, NO, SE, SI, SK, UK
Annex II, Chapter IV	Add a paragraph that stipulates that LBM are to be declared unfit for consumption if they contain residues or contaminants in excess of levels laid down in Community legislation (Regulation (EC) No 1881/2006)	FR	15	34	Y: BE, BG, CZ, DK, FI, FR, HU, IE, IT, LV, NL, PL, RO, SE, SI, N: DE, EE, ES, UK

**Table 3d**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Annex II, Chapter II, A point 3	Prolong the 10% tolerance level in analyses of Class B areas and extend to Class A and C areas	FR, UK	9	2	Y: BG, FR, HU, IT, PL, NL (10%), RO, SE, SI, UK N: (DE), DK, EE, LV, NL (ext.),
Annex II, Chapter II, B, point 1 c)	Creation of a system combining surveillance and vigilance for lipophilic toxins	FR	9 + NO	5	Y: BE, BG, DK, FR, HU, IT, LV, NO, PL, SE, N: (DE), EE, ES, RO, UK
Annex IV, Chapter III	Add a paragraph that stipulates that LBM are to be declared unfit for consumption if they contain residues or contaminants in excess of levels laid down in Community legislation	FR	13	3	Y: CY, CZ, DK, ES, FR, HU, IT, LV, NL, PL, RO, SE, SI, N: DE, EE, UK

## Commission Regulation (EC) No 2076/2005

**Table 4a**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Article 8, point 2	requirement to provide food chain information 24 hours ahead of animals arriving in the slaughterhouse	AT	14	6 + NO	Y: AT, BG, CY, CZ, DE, EE, HU, IE, IT, NL, PL, RO, SI, SK, N: BE, DK, ES, FI, FR, NO, SE,
Article 10	delete	SK	16 + NO	5	Y: AT, BE, CY, CZ, DE, DK, FI, FR, IE, IT, NL, NO, RO, SE, SI, SK, UK N: BG, EE, HU, LV, PL,
Article 10	amend	NL	9	9	Y: BE, BG, DE, DK, IT, NL, PL, SK, UK N: AT, CZ, EE, FI, HU, LV, RO, SE, SI,
Article 11	use of clean seawater in establishments (including factory vessels) handling fish and fishery products	NO, FR, DK	13 + NO	5	Y: BE, BG, DK, EE, ES, FI, FR, HU, IE, NL, NO, PL, SE, UK N: CY, CZ, DE, LV, SK,
Article 13, point 2	To be consistent with Codex code of hygiene for eggs and egg products	UK	16 + NO	2	Y: BG, CY, CZ, DK, FI, HU, IE, IT, LV, NL, NO, PL, RO, SE, SI, SK, UK N: EE, ES,
Article 14	Amend: training of slaughterhouse staff: require training for just the specific tasks the plant staff is to perform	DK, FI, NL, UK, BE	16 + NO	5	Y: AT, BG, CY, CZ, BE, DK, EE, ES, FI, FR, NL, NO, PL, RO, SE, SI, UK N: DE, HU, IE, LV, SK,
Article 15	Delete requirement in 854/2004 for an internationally recognised certification	BE	12 + NO	3	Y: BE, CZ, DK, FI, IE, LV, NL, NO, PL, RO, SE, UK N: AT, CY, HU,

Article 18	Temporary derogation for accreditation of <i>Trichinella</i> testing laboratory	AT	1	0	Y: AT, N:
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# CODECION PROPOSALS<sup>1</sup> CONVERTED INTO COMITOLOGY PROPOSALS

## Regulation (EC) No 853/2004

**Table 5a**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Art. 1(5)(b)(i)	Clarify temperature requirements for transport	FI comitology	12 + CH	12	Y: CZ, DK, IT, HU, RO, PT, FI, FR, SK, DE, CY, LV, CH N: AT, BG, EE, EL, IE, LT, LU, NL, PL, SE, SI, UK
Art. 3(2)	Make Art. 11 of 2076/2005 permanent (use of clean water)	FR comitology (see annex 2)	17 + NO	7	Y: LU, BE, BG, CY, DK, EE, (ES), FI, FR? IE, HU, LU, LV, NL, NO, PT, SE, UK N: CZ, DE, EL, IT, LT, RO, SK,
Annex I – 5.2	Add "excluding liquid egg" Solve by	UK comitology	1	1	Y: UK N: DK,
Annex III, Section IX, Chapter I, Part III, point 5	Add sentence: In the case of a national or regional control scheme according to number 2 (d) the information of the competent authority may be done by the investigating agency.	DE comitology	1	1	Y: DE, N: DK,

<sup>1</sup> These have been transferred from the "questionnaire review of the hygiene regulations proposed amendments concerning co-decision" as revised on 3 July 2007.

## Regulation (EC) No 854/2004

**Table 5b**

Legal reference	Objective	Proposed by	Position		Comments
			Y	N	
Art. 5(6)(a)	Make Art. 14 of 2076/2005 permanent: training requirements in poultry slaughterhouses	FI, FR comitology	13 + CH, NO	8	Y: IT, AT, BE, BG, CH, CY, DK, EE, ES, FI, FR, NL, NO, SE, UK, N: DE, HU, IE, LU, LV, PL, PT, RO,
Art. 5(6)(a)	Adjust wording in line with above; proposed wording is given	FR comitology	9 + CH	8	Y: UK, AT, BG, CH, CY, DK, EE, ES, FI, FR, N: BE, DE, HU, IE, IT, LU, PT, RO,

## Annex 1

**Proposal from Norway** on necessary amendments to Regulations (EC) No 852/2004 and No 853/2004 in support of the Norwegian position on permanent rules allowing the use of clean seawater in establishments (including factory vessels) handling fish and fishery products.

Specific proposals for amendments for the Regulations (EC) No 852/2004 and (EC) No 853/2004:

Chapter VII to Annex II of Regulation (EC) No 852/2004 is amended as follows:

1) Point 1 (b) is replaced by the following:

(b) Clean water may be used for all purposes with fishery products. Clean seawater may be used with live bivalve molluscs, echinoderms, tunicates and marine gastropods; clean water may also be used for external washing. When such water is used, adequate facilities are to be available for its supply. The water intake shall be situated in a position that avoids contamination of the water supply.

Deleted: whole

2) Point 2 is replaced by the following:

2. Where water, other than potable water and clean water, is used, for example for fire control, steam production, refrigeration and other similar purposes, it is to circulate in a separate duly identified system. Systems for supply and distribution of water other than potable water and clean water are not to connect with, or allow reflux into, potable water or clean water systems.

Deleted: non-

Deleted: Non-potable water is

3) Point 3 is replaced by the following:

3. Recycled water used in processing or as an ingredient is not to present a risk of contamination. It is to be of the same standard as potable water or, when this Regulation permits its use, clean water, unless the competent authority is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.

4) Point 4 is replaced by the following:

4. Ice which comes into contact with food or which may contaminate food is to be made from potable water or, when used to chill fishery products, clean water. It is to be made, handled and stored under conditions that protect it from contamination.

Deleted: whole

Annex III of Regulation (EC) No 853/2004 is amended as follows:

1) In Annex III Section VIII Chapter I Part II Point 2 is replaced by the following:

2. As soon as possible after they are taken on board, fishery products must be protected from contamination and from the effects of the sun or any other source of heat. When they are washed, the water used must be either potable water or clean water.

Deleted: , where appropriate,

2) In Annex III Section VIII Chapter III A. Point 2 is replaced by the following:

2. Operations such as heading and gutting must be carried out hygienically. Where gutting is possible from a technical and commercial viewpoint, it must be carried out as quickly as possible after the products have been caught or landed. The products must be washed thoroughly with potable water or clean water immediately after these operations.

Deleted: , on board vessels,

3) In Annex III Section VIII Chapter IV Point 1 is replaced by the following:

1. Rapid cooling must follow cooking. Water used for this purpose must be potable water or clean water. If no other method of preservation is used, cooling must continue until a temperature approaching that of melting ice is reached.

Deleted: , on board vessels,

#### Notes to the specific proposals:

All suggested changes and new text are made as tracked changes to the current Regulations (EC) No 852/2004 and No 853/2004.

The definition of “clean seawater” is given in Article 2, Point 1 (h) of Regulation (EC) No 852/2004:

“clean seawater” means natural, artificial or purified seawater or brackish water that does not contain micro-organisms, harmful substances or toxic marine plankton in quantities capable of directly or indirectly affecting the health quality of food;

Establishments and factory vessels must ensure that seawater used during handling of fishery products meets the requirements given in the definition of “clean seawater”. Action must be taken when experience shows (based on the results of the establishments’ and factory vessels’ HACCP-based procedures and/or official analysis) that natural seawater used does not meet the requirements. A solution to this problem could be to install a system for purifying the seawater from the water intake. The competent authority will perform inspections, documentary checks and audits to verify conformity with the regulations and among other things that the clean seawater “does not contain micro-organisms, harmful substances or toxic marine plankton in quantities capable of directly or indirectly affecting the health quality of food”.

In Chapter VII to Annex II of Regulation (EC) No 852/2004 the necessary amendments are made in point 1 to allow the continued use of clean seawater in establishments (including factory vessels) handling fish and fishery products. The amendments are intended to establish a permanent rule similar to that of Council Directive 91/493/EEC (repealed by directive 2004/41/EC), the Annex, Chapter I, Section II, no 2 and Chapter III, Sections I no 7 and II (A) no 4. This is, in effect, a continuation of the current practise.

As a consequence of the amendments made to point 1, necessary amendments are also made to points 2 to 4 of Chapter VII to Annex II of Regulation (EC) No 852/2004.

As regards food business operators carrying out any stage of production, processing and distribution of food after the stages of primary production and associated operations (i.e. factory vessels and on land establishments handling fishery products) the general hygiene requirements are laid down in Annex II of Regulation (EC) No 852/2004. Specifically, the general rules pertaining to water supply for these establishments are laid down in Chapter VIII.

In order to ensure that the specific hygiene requirements of Regulation (EC) No 853/2004 harmonize with the general rules in Annex II of Regulation (EC) No 852/2004, and taking account of the above suggested changes to Regulation (EC) No 852/2004, it is necessary to also make some amendments to Section VIII Annex III of Regulation (EC) No 853/2004.

In Annex III Section VIII Chapter I Part II Point 2 the words “where appropriate” have been deleted. This way Point 2 will be similar to Points 5 and 6.

In Annex III Section VIII Chapter III A. Point 2 and in Annex III Section VIII Chapter IV Point 1 the words “on board vessels” have been deleted. This distinction will no longer be necessary when “clean water” may be used for all purposes.

#### Justification for the proposal based on Norwegian regulation and practise

Seawater presently used in Norway must be taken from sources with free flowing water and then purified. This is normally done by using Ultra Violet rays that ensure that it meets the criteria for clean seawater and samples are taken and analysed to check the chemical and microbiological quality.

Onboard factory vessels clean or purified seawater is used both during the processing of fishery products and for washing. In on-land establishments purified seawater is, for certain fishery products, used for up to 100% in the production. In particular, the following productions use large amounts of purified seawater: salted fish and salted dried fish (klippfisk) and stockfish. Establishments for the reception of pelagic fish and salmon slaughterhouses also use large amounts of purified seawater. In addition purified seawater is used a great deal for cleaning floors and wharf areas. About 50% of the approximately 600 on-land establishments use purified seawater. This in many cases is because the supply of potable water is not large enough to cover both the local community in general and use in production of fish/fishery products.

There are many reasons for wanting to continue to use clean seawater for all purposes, in accordance with Directive 91/493/EEC, both onboard factory vessels and in on-land establishments. The use of fresh water, instead of seawater, when thawing or storing fish, leads to the fish absorbing water and becoming soft. A Norwegian organisation, Norges Kystfiskerlag, has done testing which has shown that chilling in seawater and ice in fact chills fish better, and for a longer period of time, than chilling in a mixture of fresh water and ice. The Norwegian Seafood Association (Norges Sjømatbedrifters Landsforening) is of the opinion that this ensures better quality and shelf life of the fish. Herring producers also state that herring in cooled water gets red eyes more quickly if fresh water is used instead of seawater. Also, thawing of fish goes more quickly if seawater, instead of fresh water, is used. The Norwegian Fishing Vessel Owners Association (Fiskebåtrederne Forbund) has informed the Norwegian Food Safety Authority that bacteria grow less in seawater than potable water. The aforementioned association also has stressed that storage of potable water in large tanks onboard vessels represents a greater risk for contamination than fresh cold seawater. Indeed, the share scale of water requirement in a modern factory vessel (fish or shrimp) makes alternatives to seawater impossible. Commonly such a vessel uses around 100-160.000 litres of water per hour under normal production (2.500 - 4.000 tons per day), and at this level there are no available technical solutions either because of limitations on production capacity (evaporator technology) or due to space requirements (osmosis technology). Obviously, such amounts of water cannot be stored in tanks (6 week trips).

It should be noted that Codex Alimentarius' Code of Practice for Fish and Fishery Products (Section 8 Processing of Fresh, Frozen and Minced Fish, Section 8.1.6 Filleting, Skinning, Trimming and Candling) allows for the use of clean water for more processes than only heading and gutting.

There should not be a difference in the water quality used for fish in on-land establishments and onboard vessels. The important factor should be whether or not the water can contaminate

the fish (regulation 852/2004 annex II Chapter VII 1a). According to the definitions in regulation 852/2004 Article 2 Point 1 (h) and (i), clean (sea) water is water that does not contain micro-organisms, harmful substances or toxic plankton in quantities capable of directly or indirectly affecting the health quality of food. Permanent rules allowing the use of clean (or purified) seawater for all purposes both on board vessels and in on-land establishments are imperative. As shown above, the use of seawater is important for the resulting hygiene and quality of fish and fishery products.

### Text proposal from DE regarding food containing raw eggs handled or processed at retail level

Egg-associated salmonellosis is an important public health problem. If raw eggs are used for the preparation of foods that are not cooked or heated sufficiently, salmonella can cause serious illness, especially among vulnerable groups of final consumers. An effective way to prevent or minimise salmonella-related illness is to impose requirements regarding the preparation, chilling and labelling of foods containing raw eggs.

Against this background, Germany proposes that the following requirements for foods containing raw eggs should be incorporated into European food hygiene legislation:

#### **A) Requirements for food containing raw eggs that is not destined for "vulnerable groups" of final consumers**

When food containing raw eggs is prepared at retail level, food business operators must, unless they are catering institutions supplying "vulnerable groups" of final consumers, ensure that they comply with the following requirements if the food has not undergone a heating process that is effective to eliminate salmonella:

1. The food must be destined for **immediate consumption** at the point of sale or delivery to the final consumer, or – if this is not in the case of certain catering operations – the food must be labelled "*for immediate consumption*".
2. In restaurants, factory canteens and similar institutions food which is to undergo a heating process before being eaten must be supplied to the final consumer **not later than two hours after preparation**.
3. If the food is **not** to undergo a heating process before being eaten ("ready-to-eat food"), it must be **chilled down** within **two hours of being prepared** to a temperature of not more than **7°C**, must be stored at this temperature and must be supplied to the final consumer **within 24 hours** of being prepared; or it must be kept deep-frozen and be supplied to the final consumer within 24 hours of having thawed (temperature not more than 7°C).

#### **B) Requirements for food destined for "vulnerable groups" of final consumers**

Food service operations catering for "vulnerable groups" of final consumers (e.g. elderly people, babies, toddlers, pregnant women, patients in hospitals) must apply a heating process effective to eliminate salmonella to food containing raw eggs.