

Questionnaire on National Measures within the scope of the Hygiene Regulations and their Notification

Please see Annex I to this non-paper for the letter of 19.01.2006 to the Chief Veterinary Officers and Annex II for the National measures summary

GENERAL QUESTIONS

Receiving notifications

- (a) Is your Member State aware of all notifications of proposed national measures in the National measures summary?
- (b) Has your service received all these notifications through the national contact point/relevant contact point?
- (c) Has your Member State received final texts of adopted measures from other Member States?
- (d) Does your Member State consider such notifications useful?

Sending notifications

- (e) Do all of your Member State's notifications of proposed national measures appear in the summary?
- (f) Has your Member State forwarded final texts of your adopted measures?
- (g) Has your Member State adopted national measures (in the framework of the Hygiene Regulations) which have not been notified to the other Member States and to the Commission?
- (h) If the answer to (g) is in the affirmative, why has notification not taken place?

SPECIFIC QUESTIONS

A) Regulation (EC) No 852/2004

1. Article 1:

According to Article 1 (3) Member States (MS) **shall establish**, under national law, rules governing the activities referred to in paragraph 2 (c).

Article 1 (2) (c):

“the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer.”

(a) Has your MS established such rules?

(b) Has your MS notified such measures in accordance with the Directive 98/34/EC procedure?

2. Article 5:

(a) Has your MS, in addition to the requirement in the Regulation, national law laying down detailed requirements regarding the HACCP based procedures?

(b) If so, why is such legislation considered necessary?

3. Article 6:

Article 6 (3) – Any Member State requiring the approval of certain establishments located on its territory under national law shall inform the Commission and other Member States of the relevant national rules.

(a) Has your MS got establishments that have to be approved in accordance with the national law in addition to Article 4 or Regulation (EC) No 853/2004.

(b) Has your MS notified to the other MS and the Commission (the Commission does not have a record of such notifications)?

4. Article 13:

Article 13 (3) Member States may, without compromising achievement of the objectives of this Regulation, adopt, in accordance with paragraphs 4 to 7 of this Article, national measures adapting the requirements laid down in Annex II.

a) Has your MS adopted national measures adapting requirements laid down in Annex II with the aim of:

(i) enabling the continued use of traditional methods, at any of the stages of production, processing or distribution of food;

(ii): accommodating the needs of food businesses situated in regions that are subject to special geographical constraints.

b) Has your MS adopted national measures adapting requirements laid down in Annex II (other than in point a)) that apply to they shall apply only to the construction, layout and equipment of establishments.

c) Has your MS notified these national measures to the other MS and the Commission in accordance with requirements in paragraphs (5), (6) and (7) of Article 13?

B) Regulation (EC) No 853/2004

1. Article 1:

1) According to Article 1 (4) Member States shall establish, according to national law, rules governing the activities and persons referred to in paragraph 3 (c), (d) and (e).

- 3(c): The direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer.

- 3 (d): The direct supply, by the producer, of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer.

- 3 (e): Hunters who supply small quantities of wild game or wild game meat directly to the final consumer or to local retail establishments directly supplying the final consumer.

(a) Has your MS established such rules?

(b) Has your MS notified such measures in accordance with the Directive 98/34/EC procedure?

2) According to Article 1 (5) (c) Member States may adopt national measures to apply the requirements of this Regulation to retail establishments situated on their territory to which it would not apply pursuant to subparagraphs (a) or (b).

(a) Has your MS established such rules?

(b) Has your MS notified such measures in accordance with the Directive 98/34/EC procedure?

2) Article 10:

According to Article 10 (3) Member States may, without compromising achievement of the objectives of this Regulation adopt, in accordance with paragraphs 4 to 8, national measures adapting the requirements laid down in Annex III.

1) Has your MS adopted national measures adapting requirements laid down in Annex II with the aim of:

(i) enabling the continued use of traditional methods, at any of the stages of production, processing or distribution of food;

(ii): accommodating the needs of food businesses situated in regions that are subject to special geographical constraints.

2) Has your MS adopted national measures adapting requirements laid down in Annex II (other than in point a)) that apply to they shall apply only to the construction, layout and equipment of establishments.

3) Has your MS notified these national measures to the other MS and the Commission in accordance with requirements in paragraphs (5), (6) and (7) of Article 10?

4) According to Article 10 (8) a Member State may, of its own initiative and subject to the general provisions of the Treaty, maintain or establish national rules:

- (a) prohibiting or restricting the placing on the market within its territory of raw milk or raw cream intended for direct human consumption; or
- (b) permitting the use, with the authorisation of the competent authority, of raw milk not meeting the criteria laid down in Annex III, Section IX, as regards plate count and somatic cell count of the manufacture of cheeses with an ageing or ripening period of at least 60 days, and dairy products obtained in connection with the manufacture of such cheeses, provided that this does not prejudice the achievement of the objectives of this Regulation.

(a) Has your MS established such a rules?

(b) Has your MS notified such measures in accordance with the Directive 98/34/EC procedure or Article 10?

5. Annexes

(a) Has your MS established specific national rules for the exceptions based on authorisations, approvals or permissions given by the competent authority as laid down in Annexes to the Regulation?

(b) Annex III, Section I, Chapter VI – emergency slaughter

(i) Does your Member State practice emergency slaughter on the farm?

(ii) If the answer to (i) is in the affirmative, how is this performed (presence and supervision of veterinarian, slaughter-man/butcher) and how is the carcass and viscera transferred to the slaughterhouse?

(iii) Does your Member State practice emergency slaughter in the slaughterhouse?

(iv) If the answer to (ii) is in the affirmative, does your Member State

- use a special premises for this activity or

- use separation in time?

(c) Annex III, Section I, Chapter VI, point 9

What form should the “special health mark” take?

(d) Annex III, Section III, point 4

Should Highland cattle and buffalo be included with bison in this point?

(e) Annex III, Section IV

(i) What are the responsibilities of trained hunters?

(ii) Should viscera accompany wild game to the game-handling establishment?

(iii) Are more stringent controls required?

C) Regulation (EC) No 854/2004

6. Article 17

According to Article 17 (3), Member States may, without compromising achievement of the objectives of this Regulation, adopt, in accordance with paragraphs 4 to 7, national measures adapting the requirements laid down in Annex I.

a) Has your MS adopted national measures adapting requirements laid down in Annex II with the aim of:

- (i) enabling the continued use of traditional methods at any of the stages of production, processing or distribution of food;
- (ii) accommodating the needs of food businesses with a low throughput or that are situated in regions that are subject to special geographic constraints; or
- (iii) permitting pilot projects to take place in order to try out new approaches to hygiene controls on meat;

b) Has your MS adopted national measures adapting requirements laid down in Annex II concerning:

- (i) food chain information;
- (ii) the presence of the competent authority in establishments.

c) Has your MS notified these national measures to the other MS and the Commission in accordance with requirements in paragraphs (5), (6) and (7) of Article 1?

7. Annexes

Has your MS established specific national rules for the exceptions based on authorisations, approvals or permissions given by the competent authority as laid down in Annexes to the Regulation?

ANNEX I

Letter 520001 of 19.01.2006 to the Chief Veterinary Officers on the notification procedure of national measures proposed by Member States under the Hygiene Regulations



Notification letter to
CVOs.pdf

ANNEX II

Summary of notifications of proposed national measures received



National measures
summary_MS 08.10.2