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**SANCO/1489/2007**

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.05.2007

Draft

**COMMISSION REGULATION (EC) No .../..**

**of [...]**

**amending Commission Regulation (EC) No 2074/2005 as regards the date of freezing of  
food of animal origin intended for human consumption**

**(Text with EEA relevance)**

**WORKING DOCUMENT**

**DOES NOT NECESSARILY REPRESENT THE OPINION OF THE COMMISSION  
SERVICES**

Draft

**COMMISSION REGULATION (EC) No .../..**

**of [...]**

**amending Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the date of freezing of food of animal origin intended for human consumption**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>1</sup>, and in particular Article 10(1) thereof,

Whereas:

- (1) Experience with implementation of Regulation (EC) No 853/2004 has exposed certain difficulties as regards the storage of food of animal origin. By indicating the date of initial freezing of such food the food business operators will be better able to judge the suitability of the food for human consumption and to estimate its durability.
- (2) Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>2</sup> concerns the labelling of foodstuffs to be delivered as such to the ultimate consumer and certain aspects relating to the presentation and advertising thereof.
- (3) Enforcement of the Regulation by the competent authorities has revealed that more detailed requirements regarding the durability of food of animal origin prior to its delivery as such to the ultimate consumer are necessary.
- (4) It is, therefore, appropriate to specify certain additional rules to ensure food safety and to amend Regulation (EC) No 853/2004 accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the [...] Committee,

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<sup>1</sup> OJ L 139, 30.4.2004, p.55, corrected by OJ L 226, 25.6.2004, p. 22

<sup>2</sup> OJ L 109, 6.5.2000, p. 29

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 853/2004 is amended as follows:

Annex II to Regulation (EC) No 853/2004 is amended in accordance with the Annex to this Regulation.

*Article 2*

*Entry into force*

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

[It shall apply from 1 xxx 2007]

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

*For the Commission*

[...]

*Member of the Commission*

## ANNEX

**The following Section IV is added to Annex II to Regulation (EC) No 853/2004:**

**"Section IV. Requirements regarding indications for food which has undergone a freezing process**

1. Without prejudice to Directive 2000/13/EC, food which has undergone a freezing process must bear an indication of:
  - a) The month and the year in which it was frozen, and
  - b) The date of minimum durability.
  
2. The dates referred to in point 1 shall not be changed or removed from the food until the food is labelled in accordance with Directive 2000/13/EC or used for further processing.
  
3. By way of derogation from point 2, the dates referred to in point 1 may be changed if the food business operators provide objective proof that the food is fit for human consumption and remains fit for human consumption until the new 'use by' date."