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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.06.2007

Draft

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

of [...]

**amending Regulation (EC) No 853/2004 of the European Parliament and the Council
laying down specific hygiene rules for food of animal origin**

(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 the Council
laying down specific hygiene rules for food of animal origin**

(Text with EEA relevance)

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 origin¹, and in particular Article 10(1) thereof,

Whereas:

- (1) Community policies on Better Regulation stress the importance of reducing the administrative burden imposed on enterprises by existing legislation as a crucial element for improving their competitiveness and for achieving the objectives of the Lisbon agenda.
- (2) Section VIII to Annex III of Regulation (EC) No 853/2004 requires fishing vessels to supplement the requirements of Point III of Annex I to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs². In particular, they should keep and retain records relating to measures put in place to control hazards in an appropriate manner and for an appropriate period.
- (3) Experience has shown that for food business operators involved in small-scale coastal fishing as defined by Article 26 of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund³, these provisions may create an additional administrative burden. It is therefore appropriate to give a derogation from these provisions for such small scale food business operators.

¹ OJ L 139, 30.4.2004, p. 55; corrected version (OJ L 226, 25.6.2004, p. 22). Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

² OJ L 139, 30.4.2004, p. 1; corrected version (OJ L 226, 25.6.2004, p. 3).

³ OJ L 223, 15.8.2006, p. 1.

- (4) Section XIV of Annex III to Regulation (EC) No 853/2004 sets out the requirements for the production of gelatine intended for human consumption. It specifies that when manufactured from ruminant bone material, gelatine must be produced using a unique process that ensures that all bone material is subjected to an alkaline treatment of saturated lime solution (pH>12.5) for a period of at least 20 days with a heat treatment step of 138°C minimum during at least four seconds, after having been finely crushed and degreased with hot water and treated with dilute hydrochloric acid (at minimum concentration of 4 % and pH < 1,5) over a period of at least two days.
- (5) The European Food Safety Authority adopted on 18 January 2006 an opinion on the quantitative assessment of the human BSE risk posed by gelatine with respect to residual BSE risk. On 18 May 2006, it adopted another opinion on the quantitative assessment of the human BSE risk posed by bovine vertebral column including dorsal root ganglia with respect to residual BSE risk. It indicated in both opinions that the production processes involving an acid process or a heat and pressure process ensure respectively equivalent and higher BSE infectivity reduction compared to the safety level achieved by applying the alkaline process currently required by Section XIV. The conditions for the production of gelatine should therefore be modified.
- (6) It is intended in Sections XIV and XV of Annex III to Regulation (EC) No 853/2004 to allow a food business operator who produces and stores gelatine or collagen intended for human consumption to use such products for other purposes provided that gelatine or collagen have been produced in accordance with the provisions laid down in the Sections referred to above. However, difficulties in interpreting these provisions were noted in some Member States. It is therefore appropriate to clarify these provisions to harmonise their implementation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the [...] Committee,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

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

1. In Section VIII (3), Point (a) is replaced by the following:

- "(a) (i) In the case of establishments, including vessels, engaged in primary production and associated operations they supplement the requirements of Annex I to that Regulation.
- (ii) In the case of operators engaged in small-scale coastal fishing, as defined in Article 26 of Regulation (EC) No 1198/2006, and carrying out their activities only for short periods of less than 24 hours, the obligation to keep records as foreseen at point 7 of Annex I to Regulation (EC) No 852/2004 is not required."

2. Section XIV is amended as follows:

(a) Chapter III is replaced by the following:

"CHAPTER III: REQUIREMENTS FOR THE MANUFACTURE OF GELATINE

1. The production process for gelatine must ensure that:

- (a) all ruminant bone material derived from animals born, reared or slaughtered in countries or regions with a controlled or undetermined BSE risk in accordance with Community legislation is subjected to a process which ensures that all bone material is finely crushed and degreased with hot water and treated with dilute hydrochloric acid (at minimum concentration of 4 % and pH < 1,5) over a period of at least two days. This treatment is followed either:
- by an alkaline treatment of saturated lime solution (pH>12.5) for a period of at least 20 days with a heat treatment step of 138°C minimum during at least four seconds, or
 - by an acid treatment with pH < 3,5 during 10 hours minimum with a heat treatment step of 138°C minimum during at least four seconds, or
 - by a heat-and-pressure process for at least 20 minutes with saturated steam of 133°C at more than 3 bars, or
 - by any approved equivalent process.

and

- (b) other raw material is subjected to a treatment with acid or alkali, followed by one or more rinses. The pH must be adjusted subsequently. Gelatine must be extracted by heating one or several times in succession, followed by purification by means of filtration and heat treatment.
2. A food business operator may produce and store both gelatine intended for human consumption and gelatine not intended for human consumption in the same establishment provided that the raw materials and the production process comply with the requirements applying to gelatine intended for human consumption."

(b) Chapter IV is replaced by the following:

"CHAPTER IV: REQUIREMENTS FOR FINISHED PRODUCTS

Food business operators must ensure that gelatine complies with the residue limits set out in the following table:

Residue	Limit
As	1 ppm
Pb	5 ppm
Cd	0.5 ppm
Hg	0.15 ppm
Cr	10 ppm
Cu	30 ppm
Zn	50 ppm
SO ₂ (European Pharmacopoeia 2005)	50 ppm
H ₂ O ₂ (European Pharmacopoeia 2005)	10 ppm

"

(c) Chapter V is replaced by the following:

"CHAPTER V: LABELLING

Wrapping and packaging containing gelatine must bear the words 'gelatine fit for human consumption' and must indicate the date of minimum durability."

3. In Section XV, Chapter III is replaced by the following:

'CHAPTER III: REQUIREMENTS FOR THE MANUFACTURE OF COLLAGEN

1. Collagen must be produced by a process that ensures that the raw material is subjected to a treatment involving washing, pH adjustment using acid or alkali followed by one or more rinses, filtration and extrusion or by an approved equivalent process. The extrusion step may be not carried out when manufacturing low molecular collagen from raw materials of non-ruminant origin.
2. After having been subjected to the process referred to in paragraph 1 above, collagen may undergo a drying process.
3. A food business operator may produce and store both collagen intended for human consumption and collagen not intended for human consumption in the same establishment provided that the raw materials and the production process comply with the requirements applying to collagen intended for human consumption.'

4. The Appendix is replaced by the following:

'Appendix to ANNEX III

**MODEL DOCUMENT TO ACCOMPANY RAW MATERIAL DESTINED FOR THE
PRODUCTION OF GELATINE OR COLLAGEN INTENDED FOR HUMAN
CONSUMPTION**

Number of the commercial document:

I. Identification of raw material

Nature of the raw material:

Animal species:

Type of packaging:

Number of packages:

Net weight (kg):

II. Origin of raw material

Type, address and approval/registration/special authorisation number of the production establishment:

.....

III. Destination of raw material

The raw material will be sent:

From:

(place of loading)

to:

(country and place of destination)

by the following means of transport:

Name and address of consignor:

Name and address of consignee:

Done at, on

.....

(Signature of the owner of the plant or its representatives)'