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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.06.2008

Draft

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

of [...]

laying down implementing measures regarding the application of traceability requirements in respect of food of animal origin under Regulation (EC) No 178/2002 of the European Parliament and of the Council

(Text with EEA relevance)

WORKING DOCUMENT

DOES NOT NECESSARILY REPRESENT THE OPINION OF THE COMMISSION SERVICES

Draft

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

of [...]

laying down implementing measures regarding the application of traceability requirements in respect of food of animal origin under Regulation (EC) No 178/2002 of the European Parliament and of the Council

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety¹, and in particular Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 178/2002 establishes the general principles of traceability of food. It provides that the traceability of food must be established at all stages of production, processing and distribution and that food business operators must be able to identify persons from whom they have been supplied with food and businesses to which their products have been supplied. This information is to be made available to the competent authorities upon demand.
- (2) Traceability is indispensable to ensure food safety and the reliability of information provided to consumers. In particular, it is necessary to apply traceability to food of animal origin to assist in enabling unsafe food to be removed from the market, thereby providing for the protection of consumers.
- (3) In order to fulfil the objective of Article 18 of the Regulation the information necessary comprises the name and address of the supplying food business operator; and the name and address of the food business operator to whom the food was supplied. The requirement relies on the 'one-step back'-'one-step forward' approach which implies that food business operators have in place a system enabling them to identify the immediate supplier(s) and, except when they are final consumers, immediate customer(s).

¹ OJ L 31, 1.2.2002, p. 1

- (4) Food crises in the past have revealed that documentary records were not always sufficient to allow full traceability of suspect foods. Experience of the application of Regulations (EC) No 178/2002, (EC) No 852/2004², (EC) No 853/2004³ and (EC) No 854/2004⁴ has revealed that food business operators do not regularly have available the information necessary to ensure the adequacy of their systems concerning the identity of the foods they are handling or storing.
- (5) It is, therefore, appropriate to specify certain rules for the specific sector of food of animal origin for which Regulation (EC) 853/2004 lays down specific rules for the purpose of applying the requirements of Article 18 of Regulation (EC) No 178/2002 while maintaining sufficient flexibility with regard to the form under which the relevant information should be made available.
- (6) In particular, it is appropriate to provide additional information on the volume or quantity of the food, a reference to identify the lot, batch or consignment, as appropriate, a more detailed description of the product (pre-packed or bulk product, variety or type, raw or processed product) and the date of dispatch.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to other specific Community provisions concerning the traceability of food of animal origin, food business operators shall ensure that the following additional information concerning consignments of food of animal origin is made available in an appropriate form to the food business operator to whom the food is supplied and, upon request, to the competent authority.

- (a) An accurate description of the food,
- (b) The volume or quantity of the food,
- (c) The name and address of the food business operator supplying the food,
- (d) The name and address of the consignor if different from the food business operator supplying the food,
- (e) The name and address of the food business operator to whom the food is being sent,
- (f) The name and address of the consignee if different from the food business operator to whom the food is being sent,

² OJ L 139, 30.04.2007, p. 1, corrected by OJ L 226, 25.6.2004, p. 3

³ OJ L 139, 30.4.2004, p. 55, as corrected by OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 1662/2006 (OJ L320, 18.11.2006, p. 1

⁴ OJ L 139, 30.4.2004, p.206, as corrected by OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Commission Regulation (EC) No 1664/2006, OJ L 320, 18.11.2006, p. 13

- (g) A reference enabling the lot, batch or consignment, as appropriate, to be identified, and
- (h) The date of dispatch.

Article 2

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 2008.]

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