

EN

SANCO/1729/2008 Rev. 2

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.6.2008

Draft

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

of [...]

amending Commission Regulation (EC) No 2074/2005 as regards TVB-N limits

Draft

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

of [...]

amending Commission Regulation (EC) No 2074/2005 as regards TVB-N limits

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 the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ¹, and in particular Article 11(9) thereof,

Whereas:

- (1) Section VIII of Annex III to Regulation (EC) No 853/2004 provides that food business operators must carry out specific checks in order to prevent fishery products which are unfit for human consumption from being placed on the market. These checks include checking total volatile basic nitrogen (TVB-N), in particular when organoleptic assessment of unprocessed fishery products has raised doubts as to their freshness.
- (2) According to Annex III of Regulation (EC) No 853/2004, when vessels that have not been designed and equipped to preserve fresh fishery product for more than 24 hours are landing their catch, fresh fishery products must undergo chilling as soon as possible after landing and be stored at the temperature of melting ice.
- (3) However, when whole fishery products handled in such vessels are used directly in the preparation of fish oil for human consumption, the raw material may be processed up to 36 hours without chilling after the catch/loading on the fishing vessel, provided that fish still meet the freshness criteria. It is therefore necessary to set down a generic level of TVB-N that should not be exceeded in fish species used for the direct production of fish oil for human consumption, when using that possibility.
- (4) Due to variation between species, it may also be appropriate to set higher TVB-N limits for certain species. Pending the harmonisation at Community level of these higher TVB-N limits, national competent authorities should be allowed to apply national limits for certain species, provided that the fish still meet the freshness criteria.
- (5) Regulation (EC) No 2074/2005 should therefore be amended accordingly.

¹ OJ L 139, 30.4.2004, p. 55 ; corrected version OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 1243/2007 (OJ L 281, 25.10.2007, p. 8).

- (6) 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

Annex II to Commission Regulation (EC) No 2074/2005 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the [20th] 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

In Annex II, Section II, Chapter I of Regulation (EC) No 2074/2005, point 1 is replaced by the following:

- '1. Unprocessed fishery products shall be regarded as unfit for human consumption where organoleptic assessment has raised doubts as to their freshness and chemical checks reveal that the following TVB-N limits are exceeded:
 - (a) 25 mg of nitrogen/100 g of flesh for the species referred to in point 1 of Chapter II;
 - (b) 30 mg of nitrogen/100 g of flesh for the species referred to in point 2 of Chapter II;
 - (c) 35 mg of nitrogen/100 g of flesh for the species referred to in point 3 of Chapter II;
 - (d) 60 mg of nitrogen/100 g of whole fishery products used directly for the preparation of fish oil for human consumption as referred to in Point B (1)(b) of Section VIII, Chapter IV of Annex III to Regulation (EC) No 853/2004.

Provided that the raw material complies with points (i) to (iii) of Part B(1)(a) in that Chapter, national limits may be set at a higher level for certain species pending the establishment of specific Community legislation .

The reference method to be used for checking the TVB-N limit involves distilling an extract deproteinised by perchloric acid as set out in Chapter III.'