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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.10.2008

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

**of [...]**

**laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council**

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Draft

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

of [...]

laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004 and (EC) No 854/2004 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 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 Articles 9 thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>2</sup>, and in particular Article 16 thereof,

Whereas:

- (1) The entry into application on 1 January 2006 of Regulations (EC) Nos 852/2004 of the European Parliament and of the Council, 853/2004 and 854/2004 has entailed considerable changes to the rules and procedures to be followed by food operators and the competent authorities of the Member States. The application of some of these measures with immediate effect from 1 January 2006 would have presented practical difficulties in some cases.
- (2) Commission Regulation (EC) No 2076/2005 of 5 December 2005<sup>3</sup> set therefore a transitional period in order to permit a smooth transition to the full implementation of the new rules and procedures. The duration of the transitional period was fixed taking into account the review of this regulatory framework on hygiene.
- (3) The Commission must indeed, before 20 May 2009, submit to the European Parliament and to the Council a report reviewing the experience gained from the implementation of the new regulatory framework on hygiene.
- (4) The report will serve as a basis for a wide discussion at Community level and lead to a clear identification of areas for which amendments or adaptations may be required.

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<sup>1</sup> OJ L 226, 25.6.2004, p. 22.

<sup>2</sup> OJ L 226, 25.6.2004, p. 83.

<sup>3</sup> OJ L 338, 22.12.2005, p. 83.

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- (5) Regulation (EC) No 2076/2005 applies until 31 December 2009. However, based on the information received from the Food and Veterinary Office, the national competent authorities and relevant European food business sectors, certain transitional arrangements provided for in that Regulation should be maintained pending the completion of the review process.
- (6) Provision should therefore be made for a further transitional period during which certain transitional arrangements provided for in Regulation (EC) No 2076/2005 could continue to apply. With a view to a harmonised approach, that transitional period should in principle last three years but could, where justified, be shorter. Provision should also be made for the possibility of reviewing any of those arrangements in the light of experience gained.
- (7) Regulation (EC) No 853/2004 excludes from its scope the direct supply by the producer of small quantities of meat from poultry and lagomorphs to the final consumer or to local retail establishments supplying directly the final consumer as fresh meat. Limiting this provision to fresh meat before the end of the review exercise would be an additional burden for small producers. Regulation (EC) No 2076/2005 allowed the Member States to derogate from the general requirements of Regulation (EC) No 853/2004 for such a purpose without limiting it to fresh meat. That possibility should be maintained during the transitional period.
- (8) The health import requirements for food of animal origin and for products containing both products of plant origin and processed products of animal origin will not be completely harmonised for certain types of products before 31 December 2009. Allowing the provisions contained in Regulations (EC) No 853/2004 and 854/2004 entering into application may lead to unjustified disruption of trade. Pending future harmonisation of Community legislation concerning imports of such products, it is therefore appropriate to make the import conditions applicable to these products during the transitional period clear.
- (9) Section V of Annex III to Regulation (EC) No 853/2004 requires the raw material for minced meat to meet certain criteria and lays down labelling requirements. Composition criteria of minced meat regarding in particular the content of fat and the connective tissue-meat protein ratio were to be assessed. Based on the assessment, these criteria were included in the Commission proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers<sup>4</sup>. This proposal was adopted on 30 January 2008 by the Commission and transmitted to the European Parliament and to the Council. Pending the outcome, it is appropriate to maintain current criteria established by Council Directive 94/65/EC<sup>5</sup> laying down the requirements for the production and placing on the market of minced meat and meat preparations.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

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<sup>4</sup> COM(2008) 40 final

<sup>5</sup> OJ L 368, 31.12.1994, p. 10.

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HAS ADOPTED THIS REGULATION:

## CHAPTER I GENERAL PROVISION

### Article 1 Transitional period

For the purposes of this Regulation, a transitional period of three years ending on 31 December 2012 (hereinafter referred to as ‘the transitional period’) is established.

## CHAPTER II TRANSITIONAL ARRANGEMENTS FOR THE IMPLEMENTATION OF REGULATION (EC) No 853/2004

### Article 2 Direct supply of small quantities of meat from poultry and lagomorphs

By way of derogation from Article 1(3)(d) and without prejudice to Article 1(4) of Regulation (EC) No 853/2004, the provisions laid down in that Regulation shall not apply to 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.

### Article 3 Health import conditions

1. Article 6(1) of Regulation (EC) No 853/2004 shall not apply to imports of food of animal origin for which no harmonised health import conditions have been established, including lists of third countries and parts of third countries and of establishments from which imports are permitted.

Imports of such products shall comply with the health import conditions of the Member State concerned.

2. By way of derogation from Article 6(4) of Regulation (EC) No 853/2004, food business operators importing food containing both products of plant origin and processed products of animal origin shall be exempt from the obligation provided for in that Article.

Imports of such products shall comply with the harmonised Community rules in force before 1 January 2010 where applicable, and with the national rules implemented by the Member States before that date in other cases.

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### Article 4

#### Composition criteria and labelling requirements for minced meat

1. By way of derogation from the requirements laid down in Chapter II (1) of Section V of Annex III of Regulation (EC) No 853/2004, the food business operator must check the raw materials entering the establishment to ensure compliance with the name of the product in the table below in respect of the final product.

Table: Composition criteria checked on the basis of a daily average

	<b>Fat content</b>	<b>Connective tissue:meat protein ratio</b>
– lean minced meat	≤ 7%	≤ 12
– minced pure beef	≤ 20%	≤ 15
– minced meat containing pigmeat	≤ 30%	≤ 18
– minced meat of other species	≤ 25%	≤ 15

2. By way of derogation from the requirements laid down in Chapter IV of Section V of Annex III of Regulation (EC) No 853/2004, the labelling must also display the following words:
  - ‘percentage of fat under...’,
  - ‘connective tissue:meat protein ratio under...’.
3. The Member States may allow the placing on their national market of minced meat which does not comply with these criteria under a national mark that cannot be confused with the marks provided for in Article 5(1) of Regulation (EC) No 853/2004.

### **CHAPTER III**

#### **TRANSITIONAL ARRANGEMENTS FOR THE IMPLEMENTATION OF REGULATION (EC) No 854/2004**

##### *Article 5* *Health import conditions*

Chapter III of Regulation (EC) No 854/2004 shall not apply to imports of food of animal origin for which no harmonised health import conditions have been established, including lists of third countries and parts of third countries and of establishments from which imports are permitted.

Pending future harmonisation of Community legislation concerning imports of such products, such imports shall comply with the health import conditions of the Member State concerned.

*Article 6*

This Regulation shall enter into force on 1 January 2010.

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*