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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.06.2008

Draft

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

of [...]

**amending Annex II to Regulation (EC) No 852/2004 of the European Parliament and the
Council on the hygiene of foodstuffs**

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of [...]

amending Annex II to Regulation (EC) No 852/2004 of the European Parliament and the Council on the hygiene of foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 852/2004 of the European Parliament and the Council of 29 April 2004 on the hygiene of foodstuffs¹, and in particular Article 13(1) thereof,

Whereas:

- (1) Regulation (EC) No 852/2004 lays down the general hygiene requirements that must be complied with by all food business operators. In particular, with regard to water supply, Chapter VII of Annex II stipulates that potable water must be used, whenever necessary, to ensure that foodstuffs are not contaminated. Provisions are also set out in the same Chapter to allow the use of clean water for the handling of fish, live bivalve molluscs, echinoderms, tunicates and marine gastropods.
- (2) Food business operators willing to use clean water should initiate adequate procedures, including effective monitoring procedures, and have adequate facilities available to ensure that it is not a source of contamination for the fishery products.
- (3) Regulation (EC) No 852/2004 should therefore be amended accordingly.
- (4) 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 Regulation (EC) No 852/2004 is amended in accordance with the Annex to this Regulation.

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

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 Chapter VII of Annex II to Regulation (EC) No 852/2004, Point 1(b) is replaced by the following:

- '(b) Clean water may be used with whole fishery products. Clean seawater may be used with live bivalve molluscs, echinoderms, tunicates and marine gastropods; clean water may also be used for external washing. When such water is used, adequate facilities and procedures are to be available for its supply to ensure that it is not a source of contamination for the foodstuff.'