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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.1.2008

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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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) [Initial capital...].
- (2) The measures provided for in this Regulation are in accordance with the opinion of the [...] Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 852/2004 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

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

ANNEX

Annex II to Regulation (EC) No 852/2004 is amended as follows:

1. In Chapter VII, Point 1(b) is replaced by the following:
 - '(b) Clean water may be used with 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 are to be available for its supply. The water intake must be situated in a position that avoids contamination of the water supply.'
2. In Chapter VII, Point 4 is replaced by the following:
 - '4. Ice which comes into contact with food or which may contaminate food is to be made from potable water or, when used to chill fishery products, clean water. It is to be made, handled and stored under conditions that protect it from contamination.'