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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.1.2008

Draft

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

**of [...]**

**amending Annexes II and III to Regulation (EC) No 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin and repealing certain provisions of Commission Regulation (EC) No 2076/2005**

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**amending Annexes II and III to Regulation (EC) No 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin and repealing certain provisions of Commission Regulation (EC) No 2076/2005**

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 <sup>1</sup>, and in particular Article 10(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 853/2004 is amended in accordance with the Annex I to this Regulation.

*Article 2*

Annex III to Regulation (EC) No 853/2004 is amended in accordance with the Annex II to this Regulation.

*Article 3*

Articles 11, 12 and 13 of Regulation (EC) No 2076/2005 are hereby deleted.

*Article 4*

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.

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<sup>1</sup> 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).

Done at Brussels, [...]

*For the Commission*

[...]

*Member of the Commission*

## ANNEX I

Annex II to Regulation (EC) No 853/2004 is amended as follows:

1. In Section I, Points 1 to 3 of Part A are replaced by the following:
  - '1. The identification mark must be applied before the product leaves the establishment of production.
  2. A new mark must only be applied to a product when its packaging and/or wrapping is removed or when it is further processed in another establishment. In such cases, the new mark must indicate the approval number of the establishment where these operations take place.
  3. An identification mark is not necessary when a packing centre code is applied on packs of eggs in accordance with Regulation (EC) No 1028/2006<sup>2</sup>.'
2. In Section III:
  - (a) Point 1 is replaced by the following:
    - '1. Slaughterhouse operators must not accept animals onto the slaughterhouse premises unless they have requested and been provided with relevant food chain information contained in the records kept at the holding of provenance in accordance with Regulation (EC) No 852/2004.'
  - (b) In Point 3, the introduction is replaced by the following:
    - '3. The relevant food chain information referred to in point 1 is to cover, in particular:'

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<sup>2</sup> OJ L 186, 7.7.2006, p. 1.

## ANNEX II

Annex III to Regulation (EC) No 853/2004 is amended as follows:

1. In Section VIII, Chapters III, IV and V are amended as follows:
  - (a) In Chapter III, Point 2 of Part A is replaced by the following:
    - '2. Operations such as heading and gutting must be carried out hygienically. Where gutting is possible from a technical and commercial viewpoint, it must be carried out as quickly as possible after the products have been caught or landed. The products must be washed thoroughly with potable water or clean water immediately after these operations.'
  - (b) In Chapter IV, Point 1 is replaced by the following:
    - '1. Rapid cooling must follow cooking. Water used for this purpose must be potable water or clean water. If no other method of preservation is used, cooling must continue until a temperature approaching that of melting ice is reached.'
  - (c) In Chapter V, Point 1 of Part E is replaced by the following:
    - '1. Fishery products derived from poisonous fish of the following families must not be placed on the market: Tetraodontidae, Molidae, Diodontidae and Canthigasteridae. Fresh, prepared, frozen and processed fishery products belonging to the family Gempylidae, in particular *Ruvettus pretiosus* and *Lepidocybium flavobrunneum*, may only be placed on the market in wrapped/packaged form and must be appropriately labelled to provide information to the consumer on preparation/cooking methods and on the risk related to the presence of substances with adverse gastrointestinal effects. The scientific name must accompany the common name on the label.'
2. In Section IX, Point 1(a) of Part III to Chapter II is replaced by the following:
  - '1. Food business operators manufacturing dairy products must initiate procedures to ensure that, immediately before processing:
    - (a) raw cows' milk used to prepare heat-treated milk, if it is not treated within the period of acceptance specified in the HACCP-based procedures, has a plate count at 30°C of less than 300 000 per ml;  
and
    - (b) processed cows' milk used to prepare heat treated milk has a plate count at 30°C of less than 100 000 per ml, before the second heat-treatment.'

3. In Section X, Chapters I and II are amended as follows:
- (a) In Chapter I, Point 2 is replaced by the following:
- '2. Eggs must be stored and transported at a temperature, preferably constant, that is best suited to assure optimal conservation of their hygiene properties, unless the competent authorities impose national temperature requirements for egg storage facilities and for vehicles transporting eggs between such storage facilities.'
- (b) In Chapter II, Point 1 is replaced by the following:
- '1. The shells of eggs used in the manufacture of egg products must be fully developed and contain no breaks. However, cracked eggs may be used for the manufacture of liquid egg or egg products if the establishment of production or a packing centre delivers them directly to an establishment approved for the manufacture of liquid egg or a processing establishment, where they must be broken as soon as possible.'