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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.1.2008

Draft

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

of [...]

amending Annexes I, II and III to Regulation (EC) No 854/2004 of the European Parliament and the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption and repealing certain provisions of Commission Regulation (EC) No 2076/2005

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption¹, and in particular Article 17 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

Regulation (EC) No 854/2004 is amended in accordance with the Annex to this Regulation.

Article 2

Articles 14 and 17a of Regulation (EC) No 2076/2005 are hereby deleted.

Article 3

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.

¹ OJ L 139, 30.4.2004, p. 206; corrected version OJ L226, 25.6.2004, p. 83. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission

ANNEX

Regulation (EC) No 854/2004 is amended as follows:

1. In Chapter III of Section III to Annex I, Point (a) of Part A is replaced by the following:
 - '(a) Where the establishment has used good hygiene practice in accordance with Article 4, paragraph 4 of this Regulation and the HACCP procedure for at least twelve months, the competent authority may authorise staff of the establishment to carry out specific tasks of official auxiliaries. This authorisation may only be granted if the staff of the establishment have been trained, to the satisfaction of the competent authority, in the same way as the official auxiliaries [and have passed the same examination] for the specific tasks they are authorised to perform. They must form part of the competent authority's independent inspection team, under the supervision, direction and responsibility of the official veterinarian. In these circumstances, the official veterinarian shall be present at anti-mortem and post-mortem examinations, shall supervise these activities and carry out regular performance tests to ensure that the performance of the slaughterhouse tasks meets the specific criteria laid down by the competent authority, and shall document the results of those performance tests. Detailed rules for the performance tests shall be laid down in accordance with the procedure set out in Article 18. Where the level of hygiene of the establishment is affected by the work of this staff, where this staff does not carry out the tasks properly or where in general this staff carries out its work in a manner that the competent authority considers unsatisfactory, this staff shall be replaced by official auxiliaries.

Responsibilities for production and inspection in the establishment must be kept separate and any establishment wishing to use the establishment's own inspectors must be certified in accordance with international standards, such as relevant EN ISO standards on quality management or food safety.'
2. In Part A of Chapter II to Annex II, Point 4 is replaced by the following:
 - '4. The competent authority may classify as being of Class B areas from which live bivalve molluscs may be collected, but placed on the market for human consumption only after treatment in a purification centre or after relaying so as to meet the health standards referred to in paragraph 3. Live bivalve molluscs from these areas must not exceed, in 90% of samples, the limits of a five-tube, three dilution Most Probable Number (MPN) test of 4 600 *E.coli* per 100 g of flesh and intravalvular liquid.'
3. In Part G of Chapter I to Annex III, Point 1 is replaced by the following:
 - '1. Fishery products derived from poisonous fish of the following families are not 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*, are only placed on the market in wrapped/packaged form and are 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 and the common names appear on the label;'