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SANCO/4449/2009 Rev. 3

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.07.2009

Draft

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

of [...]

amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin

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

of [...]

amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin

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 ¹, and in particular Article 9 and 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 III to Regulation (EC) No 853/2004 is amended in accordance with the Annex to this Regulation.

¹ OJ L 139, 30.4.2004, p. 55 ; corrected version in 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).

Article 2

This Regulation shall enter into force on the [...] 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

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

1. In Section II, Chapter V is replaced by the following:

'CHAPTER V: HYGIENE DURING AND AFTER CUTTING AND BONING

Food business operators must ensure that cutting and boning of meat of poultry and lagomorphs takes place in accordance with the following requirements.

1. The work on meat must be organised in such a way as to prevent or minimise contamination. To this end, food business operators must ensure in particular that:
 - (a) meat intended for cutting is brought into the workrooms progressively as needed;
 - (b) during cutting, boning, trimming, slicing, dicing, wrapping and packaging, the temperature of the meat is maintained at not more than 4°C by means of an ambient temperature of 12°C or an alternative system having an equivalent effect; and
 - (c) where the premises are approved for the cutting of meat of different animal species, precautions are taken to avoid cross-contamination, where necessary by separation of the operations on the different species in either space or time.
2. However, meat may be boned and cut prior to reaching the temperature referred to in point 1(b) when the cutting room is on the same site as the slaughter premises, provided that it is transferred to the cutting room either:
 - (a) directly from the slaughter premises; or
 - (b) after a waiting period in a chilling or refrigerating room.
3. As soon as it is cut and, where appropriate, packaged, the meat must be chilled to the temperature referred to in point 1(b) and remain at that temperature during storage.
4. Meat must attain the temperature specified in point 1(b) before transport, and remain at that temperature during transport. However, transport may also take place if the competent authority so authorises to enable the production of 'foie gras', provided that:
 - (a) such transport takes place in accordance with the requirements that the competent authority specifies in respect of transport from one given establishment to another; and
 - (b) the meat leaves the slaughterhouse, or a cutting room on the same site as the slaughter premises, immediately and transport takes no more than two hours.

5. Meat intended for freezing must be frozen without undue delay.
 6. Exposed meat must be stored and transported separately from packaged meat, unless stored or transported at different times or in such a way that the packaging material and the manner of storage or transport cannot be a source of contamination for the meat.'
2. Section VII is amended as follows:
- (a) In the introductory part of Section VII, point 1 is replaced by the following:
 - '1. This section applies to live bivalve molluscs. It also applies to live echinoderms, tunicates and marine gastropods with the exception of provisions on purification for each of these species and of provisions on classification of production areas for marine gastropods which are not filter feeders.'
 - (b) In Chapter VI, point 2 is amended as follows:
 - '2. All packages of live bivalve molluscs destined for retail must be closed and remain closed after leaving the dispatch centre and until presented for sale to the final consumer.'

(c) In Chapter IX, point 4 is amended as follows:

'4. Food business operators handling *Pectinidae* must comply:

'(a) with the documentary requirements of Chapter I, points 3 to 7, where applicable. In this case, the registration document must clearly indicate the location of the area where the *Pectinidae* were harvested;

and

(b) with the requirements of Chapter VI, Point 2 concerning closing of all packages of live *Pectinidae* destined for retail and Chapter VII concerning identification marking and labelling.'

3. Section VIII is amended as follows:

(a) In the introductory part, a new point 5 is added:

'5. In relation to fresh fishery products to which food additives are added to ensure preservation in accordance with the appropriate legislation, the requirements imposed on fresh fishery products also apply to such fishery products.'

(b) In Chapter VII, point 2 is replaced by the following:

'2. Frozen fishery products must be kept at a temperature of not more than – 18 ° C in all parts of the product; however, whole fish initially frozen in brine intended for the manufacture of canned food may be kept at a temperature of not more than –9 °C.'

(c) In Chapter VIII, point 1(b) is replaced by the following:

'(b) frozen fishery products, with the exception of whole fish initially frozen in brine intended for the manufacture of canned food, must be maintained during transport at an even temperature of not more than $-18\text{ }^{\circ}\text{C}$ in all parts of the product, possibly with short upward fluctuations of not more than $3\text{ }^{\circ}\text{C}$.'

4. In Chapter I of Section XIV, point 1 is amended as follows:

'1. For the production of gelatine intended for use in food, the following raw materials may be used:

- (a) bones, other than specified risk materials as referred to in Regulation (EC) No 999/2001;
- (b) hides and skins of farmed ruminant animals;
- (c) pig skins;
- (d) poultry skin;
- (e) tendons and sinews;
- (f) wild game hides and skins; and
- (g) fish skin and bones.'

5. Section XV is amended as follows:

(a) In Chapter I, point 1 is replaced by the following:

'1. For the production of collagen intended for use in food, the following raw materials may be used:

- (a) bones, other than specified risk materials as referred to in Regulation (EC) No 999/2001;
- (b) hides and skins of farmed ruminant animals;
- (c) pig skins;
- (d) poultry skin;
- (e) tendons and sinews;
- (f) wild game hides and skins; and
- (g) fish skin and bones.'

(b) In Chapter III, point 1 is replaced by the following:

'1. The production process for collagen must ensure that:

- (a) all ruminant bone material derived from animals born, reared or slaughtered in countries or regions with a controlled or undetermined BSE risk in accordance with Community legislation is subjected to a process which ensures that all bone material is finely crushed and degreased with hot water and treated with dilute hydrochloric acid (at minimum concentration of 4 % and pH < 1,5) over a period of at least two days. This treatment is followed by pH adjustment using acid or alkali followed by one or more rinses, filtration and extrusion, or by any approved equivalent process;
- (b) other raw material is subjected to a treatment involving washing, pH adjustment using acid or alkali followed by one or more rinses, filtration and extrusion, or by an approved equivalent process. The extrusion step may be not carried out when manufacturing low molecular collagen from raw materials of non-ruminant origin