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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.07.2009

Draft

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

of [...]

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

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

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

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 consumption ¹, and in particular Article 16 and Article 17(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 I to Regulation (EC) No 854/2004 is amended in accordance with Annex I to this Regulation.

Article 2

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

¹ OJ L 139, 30.4.2004, p. 206; corrected version in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

Article [...]

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 I

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

1. In Chapter II, Part B(2) of Section I, point (b) is replaced by the following:

'(b) of any condition which might adversely affect human or animal health, paying particular attention to the detection of zoonotic diseases and diseases listed by the Office International des Epizooties (World organisation for animal health, OIE).'
2. In Chapter II, Part D of Section I, point 1 is replaced by the following:

'1. Carcasses and accompanying offal are to be subjected without delay after slaughter to post-mortem inspection. All external surfaces are to be viewed. Minimal handling of the carcass and offal or special technical facilities may be required for that purpose. Particular attention is to be paid to the detection of zoonotic diseases and OIE listed diseases. The speed of the slaughter line and the number of inspection staff present are to be such as to allow for proper inspection.'
3. In Chapter II, Part F(1) of Section I, point (d) is replaced by the following:

'(d) the detection of OIE listed diseases.'
4. In Chapter I of Section II, point 4 is replaced by the following:

'4. When the official veterinarian, while carrying out ante-mortem or post-mortem inspection or any other inspection activity, suspects the presence of an infectious agent mentioned on the OIE List, the official veterinarian must immediately notify the competent authority and both must take all necessary measures and precautions to prevent the possible spread of the infectious agent in accordance with applicable Community legislation.'
5. In Chapter V of Section II (1) of Section II, point (e) is replaced by the following:

'(e) derives from animals affected by an OIE listed disease which adversely affects human health, unless otherwise provided for in Section IV;'
6. In Chapter II, point 3 of Section III, points (e) and (f) are replaced by the following:

'(e) in the case of an outbreak of an OIE listed disease. This concerns animals susceptible to the particular disease in question that come from the particular region as defined in Article 2 of Council Directive 64/432/EEC²;

(f) when stricter controls are necessary to take account of emerging diseases or particular OIE listed diseases.'

² OJ L 121, 29.7.1964, p. 1977/64. Directive as last amended by Commission Regulation (EC) No 21/2004 (OJ L 5, 9.1.2004, p. 8).

ANNEX II

Chapter I of Annex II to Regulation (EC) No 854/2004 is replaced by the following:

'CHAPTER I: SCOPE

This Annex applies to live bivalve molluscs. It also applies to live echinoderms, live tunicates and live marine gastropods with the exception of provisions on classification of production areas for marine gastropods which are not filter feeders.'