Protection of human health: food of animal origin, specific hygiene rules

2000/0179(COD) - 29/04/2004 - Final act

PURPOSE : to lay down specific rules on the hygiene of food of animal origin for food business operators.

LEGISLATIVE ACT : Regulation 853/2004/EC of the European Parliament and of the Council laying down specific hygiene rules for on the hygiene of foodstuffs. (Corrigendum to the Regulation published in OJ L 139 of 30 April 2004).

CONTENT : This Regulation results from a recast of Community legislation on food hygiene as contained in Council Directive 93/43/EEC and in a number of Council Directives on public health problems and governing the production and placing on the market of products of animal origin. The principal objectives of the recasting are to secure a high level of consumer protection with regard to food safety, in particular by making food business operators throughout the Community subject to the same rules, and to ensure the proper functioning of the internal market in products of animal origin, thus contributing to the achievement of the objectives of the common agricultural policy.

This Regulation lays down specific rules on the hygiene of food of animal origin for food business operators. These rules supplement those laid down by Regulation 852/2004/EC.

They apply to unprocessed and processed products of animal origin. The Regulation does not generally apply to food containing both products of plant origin and processed products of animal origin. However, processed products of animal origin used to prepare such food must be obtained and handled in accordance with the requirements of this Regulation.

The rules do not apply either to primary production for private domestic use or to the domestic preparation, handling or storage of food for private domestic consumption.

Moreover, where small quantities of primary products or of certain types of meat are supplied directly by the food business operator producing them to the final consumer or to a local retail establishment, national law will operate because of the close relationship between the producer and the consumer.

The requirements of Regulation 852/2004/EC are generally sufficient to ensure food safety in establishments carrying out retail activities involving the direct sale or supply of food of animal origin to the final consumer. This Regulation generally applies to wholesale activities (that is, when a retail establishment carries out operations with a view to supplying food of animal origin to another establishment). Nevertheless, with the exception of the specific temperature requirements laid down in this Regulation, the requirements of Regulation 852/2004/EC will suffice for wholesale activities consisting only of storage or transport.

The following points should be noted:

- Member States have some discretion to extend or to limit the application of the Regulation to retail under national law;

- in addition to complying with the general rules of Regulation 178/2002/EC, food business operators responsible for establishments that are subject to approval in accordance with this Regulation must ensure that all products of animal origin that they place on the market bear either a health mark or an identification mark;

- the structural and hygiene requirements laid down in this Regulation apply to all types of establishments, including small businesses and mobile slaughterhouses;

- to preserve certain hunting traditions without prejudicing food safety, the Regulation provides for training for hunters who place wild game on the market for human consumption. This enables hunters to undertake an initial examination of wild game on the spot. In these circumstances, they are not required to deliver all viscera to the game-handling establishment for post-mortem examination, if they carry out this initial examination and identify no anomalies or hazards. However, Member States are allowed to establish stricter rules within their territories to take account of specific

risks;

- the Regulation establishes criteria for raw milk pending the adoption of new requirements for its placing on the market. These criteria are trigger values, implying that, in the event of any overshooting, food business operators are to take corrective action and to notify the competent authority. The criteria do not involve maximum figures beyond which raw milk cannot be placed on the market;

- the rules of this Regulation on eggs replace those of Council Decision 94/371/EC.

ENTRY INTO FORCE : 20/05/2004. The Regulation shall apply after 01/01/2006.