

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

2000/0179(COD) - 27/10/2003 - Council position

The common position incorporates many changes compared to the Commission's original proposal. These are often consistent with the aims of amendments that the European Parliament proposed in its first-reading opinion. These changes are as follows:

- **Scope** : the Council agrees that it is not appropriate for Community legislation to lay down hygiene rules for the direct supply of small quantities of certain products of animal origin to the final consumer and local retail establishments. The common position therefore contains provisions on the direct supply of small quantities of primary products identical to those in the common position on the first hygiene Regulation. It would also exclude the direct supply of small quantities of wild game, wild game meat or meat from poultry and lagomorphs slaughtered on the farm from the scope of the Regulation. However, it would make clear that direct supply to local retail establishments covers only shops and - except in the case of poultry and lagomorphs slaughtered on the farm - restaurants, but does not cover wholesale or processing operations; and Member States must establish national rules for such direct supply and these rules must ensure the achievement of the objectives of the Regulation. The Council also agrees that the Regulation should not apply to composite products (that is, food containing both products of plant origin and processed products of animal origin). The general rules of the Regulation on the hygiene of foodstuffs are sufficient for such products. The common position would make clear that composite products (but not products of animal origin used to manufacture them) would fall outside the scope of the Regulation. However, the Regulation would apply to food containing products of plant origin and unprocessed products of animal origin. It would also apply to processed products of animal origin containing ingredients of plant origin that are necessary for their manufacture or to give them specific characteristics. The Council further agrees that the Regulation should not, as a general principle, apply to retail activities, since the general rules of the first Regulation would suffice for the most part. The common position would consequently make clear that the general rule excluding retail from the scope of the Regulation would not prevent Member States from applying stricter national rules to retail activities.
- **Comitology** : the Council agrees that it should not generally be possible to amend the definitions laid down under the Regulation through comitology. However, rather than including a long list of definitions in the Articles, the common position would instead leave them in Annex I but prevent the amendment of this Annex through comitology. To provide flexibility, it would make it possible for Annexes II and III to contain technical definitions that could be amended through comitology. The common position also provides for the adoption of transitional measures through comitology and, to supplement the criteria governing amendments to Annexes II and III, contains a non-exhaustive list of circumstances in which amendments or implementing rules could be adopted through comitology.
- **Approval of establishments** : the Council agrees that the Regulation should contain an Article setting out food business operators' obligations concerning the registration and approval of establishments and that these ought to dovetail with competent authorities' obligations under the Regulation on official controls. In addition to providing for this, the common position would clarify that approval would not be a requirement for establishments storing products of animal origin that do not require temperature-controlled storage conditions. It would also make transitional arrangements for existing establishments.
- **Health and identification marking** : all meat should receive a health mark. The health mark should be applied only in slaughterhouses and only to carcasses and part-carcasses of red meat, to reflect the special role that the official veterinarian plays in such cases. All other meat, and all other products of animal origin handled in approved establishments, ought instead to bear an identification mark. The common position primarily provides for this by means of cross-references to the Regulation on official controls, which would lay down rules on health marking. The common position would make clear that the specific requirements on identification marking do not affect food business operators' general duty to put in place systems and procedures to ensure traceability.
- **Imports** : to be consistent with the Regulation's focus on food business operators' obligations, the common position does not contain

procedural rules concerning imports. These appear in the common position on the Regulation on official controls.

- Special guarantees : the Council agrees that the provisions on salmonella guarantees should appear in an Article. The common position would also limit the scope of such guarantees to those products of animal origin to which they currently apply in relation to Finland and Sweden, with the addition of minced poultry meat (which is not currently in free circulation within the Community); provide flexibility to update the requirements for trade with Finland and Sweden; provide a mechanism for establishing similar temporary requirements in respect of trade with other Member States with national control programmes exceeding the minimum Community requirements concerning salmonella.
- Flexibility : the Council agrees that an Article should provide flexibility for Member States to adopt national measures adapting the detailed requirements laid down in Annex II, if this does not compromise the objectives of the Regulation. A recital would make clear that the structural and hygiene requirements laid down in the Regulation would apply to all types of establishments, including small businesses and mobile slaughterhouses. The general provisions on flexibility mean that there is no need to have a specific reference to mobile slaughterhouses in the body of the Regulation. The common position would also make clear that Member States could maintain or establish appropriate health measures concerning raw milk and raw cream intended for direct human consumption.
- Date of application : the common position therefore provides for the Regulation to apply eighteen months after the date on which all elements of the package are in force, but not before 1 January 2006.
- HACCP (Annex II, Section II) : to ensure the internal coherence of the different elements of the hygiene package, the Council has moved the requirements for slaughterhouse operators to the Regulation laying down specific hygiene rules for food of animal origin.
- Food chain information (Annex II, Section III) : the common position includes requirements for slaughterhouse operators concerning food chain information.
- Emergency slaughter (Annex III, Section I, Chapter VI) : the common position would considerably strengthen the rules on emergency slaughter. It would, in particular, limit the emergency slaughter procedure to animals that were healthy before suffering an accident; provide for meat from animals having undergone emergency slaughter to bear a special mark; restrict the placing on the market of such meat to the Member State of slaughter (subject to national rules, which may impose additional restrictions); and oblige food business operators to follow any requirements that the official veterinarian may impose concerning the use of such meat.
- Wild game (Annex III, Section IV) : the Council supports the introduction of minimum Community requirements for the training of hunters. It agrees, however, that these requirements should apply to commercial hunters only, that Member States need not organise the training themselves; and that the list of topics that training should cover should be a recommendation only. In addition to clarifying these points, the common position incorporates a number of changes aimed at simplifying and clarifying the hygiene requirements for large and small wild game.
- Minced meat, meat preparations and MSM (Annex III, Section V) : the common position would establish general requirements for raw material used to manufacture meat preparations. These are sufficiently flexible to make it unnecessary to provide for national derogations. The common position would set differential rules for the production and use of MSM, depending on the nature of the manufacturing process. Stricter requirements would apply to MSM manufactured using more intensive methods. Member States would have the option of imposing labelling requirements on products that are not currently in free circulation within the single market, to enable consumers to make an informed choice.
- Milk and dairy products (Annex III, Section IX) : the common position would simplify the requirements for heat-treated milk. It also states that the common position also makes clear that "raw milk" does not include milk that has been heated to more than 40°C or undergone any treatment that has an equivalent effect.
- Gelatine and collagen (Annex III, Sections XIV & XV) : the common position would maintain the current requirement for a document to accompany raw materials destined for the production of gelatine during transport. The common position also incorporates rules on collagen. The common position would require the Commission: to consult EFSA when necessary; and to report on the implementation of the Regulation after five years.