

ISSUES WHERE NATIONAL MEASURES OR GUIDANCE MAY BE NEEDED**A. Regulation 852/2004 on the hygiene of foodstuffs**

	Description/Action taken	Reference	Commodity/Sector
1.	<p>Establish under national law, rules governing the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer. Such national rules shall ensure achievement of the Regulation's objectives.</p> <p><i>We propose that this direct supply is to be subject to the general requirements of the Food Safety Act 1990 (and equivalent NI legislation) which concern selling food not complying with food safety requirements and selling food not of the nature, substance or quality demanded.</i></p>	<p>Article 1(3)</p> <p><i>Sections 8 and 14 of the Food Safety Act 1990 Articles 7 and 13 of the Food Safety (NI) Order 1991</i></p>	All primary products
2.	<p>Establish the manner in which the Competent Authority is to require evidence of compliance with Article 5(1). Establish the appropriate periods for retaining documents and records (?)</p> <p><i>To be covered in guidance to food businesses and instructions/guidance to enforcers. Commission may bring forward "detailed arrangements for the implementation of this Article..."</i></p>	Article 5(4)	All food businesses other than primary production and associated operations
3.	<p>Establish the manner in which the Competent Authority is to require notification of establishments to be registered and changes to that notification.</p> <p><i>To be included in guidance to food businesses and instructions/guidance to enforcers.</i></p>	Article 6(2)	All food sectors, including primary production
4.	<p>Encourage the development, dissemination and use of national (and Community) guides to good practice for hygiene and for the application of HACCP principles.</p> <p><i>To be taken forward separately from the project to apply the legislation. This is referred to in paragraph 22 of the Board paper.</i></p>	Articles 7, 8 and 9	All food sectors, including primary production
5.	<p>Evaluate whether exemptions from Annexes I and II should be sought.</p> <p><i>We have not identified any as necessary to achieve application of the legislation.</i></p>	Article 13(2)	All food sectors, including primary production
6.	<p>Evaluate whether national measures to adapt the requirements of Annex II should be sought/adopted.</p> <p><i>We have not identified any as necessary to achieve application of the legislation</i></p>	Article 13 (3)-(7)	All food businesses other than primary production and associated operations

	Description/Action taken	Reference	Commodity/Sector
7.	<p>Evaluate the need to maintain national rules establishing criteria or requirements referred to in Article 4(3)(a) that were adopted in accordance with Directive 93/43.</p> <p><i>We propose that in England, Wales and Northern Ireland the current provisions covering the bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar and temperature control requirements are retained.</i></p> <p><i>We propose that in Scotland, the current provisions covering the bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar are retained, as are elements of the existing temperature control requirements.</i></p>	<p>Article 17(3)</p> <p><i>Regulation 29 and Schedule 3, Regulation 30 and Schedule 4 of the draft Food Hygiene (England), (Wales) Regulations 2005.</i></p> <p><i>Regulation 25 and Schedule 3, Regulation 26 and Schedule 4 of the draft Food Hygiene (NI) Regulations 2005.</i></p> <p><i>Regulation 29 and Schedule 3, Regulation 30 and Schedule 4 of the draft Food Hygiene (Scotland) Regulations 2005.</i></p>	Food sectors currently subject to 93/43
8.	<p>Establish what is an appropriate manner and appropriate period for keeping and retaining records of primary production.</p> <p><i>To be included in guidance to food businesses and instructions/guidance to enforcers.</i></p>	Annex I(A) (III)	All primary products

	Description/ <i>Action taken</i>	Reference	Commodity/Sector
10.	<p>Establish how, under national law, to describe and control the supply of animal products from one retail establishment to another which is a marginal, localised and restricted activity (and subject to Regulation 852/2004)</p> <p><i>To be included in guidance to food businesses and instructions/guidance to enforcers. The Commission may bring forward further interpretative guidance on these terms</i></p>	Article 1(5)(b)	All products of animal origin
11.	<p>Establish whether we wish to extend the requirements of 853/2004 to retail establishments to which it does not otherwise apply.</p> <p><i>We are not proposing to make use of this possibility.</i></p>	Article 1(5)(c)	All products of animal origin/retail establishments
12.	<p>Evaluate whether exemptions from Annexes II and III should be sought</p> <p><i>We have not identified any as necessary to achieve application of the legislation</i></p>	Article 10(2)	All products of animal origin
13.	<p>Evaluate whether national measures to adapt the requirements of Annex III should be sought/adopted.</p> <p><i>We have not identified any as necessary to achieve application of the legislation</i></p>	Article 10 (3)-(7)	All product of animal origin requirements in Annex III

	Description/Action taken	Reference	Commodity/Sector
14.	<p>Evaluate the need to maintain or establish national rules:</p> <ul style="list-style-type: none"> Prohibiting or restricting the placing on the market within its territory of raw milk or raw cream intended for direct human consumption; or Permitting the use, with the authorisation of the competent authority, of raw milk not meeting the criteria laid down in Annex III, Section IX, as regards plate count and somatic cell count for the manufacture of cheeses with an ageing or ripening period of at least 60 days, and dairy products obtained in connection with the manufacture of such cheeses, provided that this does not prejudice the achievement of the objectives of this Regulation. <p><i>In England and Northern Ireland we propose to retain the current restrictions on the sale of raw milk intended for direct human consumption.</i></p> <p><i>In Wales we propose to maintain the current restrictions on the direct sale of raw milk and cream for human consumption but expand the existing labelling requirements.</i></p> <p><i>In Scotland, we propose to extend the current ban on the sale of raw milk intended for human consumption to include milk from all farmed animals.</i></p>	<p>Article 10(8)</p> <p><i>Regulation 32 and Schedule 6 of the draft Food Hygiene (England) Regulations 2005</i></p> <p><i>Regulation 28 and Schedule 6 of the draft Food Hygiene (NI) Regulations 2005</i></p> <p><i>Regulation 32 and Schedule 6 of the draft Food Hygiene (Wales) Regulations 2005</i></p> <p><i>Regulation 32 and Schedule 6 of the draft Food Hygiene (Scotland) Regulations 2005</i></p>	Dairy

	Description/Action taken	Reference	Commodity/Sector
15.	<p>Evaluate whether to permit food chain information to accompany animals to the slaughterhouse rather than arriving at least 24 hours in advance in certain circumstances.</p> <p><i>We intend to permit this. To be covered in guidance to industry and instructions/guidance to enforcers. The Commission is considering further the application of the requirements for food chain information</i></p>	Annex II, Section III (7)	All meat animals (other than wild game)
16.	<p>Establish the means for permitting transport to slaughterhouses of animals showing symptoms of disease or originating in herds known to be contaminated with agents of public health importance.</p> <p><i>In place under Animal Health legislation. Further work needed to reflect it in guidance/instructions to enforcers.</i></p>	Annex III, Section I, Chapter I(2)	Domestic ungulates (Cervidae and Suidae) (Ratites)
17.	<p>Evaluate whether it is not necessary to have separate lockable facilities /pens for sick or suspect animals.</p> <p><i>Separate lockable pens to be required (except for singleton animals). Flexibility for pens to be available for alternative use as long as operator has acceptable working instructions on return to primary use. To be covered in guidance to industry and instructions/guidance to enforcers.</i></p>	Annex III, Section I, Chapter II(1)(b)	Domestic ungulates (Cervidae and Suidae) (Ratites)
18.	<p>Evaluate the need to provide for authorisation on a case by case basis of separation in time for emptying and cleaning stomachs.</p> <p><i>Will allow authorisation by VMHA or on-site by OV on a case by case basis. To be covered in guidance to industry and instructions/guidance to enforcers.</i></p>	Annex III, Section I, Chapter II(2)(b)	Domestic ungulates (Cervidae and Suidae) (Ratites)
19.	<p>Evaluate the need to require separate places for cleaning etc. means of transport and if necessary permit alternatives.</p> <p><i>Slaughterhouses will be required to have C&D facilities. The current policy of allowing these facilities to exist outside the plant boundary will continue as long as they are under the control of the operator and enforcers can monitor. To be covered in guidance to industry and instructions/guidance to enforcers.</i></p>	Annex III, Section I, Chapter II(6)	Domestic ungulates (Cervidae and Suidae) (Ratites)
20.	<p>Evaluate whether national law is needed to govern placing on the market of meat from emergency slaughter animals.</p> <p><i>We are not proposing to make use of this possibility to lay down additional requirements, since we consider the existing controls to be adequate</i></p>	Annex III, Section I, Chapter VI(9)	Domestic ungulates (Cervidae and Suidae) (Ratites)

	Description/Action taken	Reference	Commodity/Sector
21.	Evaluate the need to authorise transport of meat to enable the production of specific products. <i>Transport of warm meat to be permitted by OV on a case by case basis. To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section I, Chapter VII(3)	Domestic ungulates (Cervidae and Suidae) (Ratites)
22.	Establish the means for permitting transport to slaughterhouses of animals showing symptoms of disease or originating in flocks known to be contaminated with agents of public health importance. <i>In place under Animal Health legislation. Further work needed to reflect it in guidance/instructions to enforcers</i>	Annex III, Section II, Chapter I(2)	Poultry and lagomorphs (Ratites)
23.	Evaluate the need to provide for authorisation on a case by case basis of separation in time for evisceration. <i>Will allow authorisation by VMHA or on-site by OV on a case by case basis. To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section II, Chapter II(2)(b)	Poultry and lagomorphs (Ratites)
24.	Provide for permitting the slaughter of sick or suspect animals. <i>To be covered in guidance to industry and instructions/guidance to enforcers (as at present).</i>	Annex III, Section II, Chapter IV(10)	Poultry and lagomorphs (Ratites)
25.	Provide for authorisation for on-farm slaughter of poultry. <i>Same arrangements will apply to authorisation as for approval of premises. To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section II, Chapter VI	Poultry and lagomorphs (Ratites)
26.	Evaluate whether it is inappropriate to apply the provisions of Section I to Cervidae and Suidae. <i>Premises that only eviscerate/dress farmed game will not need to comply with requirements for slaughter of live animals, but will nevertheless be termed a slaughterhouse. To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section III(1)	Cervidae and Suidae
27.	Evaluate whether Section I shall apply to ratites. <i>To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section III(2)	Ratites
28.	Provide for the authorisation of the slaughter of farmed ratites and farmed Cervidae and Suidae at the place of origin. <i>This is a continuation of a requirement in the current Directive. Same arrangements will apply to authorisation as for approval of premises. To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section III(3)	Ratites, Cervidae and Suidae

	Description/Action taken	Reference	Commodity/Sector
29.	Determine how training of hunters is to be provided to the satisfaction of the competent authority. <i>Sector Skills Council putting in place accredited Vocationally Related Qualification. Work on this is ongoing.</i>	Annex III, Section IV, Chapter I(4)	Wild game
30.	Encourage hunters' organisations to provide training. <i>Sector Skills Council putting in place accredited Vocationally Related Qualification. Work on this is ongoing</i>	Annex III, Section IV, Chapter I(5)	Wild game
31.	Determine whether to permit alternatives to evisceration being carried out or completed without undue delay at a game handling establishment. <i>Existing practices would be allowed as appropriate, and reflected in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section IV, Chapter III(5)	Small wild game
32.	Determine whether to authorise boning immediately before mincing in the preparation of minced meat, meat preparations or MSM in derogation from the provision to require frozen or deep frozen meat to be boned before freezing. <i>Further technical advice needed. To consider further and reflect as appropriate in guidance to industry and instructions/guidance to enforcers</i>	Annex III, Section V, Chapter III (2)(a)	Minced meat, meat preparations and MSM
33.	Determine whether to permit that registration documents are not necessary in the circumstances laid down. <i>Guidance to industry and instructions/guidance to enforcers will clarify that this is for EHO assessment.</i>	Annex III, Section VII, Chapter I (7)	Live bivalve molluscs
34.	Determine whether to require adequately equipped lockable facilities, or where needed, rooms for the exclusive use of the competent authority. <i>To respond if a case is made to require this.</i>	Annex III, Section VIII, Chapter II 2(a)(ii)	Fishery products
35.	Determine whether to authorise that food business operators need not carry out freezing requirements. <i>To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section VIII, Chapter III D (2)(b)	Fishery products
36.	Determine whether to permit that food business operators need not comply with point 1(b) under the circumstances laid down. <i>To set out criteria for industry and enforcers in line with guidance on "local" (see entry 10).</i>	Annex III, Section VIII, Chapter VIII(2)	Fishery products

	Description/Action taken	Reference	Commodity/Sector
37.	Establish whether to authorise that raw milk from animals not meeting the requirements of point 2 (brucellosis) may be used under the conditions laid down. <i>To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section IX, Chapter I(1)(3)	Dairy
38.	Possible need to provide for the use of milk under veterinary instruction <i>To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section IX, Chapter II B(1)(c)	Dairy
39.	Possible approval of teat dips/sprays <i>To cross-refer to the Veterinary Medicinal Products Regulations in guidance to industry and instructions/guidance to enforcers. There may be a move at the Community level to require these products to be cleared under the Biocides Directive</i>	Annex III, Section IX, Chapter II B(1)(e)	Dairy
40.	Determine whether to authorise derogation from compliance with temperature requirements. <i>To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section IX, Chapter I, Section II B(4)(b)	Dairy
41.	Establish whether to authorise the keeping of milk at a higher temperature for technological reasons concerning the manufacture of certain dairy products. <i>To be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex III, Section IX, Chapter II, Section I (2)(b)	Dairy

	Description/ <i>Action taken</i>	Reference	Commodity/Sector
42.	<p>Check whether specific measures are needed to be able to authorise collection centres and tanneries for the supply of raw materials for gelatine and collagen.</p> <p><i>It was concluded that specific measures were not necessary. Food authorities have been made responsible for the enforcement of the relevant Community provisions for these establishments.</i></p>	<p>Annex III, Section XIV, Chapter I 5 and Annex III, Section XV, Chapter I 5</p> <p><i>Regulation 5(3) of the draft Food Hygiene (England), (Wales), (Scotland), (NI) Regulations 2005.</i></p>	<p>Gelatine</p> <p>Collagen</p>

C. Regulation 854/2004 official controls on products of animal origin

	Description/Action taken	Reference	Commodity/Sector
43.	Possible need to provide for an extension to the periods for conditional approval applying to factory and freezer vessels <i>To consult as part of the exercise on instructions/guidance to enforcers.</i>	Article 3(2)	Fisheries products (factory and freezer vessels)
44.	Possible need to provide for product codes to be included in approval numbers <i>We do not propose to <u>require</u> the use of product codes. Their voluntary use by food businesses can be covered in guidance.</i>	Article 3(3)	All POAO establishments subject to approval
45.	Possible need to provide for secondary numbers for units or groups of units in wholesale markets <i>This provides valuable flexibility and will be covered in guidance to industry and instructions/guidance to enforcers.</i>	Article 3(3)	All wholesale markets handling POAO
46.	Possible need to provide for withdrawal or suspension of approval from units within wholesale markets <i>This provides valuable flexibility and will be covered in guidance to industry and instructions/guidance to enforcers</i>	Article 3(4)(c)	All wholesale markets handling POAO
47.	Giving effect to the provision that official auxiliaries may assist the official veterinarian <i>To be covered in the instructions/guidance to enforcers.</i>	Article 5(4)	Fresh meat
48.	Giving effect to the provision that slaughterhouse staff may assist with certain specific official control tasks <i>See paragraphs 15 and 16 of the Board paper.</i>	Article 5(6)	Poultry and lagomorphs
49.	The provisions concerning imports all seem to require action from the Commission rather than the Member States. Possible need for further provisions to apply these <i>Article 6 of Regulation 853/2004 lays the obligation on food business operators to import POAO only in compliance with certain conditions, including the requirements of 853/2004.</i>	Articles 10-15 <i>Regulation 17 and Schedule 2 of the draft Food Hygiene (England), (Wales), (Scotland), (NI) Regulations 2005</i>	All POAO

	Description/Action taken	Reference	Commodity/Sector
50.	Evaluate whether exemptions from Annexes I, II, III, IV, V and VI should be sought <i>None have so far been identified as necessary to achieve application of the legislation</i>	Article 17(2)	All POAO
51.	Evaluate whether national measures to adapt the requirements of Annex I should be sought/adopted. <i>For further consideration if needed for low throughput, remote, traditional production or for pilot studies. Agreement to action any of these would be sought separately from the current exercise to apply the EU Regulations.</i>	Article 17 (3)-(7)	Fresh meat
52.	Evaluate the need to authorise the submission for inspection of carcasses of domestic solipeds, bovine animals over six months old and domestic swine over four weeks old, not split in half. <i>Soliped heads will not need to be split, bovines need to be split for SRM removal, pigs will be required to be split if for visual only inspection. To be covered in the instructions/guidance to enforcers. (Defra/DARDNI responsibility)</i>	Annex I, Section I, Chapter II D 3	Certain fresh meat
53.	Effect to be given to the requirement for the competent authority to take appropriate action when food chain information is found not to correspond with the true situation on the holding etc and to require that the food business operator bears the cost of extra controls. <i>Under consideration as part of a separate consultation on food chain information. To be covered in guidance to industry and instructions/guidance to enforcers</i>	Annex I, Section II, Chapter II 5	Fresh meat
54.	Possible need to empower OV's to impose requirements on the use of meat from emergency slaughter animals (and on the food business operators to respect them)? <i>No additional requirements are to be set since we consider the existing controls to be adequate (see entry 20) so no further action is needed.</i>	Annex I, Section II, Chapter V2	Fresh meat
55.	Need to give effect to the Chapter concerning involvement of slaughterhouse staff? <i>See paragraphs 15 and 16 of the Board paper.</i>	Annex I, Section III Chapter III	Fresh meat
56.	Give effect to authorising ante-mortem inspection of domestic swine on farm <i>To be considered further and to be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex I, Section IV, Chapter IV, A1	Domestic swine

	Description/Action taken	Reference	Commodity/Sector
57.	Give effect to authorising ante-mortem inspection of poultry on farm <i>To be considered further and to be covered in guidance to industry and instructions/guidance to enforcers.</i>	Annex I, Section IV, Chapter V, A1	Poultry (Farmed lagomorphs)
58.	Confirm that the requirements of Annex II apply directly in their entirety and no additional legal provision is needed <i>No additional legal provision, but it may be necessary to cover in instructions/guidance to enforcers.</i>	Annex II	Live bivalve molluscs
59.	Confirm that the requirements of Annex III apply directly in their entirety and no additional legal provision is needed <i>No additional legal provision, but it may be necessary to cover in instructions/guidance to enforcers</i>	Annex III	Fisheries products
60.	Confirm that the requirements of Annex IV apply directly in their entirety and no additional legal provision is needed <i>No additional legal provision, but it may be necessary to cover in instructions/guidance to enforcers</i>	Annex IV	Raw milk and dairy products
61.	Possible need to provide for requiring import certificates to be accompanied by a certified translation <i>Article 6 of Regulation 852/2004 lays the obligation on food business operators to import POAO only in compliance with certain conditions, including the requirements of 853/2004.</i>	Annex VI <i>Regulation 17 and Schedule 2 of the draft Food Hygiene (England), (Wales), (Scotland), (NI) Regulations 2005</i>	All POAO imports