

Commission Directive 98/28/EC of 29 April 1998 granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar (Text with EEA relevance)

COMMISSION DIRECTIVE 98/28/EC

of 29 April 1998

granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs<sup>(1)</sup>, and in particular Article 3(3) thereof,

Whereas information shows that the application of the second subparagraph of paragraph 2 of Chapter IV of the Annex to Directive 93/43/EEC relating to the transport of bulk foodstuffs in liquid, granulate or powdered form in receptacles and/or containers/tankers reserved for the transport of foodstuffs, is not practical and imposes an unduly onerous burden on food businesses when applied to the transport of raw sugar by sea, which is not intended for use as food nor as a food ingredient without a full and effective refining process;

Whereas, however, it is necessary to ensure that the granting of a derogation provides an equivalent level of protection of public health, by attaching conditions to the terms of such derogation;

Whereas the availability of receptacles and/or containers/tankers reserved for the transport of foodstuffs by sea is insufficient to serve the continuing trade in raw sugar, which is not intended for use as food nor as a food ingredient without a full and effective refining process;

Whereas experience acquired during the past years has shown that refined sugar is not contaminated where the bulk transport of raw sugar by sea is undertaken in receptacles and/or containers/tankers which are not reserved for the transport of foodstuffs; whereas on the other hand it should be established that receptacles and/or containers/tankers that have been used previously for transportation have been cleaned effectively and that the cleaning procedure is considered as critical to the overall safety and wholesomeness of the refined sugar;

Whereas it is incumbent on Member States by virtue of Article 8 of Directive 93/43/EEC to carry out controls to ensure the application of this Directive;

Whereas this specific derogation, shall be without prejudice to the general provisions of Directive 93/43/EEC;

Whereas the Scientific Committee for Foods has been consulted;

---

**Status:** EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

---

Whereas the measures provided for in this Directive are in compliance with the opinion of the Standing Committee for Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

---

**Status:** EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

---

(1) [OJ L 175, 19. 7. 1993, p. 1.](#)