

Regulation (EC) No 854/2004 of the European Parliament and of the Council
of 29 April 2004 laying down specific rules for the organisation of official
controls on products of animal origin intended for human consumption (repealed)

[^{X1}REGULATION (EC) No 854/2004 OF THE
EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 29 April 2004

laying down specific rules for the organisation of official controls on
products of animal origin intended for human consumption] (repealed)

[^{X1}THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article
152(4)(b) thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee⁽²⁾,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽³⁾,

Whereas:

- (1) Regulation (EC) No 852/2004 of the European Parliament and of the Council⁽⁴⁾ lays down general hygiene rules applying to all foodstuffs and Regulation (EC) No 853/2004 of the European Parliament and of the Council⁽⁵⁾ lays down specific hygiene rules for products of animal origin.
- (2) Specific rules for official controls on products of animal origin are necessary to take account of specific aspects associated with such products.
- (3) The scope of the specific control rules should mirror the scope of the specific hygiene rules for food business operators laid down in Regulation (EC) No 853/2004. However, Member States should also carry out appropriate official controls to enforce national rules established in accordance with Article 1(4) of that Regulation. They may do so by extending the principles of this Regulation to such national rules.
- (4) Official controls on products of animal origin should cover all aspects that are important for protecting public health and, where appropriate, animal health and animal welfare. They should be based on the most recent relevant information available and it should therefore be possible to adapt them as relevant new information becomes available.
- (5) Community legislation on food safety should have a sound scientific basis. To that end, the European Food Safety Authority should be consulted whenever necessary.
- (6) The nature and intensity of the official controls should be based on an assessment of public health risks, animal health and welfare, where appropriate, the type and throughput of the processes carried out and the food business operator concerned.

Status: Point in time view as at 01/11/2009.

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 854/2004 of the European Parliament and of the Council (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (7) It is appropriate to provide for the adaptation of certain specific control rules, through the transparent procedure provided for in Regulation (EC) No 852/2004 and Regulation (EC) No 853/2004, to provide flexibility in order to accommodate the specific needs of establishments which use traditional methods, have a low throughput or are located in regions that are subject to special geographical constraints. The procedure should also allow pilot projects to take place in order to try out new approaches to hygiene controls on meat. However, such flexibility should not compromise food hygiene objectives.
- (8) Official controls on the production of meat are necessary to verify that food business operators comply with hygiene rules and respect criteria and targets laid down in Community legislation. These official controls should comprise audits of food business operators 'activities and inspections, including checks on food business operators' own controls.
- (9) In view of their specific expertise, it is appropriate for official veterinarians to carry out audits and inspections of slaughterhouses, game handling establishments and certain cutting plants. Member States should have discretion to decide which are the most appropriate staff for audits and inspections of other types of establishments.
- (10) Official controls on the production of live bivalve molluscs and on fishery products are necessary to check for compliance with the criteria and targets laid down in Community legislation. Official controls on the production of live bivalve molluscs should in particular target relaying and production areas for bivalve molluscs and the end product.
- (11) Official controls on the production of raw milk are necessary to check for compliance with criteria and targets laid down in Community legislation. Such official controls should in particular target milk production holdings and raw milk upon collection.
- (12) The requirements of this Regulation should not apply until all parts of the new legislation on food hygiene have entered into force. It is also appropriate to provide for at least 18 months to elapse between entry into force and the application of the new rules, to allow competent authorities and the industries affected time to adapt.
- (13) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁶⁾,

HAVE ADOPTED THIS REGULATION:]

Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EC\) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption \(Official Journal of the European Union L 139 of 30 April 2004\)](#).

Status: Point in time view as at 01/11/2009.

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 854/2004 of the European Parliament and of the Council (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (1) [^{XI}OJ C 262 E, 29.10.2002, p. 449.
- (2) OJ C 95, 23.4.2003, p. 22.
- (3) Opinion of the European Parliament of 5 June 2003 (not yet published in the Official Journal), Council Common Position of 27 October 2003 (OJ C 48 E, 24.2.2004, p. 82), Position of the European Parliament of 30 March 2004 (not yet published in the Official Journal) and Council Decision of 16 April 2004.
- (4) Page 3 of this Official Journal.
- (5) Page 22 of this Official Journal.
- (6) OJ L 184, 17.7.1999, p. 23.]

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