

Commission Regulation (EC) No 1688/2005 of 14 October 2005 implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs (Text with EEA relevance)

COMMISSION REGULATION (EC) No 1688/2005

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implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) At the time of their accession, Finland and Sweden were granted additional salmonella guarantees covering trade in fresh meat from bovine and porcine animals, fresh poultrymeat and table eggs which were extended to minced meat by Council Directive 94/65/EC⁽²⁾. Those guarantees were set out in certain Directives, as amended by the Act of Accession for Austria, Finland and Sweden, namely as regards food in Council Directive 64/433/EEC⁽³⁾, in respect of fresh meat, Council Directive 71/118/EEC⁽⁴⁾ in respect of fresh poultrymeat and Directive 92/118/EEC⁽⁵⁾ in respect of eggs.
- (2) As from 1 January 2006, Directives 64/433/EEC, 71/118/EEC, and 94/65/EC are to be repealed by Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC⁽⁶⁾. Directive 92/118/EEC is to be amended by Directive 2004/41/EC.
- (3) Article 4 of Directive 2004/41/EC provides that pending the adoption of the necessary provisions on the basis of Regulations (EC) No 852/2004⁽⁷⁾, (EC) No 853/2004, (EC) No 854/2004⁽⁸⁾ of the European Parliament and of the Council or Council Directive 2002/99/EC⁽⁹⁾, the implementing rules adopted on the basis of Directives 71/118/EEC and 94/65/EC and those adopted on the basis of Annex II to Directive 92/118/EEC, with the exception of Council Decision 94/371/EC⁽¹⁰⁾ are to continue to apply *mutatis mutandis*.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1688/2005, Introductory Text. (See end of Document for details)

- (4) As from 1 January 2006, new rules concerning special guarantees for food in respect of salmonella will apply under Regulation (EC) No 853/2004.
- (5) There is therefore a need to update and complement as appropriate the implementing provisions provided for in Commission Decision 95/168/EC of 8 May 1995 establishing, as regards salmonella, additional guarantees for consignments to Finland and Sweden of certain types of eggs intended for human consumption⁽¹¹⁾, Council Decision 95/409/EC of 22 June 1995 laying down the rules for the microbiological testing by sampling of fresh beef and veal and pigmeat intended for Finland and Sweden⁽¹²⁾, Council Decision 95/411/EC of 22 June 1995 laying down the rules for the microbiological testing for salmonella by sampling of fresh poultry meat intended for Finland and Sweden⁽¹³⁾, and Commission Decision 2003/470/EC of 24 June 2003 on the authorisation of certain alternative methods to be used in microbiological testing of meat intended for Finland and Sweden⁽¹⁴⁾, pursuant to the new provisions of Regulation (EC) No 853/2004. It is furthermore appropriate to gather all the provisions in one Commission Regulation and to repeal Decisions 95/168/EC, 95/409/EC, 95/411/EC and 2003/470/EC.
- (6) Implementing provisions should also be adopted for the new special guarantees laid down in Regulation (EC) No 853/2004 as regard minced meat from poultry.
- (7) The rules relating to microbiological tests by sampling should be drawn up laying down the sampling method, the number of samples to be taken and the microbiological method to be used for examining the samples.
- (8) In the rules on sampling methods, it is appropriate to make a distinction, as regards meat from bovine and porcine animals, between carcasses and half carcasses, on the one hand and quarters, cuts and smaller pieces on the other, and, as regards meat from poultry, between whole carcasses, on the one hand, and parts of carcasses and offal on the other.
- (9) It is appropriate to take account of international methods for the sampling and for the microbiological examination of samples, as reference methods, while allowing the use of certain alternative methods that have been validated and certified as providing equivalent guarantees.
- (10) It is necessary to update or to establish where appropriate the models of trade and certification documents accompanying consignments and declaring or certifying that the guarantees are fulfilled.
- (11) Pursuant to Article 8(2)(c) and (d) of Regulation (EC) No 853/2004, the special guarantees should not be applicable to any consignment that is subject to a programme recognised as equivalent to that implemented by Finland and Sweden, or to consignments of meat from bovine and porcine animals and eggs destined to special treatments.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1688/2005, Introductory Text. (See end of Document for details)*

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- (1) OJ L 139, 30.4.2004, p. 3, as corrected by OJ L 226, 25.6.2004, p. 22.
- (2) OJ L 368, 31.12.1994, p. 10. Directive as amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).
- (3) OJ 121, 29.7.1964, p. 2012/64. Directive as last amended by the 2005 Act of Accession.
- (4) OJ L 55, 8.3.1971, p. 23. Directive as last amended by the 2005 Act of Accession.
- (5) OJ L 62, 15.3.1993, p. 49. Directive as last amended by Commission Regulation (EC) No 445/2004 (OJ L 72, 11.3.2004, p. 60).
- (6) OJ L 157, 30.4.2004, p. 33, as corrected by OJ L 195, 2.6.2004, p. 12.
- (7) OJ L 139, 30.4.2004, p. 1, as corrected by OJ L 226, 25.6.2004, p. 3.
- (8) OJ L 139, 30.4.2004, p. 206, as corrected by OJ L 226, 25.6.2004, p. 83.
- (9) OJ L 18, 23.1.2003, p. 11.
- (10) OJ L 168, 2.7.1994, p. 34.
- (11) OJ L 109, 16.5.1995, p. 44. Decision as amended by Decision 97/278/EC (OJ L 110, 26.4.1997, p. 77).
- (12) OJ L 243, 11.10.1995, p. 21. Decision as amended by Decision 98/227/EC (OJ L 87, 21.3.1998, p. 14).
- (13) OJ L 243, 11.10.1995, p. 29. Decision as amended by Decision 98/227/EC.
- (14) OJ L 157, 26.6.2003, p. 66.

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