

Commission regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 (Text with EEA relevance) (repealed)

## CHAPTER II

### **TRANSITIONAL ARRANGEMENTS FOR THE IMPLEMENTATION OF REGULATION (EC) No 853/2004**

#### *Article 2*

#### **Stocks of food of animal origin**

1 Without prejudice to relevant Community legislation, and in particular Directive 2000/13/EC of the European Parliament and of the Council<sup>(1)</sup> on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, stocks of food of animal origin produced before 1 January 2006 may be placed on the market provided that they bear, as appropriate, the marks provided for in the Acts listed in Article 2 of Directive 2004/41/EC of the European Parliament and of the Council<sup>(2)</sup>.

2 Products referred to in paragraph 1, for which the food business operator has defined a shelf-life longer than the transitional period, may remain on the market until the end of their shelf-life.

#### *Article 3*

#### **Direct supply of small quantities of meat from poultry and lagomorphs**

By way of derogation from Article 1(3)(d) and without prejudice to Article 1(4) of Regulation (EC) No 853/2004, the provisions laid down in that Regulation shall not apply to the direct supply, by the producer, of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer.

#### *Article 4*

#### **Placing of food of animal origin on the national market pending the approval of establishments**

By way of derogation from Article 4(1) of Regulation (EC) No 853/2004, food business operators who before 1 January 2006 were allowed to place food of animal origin on their national market may continue to place such products on this market under a national mark that cannot be confused with the marks provided for in Article 5(1) of Regulation (EC) No 853/2004 until such time as the competent authority, in accordance with Article 4(2) of Regulation (EC) No 853/2004, has approved the establishments handling such products.

Food of animal origin bearing such national marks may be marketed only in the national territory of the Member State where they are produced.

*Article 5*

**Wrapping, packaging and labelling materials  
bearing pre-printed health or identification marks**

Food business operators may continue until 31 December 2007 to use stocks of wrapping, packaging and labelling materials bearing pre-printed health or identification marks purchased by them before 1 January 2006.

*Article 6*

**Marking equipment**

Food business operators and competent authorities may continue to use marking equipment with which they are equipped on 31 December 2005 until its replacement or until the end of the transitional period at the latest, provided that the approval number of the establishment concerned remains unchanged.

When that equipment is replaced, the competent authority shall ensure that it is withdrawn so that it cannot be used any more.

*Article 7*

**Health import conditions**

1 Article 6(1) of Regulation (EC) No 853/2004 shall not apply to imports of food of animal origin for which no harmonised health import conditions have been established, including lists of third countries and parts of third countries and of establishments from which imports are permitted.

Pending future harmonisation of Community legislation concerning imports of such products, such imports shall comply with the health import conditions of the Member State concerned.

2 By way of derogation from Article 6(4) of Regulation (EC) No 853/2004, food business operators importing food containing both products of plant origin and processed products of animal origin shall be exempt from the obligation provided for in that Article.

Pending the development of a risk-based approach for the implementation of harmonised health import conditions and checks of such food products, imports shall comply with the harmonised Community rules in force before 1 January 2006 where applicable, and with the national rules implemented by the Member States before that date in other cases.

## Article 8

### Food chain information

1 By way of derogation from the requirements laid down in Section III of Annex II to Regulation (EC) No 853/2004, the Member States shall progressively implement these requirements in various sectors in addition to the poultry sector where they shall apply immediately, so that the porcine sector in that Member State is covered by the implementation of food chain information requirements by the end of the second year of transition, and the equine and veal calf sectors by the end of the third year.

Member States applying that transitional arrangement shall report to the Commission on its implementation at the end of each year.

2 By way of derogation from the requirements laid down in point 2 of Section III of Annex II to Regulation (EC) No 853/2004 concerning the provision of food chain information to slaughterhouse operators no less than 24 hours in advance, the competent authority may permit such information to be sent to the slaughterhouse operator with animals of all species to which it relates and in all circumstances where this does not jeopardise the objectives of Regulation (EC) No 853/2004.

However, any item of food chain information, knowledge of which may result in serious disruption of the slaughterhouse activity, shall be made available to the slaughterhouse operator in good time before the animals arrive at the slaughterhouse.

## Article 9

### Meat of farmed non-domestic ungulates

By way of derogation from the requirements laid down in point (3)(j) of Section III of Annex III to Regulation (EC) No 853/2004, the certificate referred to in Article 16, attesting to a favourable result of the ante-mortem inspection, is issued and signed by the veterinary service.

## Article 10

### Composition criteria and labelling requirements for minced meat

1 By way of derogation from the requirements laid down in Chapter II(1) of Section V of Annex III of Regulation (EC) No 853/2004, the food business operator must check the raw materials entering the establishment to ensure compliance with the name of the product in the table below in respect of the final product.

**TABLE: COMPOSITION CRITERIA CHECKED  
ON THE BASIS OF A DAILY AVERAGE**

	<b>Fat content</b>	<b>Connective tissue: meat protein ratio</b>
— lean minced meat	≤ 7 %	≤ 12
— minced pure beef	≤ 20 %	≤ 15

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—	minced meat containing pigmeat	≤ 30 %	≤ 18
—	minced meat of other species	≤ 25 %	≤ 15

2 By way of derogation from the requirements laid down in Chapter IV of Section V of Annex III of Regulation (EC) No 853/2004, the labelling must also display the following words:

- ‘percentage of fat under...’,
- ‘connective tissue: meat protein ratio under...’.

3 The Member States may allow the placing on their national market of minced meat which does not comply with these criteria under a national mark that cannot be confused with the marks provided for in Article 5(1) of Regulation (EC) No 853/2004.

#### *Article 11*

##### **Use of clean water**

1 By way of derogation from Article 3(2) of Regulation (EC) No 853/2004 and Chapter III(A)(1) of Section VIII of Annex III to that Regulation, ice used to chill fresh fishery products may be made from clean water in establishments on land.

2 By way of derogation from Article 3(2) of Regulation (EC) No 853/2004 and Chapter III(A)(2) and (3) of Section VIII of Annex III to that Regulation, food business operators in establishments, including vessels, handling fishery products may use clean water.

3 By way of derogation from Article 3(2) of Regulation (EC) No 853/2004 and Chapter IV(1) of Section VIII of Annex III to that Regulation, food business operators in establishments on land may use clean water for cooling after cooking crustaceans and molluscs.

#### *Article 12*

##### **Raw milk and dairy products**

By way of derogation from the requirement set out in Chapter II(III)(1)(a) of Section IX of Annex III to Regulation (EC) No 853/2004, the maximum plate count for raw cows' milk shall apply only where such milk is to be heat-treated and has not been so treated within the period of acceptance specified in the HACCP-based procedures put in place by food business operators.

#### *Article 13*

##### **Eggs and egg products**

1 Member States which, before 1 January 2006, applied national temperature requirements for egg storage facilities and for vehicles transporting eggs between such storage facilities may continue to apply those requirements.

2 Food business operators may use cracked eggs for the production of liquid egg in an establishment approved for that purpose, provided that the establishment of production or a packing centre has delivered them directly and they are broken as soon as possible.



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- (1) [OJ L 109, 6.5.2000, p. 29.](#)
- (2) [OJ L 157, 30.4.2004, p. 33, corrected by OJ L 195, 2.6.2004, p. 12.](#)