

Commission Regulation (EU) No 579/2014 of 28 May 2014 granting derogation from certain provisions of Annex II to Regulation (EC) No 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea (Text with EEA relevance)

COMMISSION REGULATION (EU) No 579/2014

of 28 May 2014

granting derogation from certain provisions of Annex II to Regulation (EC) No 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs⁽¹⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Regulation (EC) No 852/2004 provides that food business operators are to comply with the general hygiene requirements for the transport of foodstuffs set out in Chapter IV of Annex II to that Regulation. Point 4 of that Chapter requires that bulk foodstuffs in liquid, granulate or powdered form be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs. However, that requirement is not practical and imposes an unduly onerous burden on food business operators when applied to the transport in seagoing vessels of liquid oils and fats intended for, or likely to be used for, human consumption. In addition, the availability of seagoing vessels reserved for the transport of foodstuffs is insufficient to serve the continuing trade in such oils and fats.
- (2) Commission Directive 96/3/EC⁽²⁾ permits the transport by sea of bulk liquid oils and fats in tanks which have been previously used to transport the substances listed in the Annex thereto, subject to certain conditions which ensure the protection of public health and the safety and wholesomeness of the foodstuffs concerned.
- (3) In view of the discussion in Codex Alimentarius leading to the adoption of criteria to be used to determine the acceptability of previous cargoes for bulk edible liquid oils and fats transported by sea⁽³⁾ and at the Commission's request, the European Food Safety Authority (EFSA) assessed the criteria for acceptable previous cargoes for edible fats and oils and adopted a scientific opinion on the review of the criteria for acceptable previous cargoes for edible fats and oils⁽⁴⁾.
- (4) At the Commission's request, the EFSA also evaluated a list of substances taking into account those criteria. The EFSA has adopted several scientific opinions on the

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evaluation of the substances on their acceptability as previous cargoes for edible fats and oils⁽⁵⁾⁽⁶⁾⁽⁷⁾⁽⁸⁾.

- (5) In the interests of clarity of Union legislation and to take into account the outcome of the EFSA scientific opinions, Directive 96/3/EC should be repealed and replaced by this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 139, 30.4.2004, p. 1.](#)
- (2) Commission Directive 96/3/EC of 26 January 1996 granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea ([OJ L 21, 27.1.1996, p. 42](#)).
- (3) Joint FAO/WHO Food Standards Programme, Codex Alimentarius Commission, Thirty-fourth Session, International Conference Centre, Geneva, Switzerland, 4 to 9 July 2011, REP11/CAC, Para. 45-46.
- (4) Scientific Opinion of the Panel on Contaminants in the Food Chain on a request from the European Commission on the review of the criteria for acceptable previous cargoes for edible fats and oils. *EFSA Journal* (2009) 1110, 1-21.
- (5) EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on the evaluation of substances as acceptable previous cargoes for edible fats and oils. *EFSA Journal* 2009; 7(11):1391.
- (6) EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on the evaluation of the substances currently on the list in the Annex to Commission Directive 96/3/EC as acceptable previous cargoes for edible fats and oils, Part I of III. *EFSA Journal* 2011; 9(12):2482.
- (7) EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on the evaluation of the substances currently on the list in the Annex to Commission Directive 96/3/EC as acceptable previous cargoes for edible fats and oils, Part II of III. *EFSA Journal* 2012; 10(5):2703.
- (8) EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on the evaluation of the substances currently on the list in the Annex to Commission Directive 96/3/EC as acceptable previous cargoes for edible fats and oils, Part III of III. *EFSA Journal* 2012; 10(12):2984.

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/642 reg. 26](#)