
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The General Food Hygiene (Amendment)
(EU Exit) Regulations 2019**

PART 2

Amendment of retained direct EU legislation

Amendment of Regulation (EC) 852/2004

12. In Article 13—

(a) for paragraph 1, substitute—

“1. Annexes 1 and 2 may be adapted or updated by the appropriate authority taking into account—

- (a) the need to revise the recommendations set out in Annex 1. Part B, paragraph 2;
- (b) the experience gained from the implementation of HACCP-based systems pursuant to Article 5;
- (c) technological developments and their practical consequences and consumer expectations with regard to food composition;
- (d) scientific advice, particularly new risk assessments;
- (e) microbiological and temperature criteria for foodstuffs.”;

(b) for paragraph 2, substitute—

“2. Derogations from Annexes 1 and 2 may be prescribed by the appropriate authority, in particular in order to facilitate the implementation of Article 5 for small businesses, taking into account the relevant risk factors, provided that such derogations do not affect the achievement of the objectives of this Regulation.”;

(c) for paragraph 3, substitute—

“3. Nothing in this Regulation prevents the appropriate authority from using any power which the appropriate authority has to make subordinate legislation adapting the requirements set down in Annex 2 where that legislation does not compromise the achievement of the objectives of this Regulation and—

- (a) the adaptations have the aim of—
 - (i) enabling the continued use of traditional methods, at any of the stages of production, processing or distribution of food; or
 - (ii) accommodating the needs of food businesses situated in regions that are subject to special geographical constraints;
- (b) in cases not involving the matters at (a), the adaptations apply only to the construction, layout and equipment of establishments.”;

(d) omit paragraphs 4, 5, 6 and 7.