
STATUTORY INSTRUMENTS

2019 No. 640

**The Specific Food Hygiene (Amendment
etc.) (EU Exit) Regulations 2019**

PART 2

Amendment of retained direct EU legislation

Amendment of Regulation (EC) 853/2004

11. In Article 10—

(a) for paragraph 1, substitute—

“1. The appropriate authority may prescribe amendments to Annexes 2 and 3 to take account of—

- (a) the development of guides to good practice;
- (b) the experience gained from the implementation of HACCP-based systems pursuant to Article 5 of Regulation (EC) No 852/2004;
- (c) the 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; and
- (f) changes in patterns of consumption.”;

(b) for paragraph 2, substitute—

“2. Without prejudice to the general application of Article 10(1), the appropriate authority may, provided that they do not affect the achievement of the objectives of this Regulation, prescribe exemptions from Annexes 2 and 3.”;

(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 3 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;

(e) for paragraph 8, substitute—

“**8.** Nothing in this Regulation prevents the appropriate authority from using any power which the appropriate authority has to make subordinate legislation—

- (a) prohibiting or restricting the placing on the market raw milk or raw cream intended for direct human consumption;
- (b) permitting the use, with the authorisation of the competent authority, of raw milk not meeting the criteria laid down in Annex 3, Section 9 as regards plate count and somatic cell count of the manufacture of cheeses with an ageing or ripening period of at least 60 days, and dairy products obtained in connection with the manufacture of such cheeses, provided that this does not prejudice the achievement of the objectives of this Regulation.”.