

Commission Directive 98/28/EC of 29 April 1998 granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar (Text with EEA relevance)

*Article 1*

This Directive derogates from the provisions of Chapter IV, the second subparagraph of paragraph 2, of the Annex to Directive 93/43/EEC and lays down equivalent conditions to ensure the protection of public health and the safety and wholesomeness of the foodstuffs concerned.

*Article 2*

1 The bulk transport of raw sugar by sea which is not intended for use as food nor as a food ingredient without a full and effective refining process is permitted in receptacles and/or containers/tankers that are not exclusively used for the transport of foodstuffs.

2 The receptacles and/or containers/tankers referred to in paragraph 1, shall be subject to the following conditions:

- prior to loading the raw sugar, the receptacle and/or container/tanker shall be effectively cleaned to remove residues of the previous cargo and other soiling and inspected to establish that such residues have been removed effectively,
- the immediate previous cargo prior to the raw sugar shall not have been a bulk liquid.

*Article 3*

1 The food business operator responsible for the transport of the raw sugar by sea shall keep documentary evidence, accurately describing in detail the immediate previous cargo carried in the receptacle and/or container/tanker concerned, and the type and effectiveness of the cleaning process applied prior to the transport of the raw sugar.

2 The documentary evidence shall accompany the consignment during all stages of transport to the refinery and a copy shall be retained by the refinery. The documentary evidence shall be marked in a clearly visible and indelible fashion, in one or more Community languages, ‘This product must be refined before being used for human consumption’.

3 On request, the food business operator responsible for the transport of the raw sugar and/or the refining process shall provide the competent official food control authorities with the documentary evidence referred to in paragraphs 1 and 2.

*Article 4*

1 Raw sugar which has been transported by sea in receptacles and/or containers/tankers which are not exclusively reserved for the transport of foodstuffs shall be subjected to a full and effective refining process before being considered suitable for use as food or as a food ingredient.

2 The food business operators responsible for the transport and refining process shall consider the cleaning process undertaken prior to loading of the raw sugar to be critical to the safety and wholesomeness of the refined sugar within the meaning of Article 3(2) of Directive 93/43/EEC taking into account the nature of the previous cargo carried in the receptacle and/or container/tanker.

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*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After  
IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

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*Article 5*

1 Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive on 1 August 1998. They shall immediately inform the Commission thereof.

2 When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of official publication. The procedure for such reference shall be adopted by the Member States.

*Article 6*

This Directive shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

*Article 7*

This Directive is addressed to the Member States.

Done at Brussels, 29 April 1998.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*