

SCHEDULES

SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF COMMUNITY LEGISLATION

“Regulation 178/2002” (“*Rheoliad 178/2002*”) means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾ as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽²⁾;

“Regulation 1642/2003” (“*Rheoliad 1642/2002*”) means Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽³⁾;

“Regulation 852/2004” (“*Rheoliad 852/2004*”) means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs⁽⁴⁾ as read with Regulation 1688/2005 and Regulation 2073/2005;

“Regulation 853/2004” (“*Rheoliad 853/2004*”) means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽⁵⁾ as amended by Regulation 2074/2005 and Regulation 2076/2005 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

“Regulation 854/2004” (“*Rheoliad 854/2004*”) means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽⁶⁾ as amended by Regulation 882/2004, Regulation 2074/2005 and Regulation 2076/2005 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

“Regulation 882/2004” (“*Rheoliad 882/2004*”) means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽⁷⁾ as read with Regulation 2074/2005 and Regulation 2076/2005;

“Directive 2004/41” (“*Cyfarwyddeb 2004/41*”) means Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin

(1) OJ No. L31, 1.2.2002, p.1.

(2) OJ No. L245, 29.9.2003, p.4.

(3) OJ No. L245, 29.9.2003, p.4.

(4) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3).

(5) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22).

(6) OJ No. L155, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83).

(7) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1).

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intended for human consumption and amending Council Directives [89/662/EEC](#) and [92/118/EEC](#) and Council Decision [95/408/EC](#)(**8**).

“Regulation 1688/2005” (“*Rheoliad 1688/2005*”) means Commission Regulation (EC) No. [1688/2005](#) implementing Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(**9**);

“Regulation 2073/2005” (“*Rheoliad 2073/2005*”) means Commission Regulation (EC) No. [2073/2005](#) on microbiological criteria for foodstuffs(**10**);

“Regulation 2074/2005” (“*Rheoliad 2074/2005*”) means Commission Regulation (EC) No. [2074/2005](#) laying down implementing measures for certain products under Regulation (EC) No. [853/2004](#) of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. [854/2004](#) of the European Parliament and of the Council and Regulation (EC) No. [882/2004](#) of the European Parliament and of the Council, derogating from Regulation (EC) No. [852/2004](#) of the European Parliament and of the Council and amending Regulations (EC) No. [853/2004](#) and (EC) No. [854/2004](#)(**11**);

“Regulation 2075/2005” (“*Rheoliad 2075/2005*”) means Commission Regulation (EC) No. [2075/2005](#) laying down specific rules on official controls for *Trichinella* in meat(**12**); and

“Regulation 2076/2005” (“*Rheoliad 2076/2005*”) means Commission Regulation (EC) No. [2076/2005](#) 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](#)(**13**).

SCHEDULE 2

Regulations 2(1) and 17

SPECIFIED COMMUNITY PROVISIONS

1. Provision of Community Regulations	2. Subject matter
Article 3 of Regulation 852/2004	Requirement that food business operators ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down in Regulation 852/2004.
Article 4(1) of Regulation 852/2004	Requirement that food business operators carrying out primary production and specified associated operations comply with the general hygiene provisions laid down in Part A of Annex I to Regulation 852/2004 and any specific requirements provided for in Regulation 853/2004.
Article 4(2) of Regulation 852/2004	Requirement that food business operators carrying out any stage of production,

(8) OJ No. L157, 30.4.2004, p.33. The revised text of Directive [2004/41/EC](#) is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).

(9) OJ No. L271, 15.10.2005, p.17.

(10) OJ No. L338, 22.12.2005, p.1.

(11) OJ No. L338, 22.12.2005, p.27.

(12) OJ No. L338, 22.12.2005, p.60.

(13) OJ No. L338, 22.12.2005, p.83.

1. Provision of Community Regulations	2. Subject matter
	processing and distribution of food after those stages to which Article 4(1) applies comply with the general hygiene requirements laid down in Annex II to Regulation 852/2004 and any specific requirements provided for in Regulation 853/2004.
Article 4(3) of Regulation 852/2004	Requirement that food business operators, as appropriate, adopt certain specific hygiene measures.
Article 5(1) of Regulation 852/2004	Requirement that food business operators put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles.
Article 5(2) of Regulation 852/2004	Requirement that when any modification is made in the product, process, or any step, food business operators review the procedure referred to in Article 5(1) and make the necessary changes to it.
Article 5(4)(a) of Regulation 852/2004	Requirement that food business operators provide the competent authority with evidence of their compliance with Article 5(1).
Article 5(4)(b) of Regulation 852/2004	Requirement that food business operators ensure that any documents describing the procedures developed in accordance with Article 5 are up to date.
Article 5(4)(c) of Regulation 852/2004	Requirement that food business operators retain documents and records for an appropriate period.
Article 6(1) of Regulation 852/2004	Requirement that food business operators co-operate with the competent authorities in accordance with other applicable Community legislation or national law.
Article 6(2), first paragraph of Regulation 852/2004	Requirement that a food business operator notify the competent authority of each establishment under its control that carries out any of the stages of production, processing and distribution of food.
Article 6(2), second paragraph of Regulation 852/2004	Requirement that food business operators ensure that the competent authority has up to date information on establishments.
Article 6(3) of Regulation 852/2004	Requirement that food business operators ensure that establishments are approved by the competent authority when approval is required.
Article 3(1) of Regulation 853/2004	Requirement that food business operators comply with the relevant provisions of Annexes II and III to Regulation 853/2004.

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1. Provision of Community Regulations	2. Subject matter
Article 3(2) of Regulation 853/2004	Requirement that food business operators do not use any substance other than potable water or, when Regulation 852/2004 or Regulation 853/2004 permits its use, clean water, to remove surface contamination from products of animal origin unless use of the substance has been approved.
Article 4(1) of Regulation 853/2004	Requirement that food business operators place products of animal origin manufactured in the Community on the market only if they have been prepared and handled exclusively in establishments— <ul style="list-style-type: none"> <li data-bbox="802 790 1342 913">(a) that meet the relevant requirements of Regulation 852/2004, those of Annexes II and III of Regulation 853/2004 and other relevant requirements of food law; and <li data-bbox="802 920 1342 1010">(b) that the competent authority has registered or, where required in accordance with Article 4(2), approved.
Article 4(2) of Regulation 853/2004	Requirement that establishments handling those products of animal origin for which Annex III to Regulation 853/2004 lays down requirements do not operate unless the competent authority has approved them in accordance with Article 4(3).
Article 4(3) of Regulation 853/2004	Requirement that establishments subject to approval in accordance with Article 4(2) do not operate unless the competent authority has, in accordance the Regulation 854/2004— <ul style="list-style-type: none"> <li data-bbox="802 1361 1342 1424">(a) granted the establishment approval to operate following an on-site visit; or <li data-bbox="802 1431 1342 1489">(b) provided the establishment with conditional approval.
Article 4(4) of Regulation 853/2004	Requirement that food business operators co-operate with the competent authorities in accordance with Regulation 854/2004 including ensuring that an establishment ceases to operate if it is no longer approved.
Article 5(1) of Regulation 853/2004	Requirement that food business operators do not place on the market a product of animal origin handled in an establishment subject to approval in accordance with Article 4(2) unless it has— <ul style="list-style-type: none"> <li data-bbox="802 1843 1342 1906">(a) a health mark applied in accordance with Regulation 854/2004; or <li data-bbox="802 1912 1342 1998">(b) when Regulation 854/2004 does not provide for the application of a health mark, an identification mark applied in

1. Provision of Community Regulations	2. Subject matter
Article 5(2) of Regulation 853/2004	accordance with Section 1 of Annex II to Regulation 853/2004. Requirement that food business operators apply an identification mark to a product of animal origin only if the product has been manufactured in accordance with Regulation 853/2004 in establishments meeting the requirements of Article 4.
Article 5(3) of Regulation 853/2004	Requirement that food business operators do not remove a health mark applied in accordance with Regulation 854/2004 from meat unless they cut or process it or work upon it in another manner.
Article 6(1) and (2) of Regulation 853/2004	Requirement that food business operators ensure that importation of products of animal origin only takes place where certain conditions are met.
Article 6(3) of Regulation 853/2004	Requirement that food business operators importing products of animal origin shall ensure that— (a) products are made available for control upon importation in accordance with Council Directive 97/78/EC(14) ; (b) importation complies with the requirements of Council Directive 2002/99/EC(15) ; and (c) operations under their control that take place after importation are carried out in accordance with the requirements of Annex III to Regulation 853/2004.
Article 6(4) of Regulation 853/2004	Requirement that food business operators importing food containing both products of plant origin and processed products of animal origin ensure that the processed products of animal origin satisfy the requirements of paragraphs (1) to (3) of Article 6.
Article 7 of Regulation 853/2004	Requirement that food business operators ensure that certificates or other documents accompany consignments of products of animal origin when required in accordance with Annex II or III to Regulation 853/2004.
Article 8 of Regulation 853/2004	Requirement that food business operators intending to place specified foods of animal origin on the market in Sweden or Finland comply with the rules set out in Article 8(2).

(14) OJ No. L24, 30.1.1998, p.9.

(15) OJ No. L18, 23.1.2003, p.11.

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1. Provision of Community Regulations	2. Subject matter
Article 7(1) of Regulation 2073/2005	Requirement that food business operators take the measures laid down in paragraphs (2) to (4) of Article 7 when the results of testing against the criteria set out in Annex I to Regulation 2073/2005 (microbiological criteria for foodstuffs) are unsatisfactory.
Article 9 of Regulation 2075/2005	Requirement that food business operators of holdings recognised as free from <i>Trichinella</i> inform the competent authority of any requirement as laid down in Chapter I and II(B) of Annex IV to Regulation 2075/2005 (detailed conditions for <i>Trichinella</i> — free holdings and regions with a negligible <i>Trichinella</i> risk) that is no longer fulfilled or of any other change that might affect holdings' <i>Trichinella</i> -free status.

SCHEDULE 3

Regulation 29

BULK TRANSPORT IN SEA-GOING VESSELS OF LIQUID OILS OR FATS AND THE BULK TRANSPORT BY SEA OF RAW SUGAR

Offence

1. A person who contravenes or fails to comply with any of the requirements of this Schedule will be guilty of an offence.

Liquid oils or fats

2.—(1) The bulk transport in sea-going vessels of liquid oils or fats which are to be processed, and which are intended for or likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions—

- (a) where the oil or fat is transported in a stainless steel tank, or tank lined with epoxy resin or technical equivalent, the immediately previous cargo transported in the tank must have been a foodstuff or a cargo from the list of acceptable previous cargoes for liquid oils or fats; and
- (b) where the oil or fat is transported in a tank of materials other than those specified in sub-paragraph (a), the three previous cargoes transported in the tanks must have been foodstuffs or from the list of acceptable previous cargoes for liquid oils or fats.

(2) For the purposes of this paragraph, “list of acceptable previous cargoes for liquid oils or fats” means the list set out in the Annex to Commission Directive 96/3/EC.

3. The bulk transport in sea-going vessels of liquid oils or fats which are not to be further processed, and which are intended for or are likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions—

- (a) the tank must be of stainless steel or lined with epoxy resin or technical equivalent; and
- (b) the three previous cargoes transported in the tank must have been foodstuffs.

4. The captain of a sea-going vessel transporting, in tanks, bulk liquid oils or fats intended for or likely to be used for human consumption must keep accurate documentary evidence relating to the three previous cargoes carried in the tanks concerned, and the effectiveness of the cleaning process applied between those cargoes.

5. Where the cargo has been trans-shipped, in addition to the documentary evidence required by virtue of paragraph 4, the captain of the receiving vessel must keep accurate documentary evidence that the transport of the bulk liquid oil or fat complied with the provisions of paragraph 2 or 3 during previous shipment and of the effectiveness of the cleaning process used between those cargoes on the vessel from which they were trans-shipped.

6. Upon request, the captain of the vessel must provide the enforcement authority with the documentary evidence described in paragraphs 4 and 5.

Raw sugar

7. The bulk transport by sea of raw sugar which is not intended for use as food or as a food ingredient without a full and effective refining process is permitted in receptacles, containers or tankers that are not exclusively used for the transport of foodstuffs.

8. The receptacles, containers or tankers referred to in paragraph 7 will be subject to the following conditions—

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

9. A food business operator who is responsible for the transport of raw sugar by sea under paragraph 7 must keep documentary evidence, accurately describing in detail the immediate previous cargo carried in the receptacle, container or tanker concerned, and the type and effectiveness of the cleaning process applied prior to the transport of the raw sugar.

10. The documentary evidence must accompany the consignment of raw sugar during all stages of transport to the refinery and a copy must be retained by the refinery. The documentary evidence must be marked as follows in a clearly visible and indelible fashion, in one or more Community languages: “This product must be refined before being used for human consumption”.

11. On request, a food business operator responsible for the transport of the raw sugar or the refining process must provide the enforcement authority with the documentary evidence referred to in paragraphs 9 and 10.

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

13. In fulfilling the obligations under Article 5(1) of Regulation 852/2004 (hazard analysis and critical control points) in relation to the bulk transport of raw sugar by sea under paragraph 7, a food business operator who is responsible for the transport or refining of raw sugar must—

- (a) consider the cleaning process undertaken prior to the loading of the sugar for transport by sea to be a critical control point as referred to in Article 5(2)(b) of Regulation 852/2004; and
- (b) take into account the nature of the previous cargo which has been transported in any receptacle, container or tanker used for the transport of the sugar.

Interpretation

14.—(1) For the purposes of this Schedule any words or expressions used both in this Schedule and in Commission Directive 96/3/EC or Commission Directive 98/28/EC 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(16) will bear the same meanings as they respectively have in those Directives.

(2) In this Schedule, “Commission Directive 96/3/EC” means Commission Directive 96/3/EC 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(17) as amended by Commission Directive 2004/4/EC amending Directive 96/3/EC 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(18).

SCHEDULE 4

Regulation 30

TEMPERATURE CONTROL REQUIREMENTS

Scope

1. This Schedule does not apply in relation to—
 - (a) any food business operation to which Regulation 853/2004 applies; or
 - (b) any food business operation carried out on a ship or aircraft.

Chill holding requirements

2.—(1) Subject to sub-paragraph (2) and paragraph 3, any person who keeps any food—

- (a) which is likely to support the growth of pathogenic micro-organisms or the formation of toxins; and
- (b) with respect to which any commercial operation is being carried out,

at or in food premises at a temperature above 8°C will be guilty of an offence.

(2) Sub-paragraph (1) will not apply in relation to any food which, as part of a mail order transaction, is being conveyed to the final consumer.

- (3) Subject to paragraph 3, no person may supply by mail order any food which—
 - (a) is likely to support the growth of pathogenic micro-organisms or the formation of toxins; and
 - (b) is being or has been conveyed by post or by a private or common carrier to the final consumer,

at a temperature which has given rise to or is likely to give rise to a risk to health.

General exemptions from the chill holding requirements

3. Sub-paragraphs (1) and (3) of paragraph 2 does not apply in relation to—
 - (a) food which—

(16) OJ No. L140, 12.5.98, p.10.

(17) OJ No. L21, 27.1.96, p.42.

(18) OJ No. L15, 22.1.2004, p.25.

- (i) has been cooked or reheated,
 - (ii) is for service or on display for sale, and
 - (iii) needs to be kept at or above 63°C in order to control the growth of pathogenic micro-organisms or the formation of toxins;
- (b) food which, for the duration of its shelf life may be kept at ambient temperatures with no risk to health;
- (c) food which is being or has been subjected to a process such as dehydration or canning intended to prevent the growth of pathogenic micro-organisms at ambient temperatures, but not where—
- (i) after or by virtue of that process the food was contained in a hermetically sealed container, and
 - (ii) that container has been opened;
- (d) food which must be ripened or matured at ambient temperatures, but not when the process of ripening or maturation is completed;
- (e) raw food intended for further processing (including cooking) before human consumption, but only if that processing, if undertaken correctly, will render that food fit for human consumption;
- (f) food to which Council Regulation 1906/90 applies; and
- (g) food to which Council Regulation 1907/90 applies.

Upward variation of the 8°C temperature by manufacturers etc.

4.—(1) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it will be a defence for the accused to prove that—

- (a) a food business responsible for manufacturing, preparing or processing the food, including, where relevant, the accused, has recommended that it is kept—
 - (i) at or below a specified temperature between 8°C and ambient temperatures, and
 - (ii) for a period not exceeding a specified shelf life;
- (b) that recommendation has, unless the accused is that food business, been communicated to the accused either by means of a label on the packaging of the food or by means of some other appropriate form of written instruction;
- (c) the food was not kept by the accused at a temperature above the specified temperature; and
- (d) at the time of the commission of the alleged offence, the specified shelf life had not been exceeded.

(2) A food business responsible for manufacturing, preparing or processing food must not recommend that any food is kept—

- (a) at or below a specified temperature between 8°C and ambient temperatures; and
- (b) for a period not exceeding a specified shelf life,

unless that recommendation is supported by a well-founded scientific assessment of the safety of the food at the specified temperature.

Chill holding tolerance periods

5.—(1) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it will be a defence for the accused to prove that the food—

- (a) was for service or on display for sale;

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- (b) had not previously been kept for service or on display for sale at a temperature above 8°C or, where a recommendation has been made pursuant to sub-paragraph (1) of paragraph 4, the recommended temperature; and
 - (c) had been kept for service or on display for sale for a period of less than four hours.
- (2) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it will be a defence for the accused to prove that the food—
- (a) was being transferred—
 - (i) from premises at which the food was going to be kept at or below 8°C or in appropriate circumstances the recommended temperature to a vehicle used for the purposes of a food business, or
 - (ii) to such premises from such a vehicle; or
 - (b) was kept at a temperature above 8°C or, in appropriate circumstances, the recommended temperature for an unavoidable reason, such as—
 - (i) to accommodate the practicalities of handling during and after processing or preparation,
 - (ii) the defrosting of equipment, or
 - (iii) temporary breakdown of equipment,and was kept at a temperature above 8°C or, in appropriate circumstances, the recommended temperature for a limited period only and that period was consistent with food safety.

Hot holding requirements

6. Any person who in the course of the activities of a food business keeps at or in food premises at a temperature below 63°C any food which—
- (a) has been cooked or reheated;
 - (b) is for service or on display for sale; and
 - (c) needs to be kept at or above 63°C in order to control the growth of pathogenic micro-organisms or the formation of toxins,

will be guilty of an offence.

Hot holding defences

- 7.—(1) In any proceedings for an offence consisting of a contravention of paragraph 6, it will be a defence for the accused to prove that—
- (a) a well-founded scientific assessment of the safety of the food at temperatures below 63°C has concluded that there is no risk to health if, after cooking or re-heating, the food is held for service or on display for sale—
 - (i) at a holding temperature which is below 63°C, and
 - (ii) for a period not exceeding any period of time specified in that scientific assessment; and
 - (b) at the time of the commission of the alleged offence, the food was held in a manner which was justified in the light of that scientific assessment.
- (2) In any proceedings for an offence consisting of a contravention of paragraph 6, it will be a defence for the accused to prove that the food—
- (a) had been kept for service or on display for sale for a period of less than two hours; and

- (b) had not previously been kept for service or on display for sale by that person.

Interpretation

8. In this Schedule—

“Council Regulation 1906/90” (“*Rheoliad y Cyngor 1906/90*”) means Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry⁽¹⁹⁾ as last amended by Council Regulation (EC) No. 1101/98 amending Regulation (EEC) No. 1906/90 on certain marketing standards for poultrymeat⁽²⁰⁾;

“Council Regulation 1907/90” (“*Rheoliad y Cyngor 1907/90*”) means Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs⁽²¹⁾ as last amended by Council Regulation (EC) No. 2052/2003 amending Regulation (EEC) No. 1907/90 on certain marketing standards for eggs⁽²²⁾;

“recommended temperature” (“*tymheredd a argymhellwyd*”) means a specified temperature which has been recommended in accordance with sub-paragraph (1)(a)(i) of paragraph 4; and

“shelf life” (“*oes silff*”) means—

- (a) in relation to food with respect to which an indication of minimum durability is required in accordance with regulation 20 of the Food Labelling Regulations 1996⁽²³⁾ (form of indication of minimum durability), the period up to and including the date required to be included in that indication;
- (b) in relation to food with respect to which a “use by” date is assigned in the form required in accordance with regulation 21 of the Food Labelling Regulations 1996 (form of indication of “use by” date), the period up to and including that date; and
- (c) in relation to food which is not required to bear an indication of minimum durability or a “use by” date, the period for which the food can be expected to remain fit for sale if it is kept in a manner which is consistent with food safety.

SCHEDULE 5

Regulation 31

DIRECT SUPPLY BY THE PRODUCER OF SMALL QUANTITIES OF MEAT FROM POULTRY AND LAGOMORPHS SLAUGHTERED ON THE FARM

Scope

1. The requirements of this Schedule apply in relation to the direct supply by the producer of small quantities of meat from poultry or lagomorphs that have been slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer as fresh meat.

Requirements

2.—(1) Where a producer supplies meat in the manner described in paragraph 1, he or she must ensure that it bears a label or other marking clearly indicating the name and address of the farm where it was slaughtered.

⁽¹⁹⁾ OJ No. L173, 6.7.90, p.5.

⁽²⁰⁾ OJ No. L157, 30.5.98, p.12.

⁽²¹⁾ OJ No. L173, 6.7.90, p.5.

⁽²²⁾ OJ No. L305, 22.11.2003, p.1.

⁽²³⁾ S.I.1996/1499, to which there are amendments not relevant to these Regulations.

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- (2) The producer must—
- (a) keep a record in adequate form to show the number of birds and the number of lagomorphs received into, and the amounts of fresh meat despatched from, his or her premises during each week;
 - (b) retain the record for a period of one year; and
 - (c) make the record available to an authorised officer on request.

Offence

3. A person who contravenes or fails to comply with any of the requirements of this Schedule will be guilty of an offence.

SCHEDULE 6

Regulation 32

RESTRICTIONS ON THE SALE OF RAW MILK INTENDED FOR DIRECT HUMAN CONSUMPTION

1. Any person who sells raw milk intended for direct human consumption in contravention of paragraph 5 will be guilty of an offence.

2.—(1) If any person other than the occupier of a production holding or a distributor sells raw cows' milk intended for direct human consumption that person will be guilty of an offence.

(2) If the occupier of a production holding sells raw cows' milk intended for direct human consumption in contravention of paragraph 3 he or she will be guilty of an offence.

(3) If a distributor sells raw cows' milk intended for direct human consumption in contravention of paragraph 4 he or she will be guilty of an offence.

3. The occupier of a production holding may only sell raw cows' milk intended for direct human consumption—

- (a) at or from the farm premises where the animals from which the milk has been obtained are maintained; and
- (b) to—
 - (i) the final consumer for consumption other than at those farm premises,
 - (ii) a temporary guest or visitor to those farm premises as or as part of a meal or refreshment, or
 - (iii) a distributor.

4. A distributor may only sell raw cows' milk intended for direct human consumption—

- (a) which he or she has bought pursuant to sub-paragraph (b)(iii) of paragraph 3;
- (b) in the containers in which he or she receives the milk, with the fastenings of the containers unbroken;
- (c) from a vehicle which is lawfully used as a shop premises; and
- (d) direct to the final consumer.

5. The raw milk must meet the following standards:

Plate count at 30°C (cfu per ml)	≤ 20,000
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Coliforms (cfu per ml) < 100

6. In the case where farm premises are being used for the sale of raw cows' milk intended for direct human consumption pursuant to sub-paragraph (a) of paragraph 3, the Agency must carry out such sampling, analysis and examination of the milk as it considers necessary to ensure that it meets the standards specified in paragraph 5.

7. In any case where the Agency carries out sampling, analysis and examination of raw cows' milk in accordance with paragraph 6, there will be due to the Agency from the occupier of the production holding who is selling the milk a fee of £63, which is payable by the occupier to the Agency on demand.

8. In this Schedule—

“distributor” (“*dosbarthwr*”) means a person who sells raw cows' milk that has been produced on a production holding of which he or she is not the occupier;

“farm premises” (“*mangre fferm*”) means a farm occupied by the occupier of a production holding as a single farm and includes the production holding and any other building situated on that farm and occupied by the same occupier;

“occupier” (“*meddiannydd*”) means any person carrying on the business of producing or handling raw cows' milk or the occupier's duly authorised representative;

“production holding” (“*daliad cynhyrchu*”) means premises at which milk-producing cows are kept; and

“shop premises” (“*mangre siop*”) means premises from which any food is sold to the final consumer.

SCHEDULE 7

Regulation 33

CONSEQUENTIAL AMENDMENTS

The Colours in Food Regulations 1995

1. The Colours in Food Regulations 1995(24) are amended as provided in paragraph 2.

2. In regulation 4 (health marking etc. of certain meat and meat products) for the words “as provided for in the Fresh Meat (Hygiene and Inspection) Regulations 1995” there are substituted the words “as required by the Food Hygiene (Wales) Regulations 2005”.

The Animal By-Products (Identification) Regulations 1995

3. The Animal By-Products (Identification) Regulations 1995(25) are amended as provided in paragraphs 4 to 11.

4. In paragraph (1) of regulation 2 (interpretation) —

(a) for the definition of “animal by-products premises” there is substituted the following definition—

(24) S.I. 1995/3124, to which there are amendments not relevant to these Regulations.

(25) S.I. 1995/614, amended by S.I. 1995/1955, S.I. 1996/3124, S.I. 1997/2073, S.I. 2000/656, S.I. 2002/1472 (W.146), S.I. 2002/1849 (W.199) and S.I. 2003/2754 (W.265).

Status: This is the original version (as it was originally made).

- ““animal by-products premises” means premises, other than a cold store, cutting plant, game-handling establishment or slaughterhouse, from which animal by-products are despatched to other premises;”;
- (b) for the definition of “cold store” there is substituted the following definition—
““cold store” means any premises, not forming part of a cutting plant, game-handling establishment or slaughterhouse, used for the storage, under temperature controlled conditions, of fresh meat intended for sale for human consumption;”;
- (c) for the definition of “cutting premises” there is substituted the following definition—
““cutting plant” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”;
- (d) immediately after the definition of “farmed game” there is inserted the following definition—
““fresh meat” means meat that has not undergone any preserving process other than chilling, freezing or quick freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;”;
- (e) for the definition of “game processing facility” there is substituted the following definition—
““game-handling establishment” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”;
- (f) for the definition of “the Hygiene Regulations” there is substituted the following definition—
““the Hygiene Regulations” means the Food Hygiene (Wales) Regulations 2005;”;
- (g) for the definition of “occupier” there is substituted the following definition—
““occupier” means a person carrying on the business of any cold store, cutting plant, game-handling establishment, slaughterhouse or animal by-products premises, or the duly authorised representative of such a person;” and
- (h) for the definition of “slaughterhouse” there is substituted the following definition—
““slaughterhouse” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”.

5. In paragraph (a) of regulation 4 (scope) for the words “in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995” there are substituted the words “in accordance with the Hygiene Regulations”.

6. In paragraph (2)(c) of regulation 5 (exemptions) for the words “cutting premises, slaughterhouse, game processing facility” there are substituted the words “cutting plant, game-handling establishment, slaughterhouse”.

7. For regulation 6 (staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses) there is substituted the following regulation—

“Staining of animal by-products in cold stores, cutting plants, game-handling establishments and slaughterhouses

6.—(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse to ensure that any animal by-product is stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply in relation to any animal by-product which—

- (a) is—
 - (i) immediately moved to accommodation in the relevant cold store, cutting plant, game-handling establishment or slaughterhouse,
 - (ii) placed in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect, and
 - (iii) stained by the operator concerned as soon as practicable after it has been placed in the receptacle; or
- (b) is immediately moved, in the manner specified in paragraph (4), to an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the cold store, cutting plant, game-handling establishment or slaughterhouse concerned for incineration there.

(3) The occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2) above is stained and removed from the relevant cold store, cutting plant, game-handling establishment or slaughterhouse as soon as is reasonably practicable.

(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold store, cutting plant, game-handling establishment or slaughterhouse concerned directly with the relevant approved rendering plant or, as the case may be, approved incineration plant.”.

8. For regulation 8 (freezing of animal by-products in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse) there is substituted the following regulation—

“Freezing of animal by-products in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse

8.—(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse unless it has been stained in accordance with these Regulations.

(2) Paragraph (1) above shall not apply in the case of any animal by-product which is intended to be removed from the relevant animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse in accordance with regulation 10(2)”.

9. In regulation 9 (storage and packaging of animal by-products)—

- (a) for paragraph (2) there is substituted the following paragraph—

“(2) The prohibition contained in paragraph (1) above shall not apply in relation to an animal by-product which is stored in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect.”; and

- (b) in paragraph (3) for the words “cutting premises, game processing facility” there are substituted the words “cutting plant, game-handling establishment”.

10. In regulation 10 (restriction on movement of animal by-products)—

- (a) in paragraph (1) for the words “cutting premises, game processing facility” there are substituted the words “cutting plant, game-handling establishment”; and
- (b) in paragraph (2) for the words “cutting premises, game processing facility” there are substituted the words “cutting plant, game-handling establishment”.

11. In paragraph (1) of regulation 12 (enforcement)—

- (a) in sub-paragraph (a) for the words “in relation to premises licensed under the Hygiene Regulations” there are substituted the words “in relation to any cutting plant, game-handling establishment or slaughterhouse”; and
- (b) for sub-paragraph (b) there is substituted the following sub-paragraph—
 - “(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.”.

The Food Labelling Regulations 1996**12.** The Food Labelling Regulations 1996(26) are amended as provided in paragraphs 13 and 14.

13. In Schedule 3 (generic names in list of ingredients) in the entry in column 2 of Part I (general) opposite to the entry in column 1 for ““Meat” and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes” for the words “(g) any products covered by the definition of “mechanically recovered meat” in Article 2(c) of Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat, as last amended by Council Directive 95/23/EC.” there are substituted the words specified in paragraph 14.

14. The words are “(g) the product obtained by removing the meat from flesh-bearing bones after boning or from carcasses of farmed birds (including birds that are not considered as domestic but which are farmed as domestic animals, but not including ratites) using mechanical means resulting in the loss or modification of the muscle fibre structure.”.

The Beef Bones Regulations 1997**15.** The Beef Bones Regulations 1997(27) are amended as provided in paragraphs 16 and 17.**16.** In paragraph (1) of regulation 2 (interpretation)—

- (a) immediately after the definition of “carcase” the following definition is inserted—
 - ““cutting plant” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”;
- (b) immediately after the definition of “fresh meat” the following definitions are inserted—
 - ““game-handling establishment” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;
 - “the Hygiene Regulations” means the Food Hygiene (Wales) Regulations 2005;”;
 - and
- (c) immediately after the definition of “occupier” the following definitions are inserted—
 - ““official veterinarian” means a veterinarian who is qualified in accordance with Regulation 854/2004 to act in such a capacity and is appointed by the Agency;
 - “Regulation 854/2004” has the meaning that it bears in Schedule 1 to the Hygiene Regulations; and

(26) S.I. 1996/1499, amended by S.I. 1998/141, S.I. 1998/1398, S.I. 1998/2424, S.I. 1999/747, S.I. 1999/1136, S.I. 1999/1483, S.I. 1999/1540, S.I. 1999/1603, S.I. 2000/1925 (W.134) S.I. 2001/1232 (W.66), S.I. 2001/1440 (W.102), S.I. 2001/2679 (W.220), S.I. 2001/3909 (W.321), S.I. 2002/329 (W.42), S.I. 2002/330 (W.43), S.I. 2003/832 (W.104), S.I. 2003/1635 (W.177), S.I. 2003/1713 (W.181), S.I. 2003/1721 (W.188), S.I. 2003/3037 (W.285), S.I. 2003/3044 (W.288), S.I. 2003/3047 (W.290), S.I. 2003/3053 (W.291), S.I. 2004/249 (W.26), S.I. 2004/553 (W.56), S.I. 2004/554 (W.57), S.I. 2004/1396 (W.141), S.I. 2004/2558 (W.229), S.I. 2004/2731 (W.238), S.I. 2004/3022 (W.261), S.I. 2005/1309 (W.91) and S.I. 2005/2835 (W.200). S.I. 2005/2835 (W.200) was itself amended by S.I. 2005/3236 (W.241).

(27) S.I. 1997/2959, amended by S.I. 1999/3371 and S.I. 2000/656.

“slaughterhouse” has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;”.

17. In regulation 12 (enforcement)—

(a) for paragraph (1) there is substituted the following paragraph—

“(1) These Regulations shall be enforced—

(a) by the Agency in relation to any cutting-plant, game-handling establishment or slaughterhouse; and

(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.”; and

in paragraph (2) for the words “an official veterinary surgeon (designated as such under regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995)” there are substituted the words “an official veterinarian”.