

Regulation (EC) No 852/2004 of the european parliament and
of the council of 29 April 2004 on the hygiene of foodstuffs

CHAPTER V

FINAL PROVISIONS

^{F1}Article 12

Textual Amendments

F1 Art. 12 omitted (31.12.2020) by virtue of [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/642\)](#), regs. 1, **11**; 2020 c. 1, Sch. 5 para. 1(1)

Article 13

Amendment and adaptation of Annexes I and II

[^{F21} 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.]

[^{F32} 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.]

[^{F43} 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.]

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Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 852/2004 of the European Parliament and of the Council, CHAPTER V. (See end of Document for details)

F56

F57

Textual Amendments

- F2** Art. 13(1) substituted (31.12.2020) by The General Food Hygiene (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/642), regs. 1, **12(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 13(2) substituted (31.12.2020) by The General Food Hygiene (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/642), regs. 1, **12(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 13(3) substituted (31.12.2020) by The General Food Hygiene (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/642), regs. 1, **12(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 13(4)-(7) omitted (31.12.2020) by virtue of The General Food Hygiene (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/642), regs. 1, **12(d)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F7}Article 14

[^{F6}Regulations and devolved powers]

- 1 Any power to make regulations under this Regulation—
 - a so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
 - b so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument.
- 2 For regulations made under this Regulation by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (Scottish statutory instruments).
- 3 Any power to make regulations under this Regulation includes power—
 - a to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
 - b to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.
4. Any statutory instrument, Scottish statutory instrument containing regulations under this Regulation is subject to annulment in pursuance of a resolution—
 - a in the case of England, of either House of Parliament;
 - b in the case of Wales, of Senedd Cymru;
 - c in the case of Scotland, of the Scottish Parliament.

In this Regulation, any power—

- a of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
- b of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
- c of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only.]

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Textual Amendments

- F6** Art. 14 heading substituted (31.12.2020) by [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/642\)](#), regs. 1, **13(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Art. 14 substituted (31.12.2020) by [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/642\)](#), regs. 1, **13(b)** (as amended by [S.I. 2020/1504](#), regs. 1(2), **11(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Article 15

Consultation of the ^{F8}... Food Safety Authority

The [^{F9}appropriate authority] shall consult the ^{F10}... Food Safety Authority on any matter falling within the scope of this Regulation that could have a significant impact on public health and, in particular, before proposing criteria, requirements or targets in accordance with Article 4(4).

Textual Amendments

- F8** Word in Art. 15 heading omitted (31.12.2020) by virtue of [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/642\)](#), regs. 1, **14(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 15 substituted (31.12.2020) by [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/642\)](#), regs. 1, **14(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Word in Art. 15 omitted (31.12.2020) by virtue of [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/642\)](#), regs. 1, **14(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F11}Article 16

Report to the European Parliament and the Council

Textual Amendments

- F11** Art. 16 omitted (31.12.2020) by virtue of [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/642\)](#), regs. 1, **15**; 2020 c. 1, Sch. 5 para. 1(1)

Article 17

Repeal

1 Directive 93/43/EEC shall be repealed with effect from the date of application of this Regulation.

2 References to the repealed Directive shall be construed as being made to this Regulation.

3 However, decisions adopted pursuant to Articles 3(3) and 10 of Directive 93/43/EEC shall remain in force pending their replacement by decisions adopted in accordance with this

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Regulation or Regulation (EC) No 178/2002. Pending the setting of the criteria or requirements referred to in Article 4(3)(a) to (e) of this Regulation, Member States may maintain any national rules establishing such criteria or requirements that they had adopted in accordance with Directive 93/43/EEC.

F¹²4

Textual Amendments

F12 Art. 17(4) omitted (31.12.2020) by virtue of [The General Food Hygiene \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/642\)](#), regs. 1, 16; 2020 c. 1, Sch. 5 para. 1(1)

Article 18

Entry into force

This Regulation shall enter into force on the 20th day after that of its publication in the *Official Journal of the European Union*.

It shall apply 18 months after the date on which all of the following acts have entered into force:

- (a) Regulation (EC) No 853/2004;
- (b) Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽¹⁾;
and
- (c) Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption⁽²⁾.

However, it shall apply no earlier than 1 January 2006.

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- (1) See page 83 of this Official Journal.
- (2) [OJ L 157, 30.4.2004, p. 33.](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 852/2004 of the european parliament and of the council, CHAPTER V.