

ANNEX II

Annex III to Regulation (EC) No 853/2004 is amended as follows:

- (1) Section VIII is amended as follows:
 - (a) The introductory Part is amended as follows:
 - (i) Point 2 is replaced by the following:
 2. Chapter III, Parts A, C and D, Chapter IV, Part A and Chapter V apply to retail.
 - (ii) In the first subparagraph of point 3, the following point (c) is added:
 - (c) In the case of water supply, they supplement the requirements of Annex II, Chapter VII to that Regulation; clean seawater may be used for the handling and washing of fishery products, the production of ice used to chill fishery products and the rapid cooling of crustaceans and molluscs after their cooking.
 - (b) Chapter I Part II is amended as follows:
 - (i) In point 2, the second sentence is deleted.
 - (ii) Point 5 is deleted.
 - (iii) Point 6 is replaced by the following:
 6. Where fish are headed and/or gutted on board, such operations must be carried out hygienically as soon as possible after capture, and the products must be washed immediately and thoroughly. In that event, the viscera and parts that may constitute a danger to public health must be removed as soon as possible and kept apart from products intended for human consumption. Livers and roes intended for human consumption must be preserved under ice, at a temperature approaching that of melting ice, or be frozen.
 - (c) Chapter III is amended as follows:
 - (i) In Part A, point 2 is replaced by the following:
 2. Operations such as heading and gutting must be carried out hygienically. Where gutting is possible from a technical and commercial viewpoint, it must be carried out as quickly as possible after the products have been caught or landed. The products must be washed thoroughly immediately after these operations.
 - (ii) Part E is deleted.
 - (d) Chapter IV is replaced by the following:

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1020/2008, ANNEX II. (See end of Document for details)

CHAPTER IV:

REQUIREMENTS FOR CERTAIN PROCESSED FISHERY PRODUCTS

Food business operators must ensure compliance with the following requirements in establishments handling certain processed fishery products.

A. **REQUIREMENTS FOR COOKING OF CRUSTACEANS AND MOLLUSCS**

1. Rapid cooling must follow cooking. If no other method of preservation is used, cooling must continue until a temperature approaching that of melting ice is reached.
2. Shelling or shucking must be carried out hygienically, avoiding contamination of the product. Where such operations are done by hand, workers must pay particular attention to washing their hands.
3. After shelling or shucking, cooked products must be frozen immediately, or be chilled as soon as possible to the temperature set out in Chapter VII.

B. **REQUIREMENTS FOR FISH OIL INTENDED FOR HUMAN CONSUMPTION**

1. Raw materials used in the preparation of fish oil for human consumption must:
 - (a) come from establishments, including vessels, registered or approved pursuant to Regulation (EC) No 852/2004 or in accordance with this Regulation;
 - (b) derive from fishery products which are fit for human consumption and which comply with the provisions set out in this Section;
 - (c) be transported and stored in hygienic conditions;
 - (d) be chilled as soon as possible and remain at the temperatures set out in Chapter VII.

By way of derogation from point 1(d), the food business operator may refrain from chilling the fishery products when whole fishery products are used directly in the preparation of fish oil for human consumption, and the raw material is processed within 36 hours after loading, provided that the freshness criteria are met and the total volatile basic nitrogen (TVB-N) value of the unprocessed fishery products do not exceed the limits set out in point 1 of Chapter I of Section II of Annex II to Commission Regulation (EC) No 2074/2005⁽¹⁾.

2. The production process for fish oil must ensure that all raw material intended for the production of crude fish oil is subject to a treatment including, where relevant, heating, pressing, separation, centrifugation, processing, refining and purification steps before being placed on the market for the final consumer.

3. Provided that the raw materials and the production process comply with the requirements applying to fish oil intended for human consumption a food business operator may produce and store both fish oil for human consumption and fish oil and fish meal not intended for human consumption in the same establishment.
 4. Pending the establishment of specific Community legislation food business operators must ensure compliance with national rules for fish oil being placed on the market for the final consumer.
- (e) Chapter V is amended as follows:
- (i) The following sentence is added to the introductory paragraph:

‘The requirements of Parts B and D shall not apply to whole fishery products that are used directly for the preparation of fish oil intended for human consumption.’
 - (ii) In Part E, point 1 is replaced by the following:
 1. Fishery products derived from poisonous fish of the following families must not be placed on the market: Tetraodontidae, Molidae, Diodontidae and Canthigasteridae.

Fresh, prepared, frozen and processed fishery products belonging to the family *Gempylidae*, in particular *Ruvettus pretiosus* and *Lepidocybium flavobrunneum*, may only be placed on the market in wrapped/packaged form and must be appropriately labelled to provide information to the consumer on preparation/cooking methods and on the risk related to the presence of substances with adverse gastrointestinal effects.

The scientific name of the fishery products must accompany the common name on the label.
- (2) In Section IX, Chapter II, Part III, point 1 is replaced by the following:
1. Food business operators manufacturing dairy products must initiate procedures to ensure that, immediately before being heat treated and if its period of acceptance specified in the HACCP-based procedures is exceeded:
 - (a) raw cows’ milk used to prepare dairy products has a plate count at 30 °C of less than 300 000 per ml; and
 - (b) heat treated cows’ milk used to prepare dairy products has a plate count at 30 °C of less than 100 000 per ml.
- (3) Section X is amended as follows:
- (a) In Chapter I, point 2 is replaced by the following:
 2. Eggs must be stored and transported until sale to the final consumer at a temperature, preferably constant, that is best suited to assure optimal conservation of their hygiene properties, unless the competent authority imposes national temperature requirements

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for egg storage facilities and for vehicles transporting eggs between such storage facilities.

- (b) In Chapter II, Part II, point 1 is replaced by the following:
1. The shells of eggs used in the manufacture of egg products must be fully developed and contain no breaks. However, cracked eggs may be used for the manufacture of liquid egg or egg products if the establishment of production or a packing centre delivers them directly to an establishment approved for the manufacture of liquid egg or a processing establishment, where they must be broken as soon as possible.

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(1) OJ L 338, 22.12.2005, p. 27.'

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