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*****II**

RECOMMENDATION FOR SECOND READING

on the common position adopted by the Council with a view to the adoption of a European Parliament and Council regulation laying down specific hygiene rules for food of animal origin
(5420/2/2003 – C5-0009/2004 – 2000/0179(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Horst Schnellhardt

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

At its sitting of 15 May 2002 Parliament adopted its position at first reading on the proposal for a European Parliament and Council regulation laying down specific hygiene rules for food of animal origin (COM(2000) 438 – 2000/0179(COD)).

At the sitting of 15 January 2004 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (5420/2/2003 – C5-0009/2004).

The committee had appointed Horst Schnellhardt rapporteur at its meeting of 29 August 2000.

It considered the common position and the draft recommendation for second reading at its meetings of 26 January and 8 March 2004.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Caroline F. Jackson (chairman), Alexander de Roo, Guido Sacconi (vice-chairmen), Jean-Louis Bernié, Hans Blokland, David Robert Bowe, John Bowis, Martin Callanan, Chris Davies, Saïd El Khadraoui, Karl-Heinz Florenz, Robert Goodwill, Jutta D. Haug (for Dorette Corbey), Marie Anne Isler Béguin, Martin Kastler, Hedwig Keppelhoff-Wiechert (for Horst Schnellhardt (rapporteur)), Christa Klaß, Hans Kronberger, Bernd Lange, Peter Liese, Giorgio Lisi (for Raquel Cardoso), Torben Lund, Albert Jan Maat (for Raffaele Costa), Minerva Melpomeni Malliori, Erik Meijer (for María Luisa Bergaz Conesa), Rosemarie Müller, Neil Parish (for Avril Doyle), Marit Paulsen, Encarnación Redondo Jiménez (for Marialiese Flemming), Dagmar Roth-Behrendt, Jacqueline Rousseaux, Yvonne Sandberg-Fries, Karin Scheele, Ursula Schleicher (for Cristina García-Orcoyen Tormo), Inger Schörling, Jonas Sjöstedt, Renate Sommer (for Françoise Grossetête), María Sornosa Martínez, Catherine Stihler, Robert William Sturdy (for Cristina Gutiérrez Cortines), Charles Tannock (for Eija-Riitta Anneli Korhola), Elena Valenciano Martínez-Orozco, Peder Wachtmeister and Phillip Whitehead.

The recommendation for second reading was tabled on 10 March 2004.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the common position adopted by the Council with a view to the adoption of a European Parliament and Council regulation laying down specific hygiene rules for food of animal origin

(5420/2/2003 – C5-0009/2004 – 2000/0179(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (5420/2/2003 – C5-0009/2004),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 438)²,
 - having regard to the amended proposal (COM(2003) 33)³,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0129/2004),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 180 E, 31.7.2003, p. 160.

² OJ C 365, 19.12.2000, p. 58.

³ OJ C .../Not yet published in OJ.

Amendment 1
Article 10, paragraph 1

1. Annexes II and III may be repealed, amended, adapted or supplemented, in accordance with the procedure *referred to in* Article 12(2), 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. .../2003*;

(c) technological developments;

(d) changes in patterns of consumption;

(e) scientific advice, particularly new risk assessments;

(f) the setting of food safety targets.

1. Annexes II and III may be repealed, amended, adapted or supplemented, in accordance with the procedure **pursuant to** Article 12(2), to **achieve the following objectives**:

(a) **revising the recommendations set out in Annex I, Part B, paragraph 2, of Regulation (EC) No ... 2003***;

(b) **taking account of** the experience gained from the implementation of HACCP-based systems pursuant to Article 5 of Regulation (EC) No. .../2003*;

(c) **putting** technological developments **into practice**;

(d) **taking account of** changes in patterns of consumption;

(e) **taking account of** scientific advice, particularly new risk assessments.

Justification

It must be possible to extend the areas which can be governed by guidelines. Food hygiene objectives cannot solely be set by means of amendments to and adaptations of Annexes II and III. The annexes can be changed only on the basis of results.

Amendment 2
Article 10, paragraph 1 a (new)

(1a) Member States may, acting jointly with the Commission, without compromising achievement of the objectives of this Regulation, adapt the

* Official Publications Office is to insert the official number of the regulation on the hygiene of foodstuffs.

provisions of Annexes II and III in accordance with paragraphs 3 to 5 of this Article of the Regulation.

Justification

In order to ensure that Member States do not make disproportionately frequent use of their right to grant exemptions, the Commission should coordinate this process. At the same time, all the regulations should lay down a uniform procedure.

Amendment 3
Article 10, paragraph 3

3. Member States may, without compromising achievement of the objectives of this Regulation, adopt, in accordance with paragraphs 4 to 8, national measures adapting the requirements laid down in Annex III.

3. The national measures referred to in paragraph 2 shall have the aim of accommodating the needs of food businesses situated in regions that are subject to special constraints or of taking account of traditional production methods or raw materials which can be proven, on the basis of scientific findings, established practice or tradition, to form part of the manufacturing process and not to compromise the hygienic quality of the foodstuffs.

Justification

The protection of the diversity of traditional and regional foodstuffs is a matter of vital importance. In many cases, however, these foodstuffs are manufactured in large quantities (e.g. certain types of cheese) and distributed throughout the internal market. For that reason, any exemptions granted should be subject to uniform rules and based on sound scientific findings.

Amendment 4
Annex I, point 1.17

1.17 "Cutting plant" means an establishment used for boning and/or cutting up meat.

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including premises adjacent to sale points where these operations are carried out for supplying the consumer or other sale points;

Justification

Reinstatement of the original addendum in the Commission proposal. Logically, boning and cutting carried out in food shops should also be covered by the rules on hygiene.

Amendment 5
Annex II, Section I, point A, paragraph 2

2. However, a new mark need not be applied to a product unless its packaging and/or wrapping is removed or it is further processed in another establishment, in which case the new mark must indicate the approval number of the establishment where these operations take place.

2. However, a new mark need not be applied to a product unless its packaging and/or wrapping is removed or it is further processed in another establishment, in which case the new mark must indicate the approval number of the establishment where these operations take place. ***The accompanying documents must specify the original establishment of manufacture or the previous supplier establishment.***

Justification

Reinstatement of Amendment 29 adopted at first reading on 15 May 2002.

Amendment 6
Annex III, Section I, Chapter II, paragraph 2, point (e a) (new)

(ea) In the case of small-scale slaughter and single-place slaughter, the hanging facilities are designed so that operations can be carried out on the hanging animal and contact with the floor is avoided.

Justification

Reinstatement of Amendment 133 adopted at first reading on 15 May 2002.

Amendment 7
Annex III, section IV, chapter I, paragraph 1

1. Persons who *hunt wild game with a view to placing it* on the market for human consumption must have sufficient knowledge of the pathology of wild game, and of the production and handling of wild game and wild game meat after hunting, to undertake an initial examination of wild game on the spot.

1. Persons who *place wild game and wild game meat* on the market for human consumption must have sufficient knowledge of the pathology of wild game, and of the production and handling of wild game and wild game meat after hunting, to undertake an initial examination of wild game on the spot.

Justification

Reintroduction of amendment 83 from first reading. The person being responsible for placing wild game on the market is not always the one who has hunted the game. The amendment clarifies who must be trained and makes the paragraph consistent with paragraphs 2 and 3.

Amendment 8
Annex III, section IV, chapter II, paragraph 4 (a)

4. (a) If no abnormal characteristics are found during the examination referred to in paragraph 2, no abnormal behaviour was observed before killing, and there is no suspicion of environmental contamination, the trained person must attach to the animal body a numbered declaration stating this. This declaration must also indicate the date, time and place of killing. In this case, the head and the viscera need not accompany the body, except in the case of species susceptible to Trichinosis (porcine animals, solipeds and others), whose head (except for tusks) and diaphragm must accompany the body. However, hunters must comply with any additional requirements imposed in the Member State where hunting takes place, in particular to permit the monitoring of certain residues and substances in

4 (a) If no abnormal characteristics are found during the examination referred to in paragraph 2, no abnormal behaviour was observed before killing, and there is no suspicion of environmental contamination, the trained person must attach to the animal body a numbered declaration stating this. This declaration must also indicate the date, time and place of killing. In this case, the head and the viscera need not accompany the body, except in the case of species susceptible to Trichinosis (porcine animals, solipeds and others), whose head (except for tusks) and diaphragm must accompany the body. However, hunters must, *when circumstances dictate*, comply with any additional requirements imposed in the Member State where hunting takes place, in particular to permit the monitoring of certain residues and substances in accordance with

accordance with Directive 96/23/EC;

Directive 96/23/EC;

Justification

Extraordinary requirements should only be allowed when they are fully justified, for instance in case of an outbreak of diseases such as classical swine fever in wild boar.

EXPLANATORY STATEMENT

The regulation on specific hygiene measures lays down practical provisions governing the shaping and implementation of measures designed to maintain the requisite standards of hygiene during the manufacture of foodstuffs. The amendments seek, in particular, to clarify the structure of the text, to specify exceptions and to lay down a clear division of tasks between the industry and the public authorities.

With a view to guaranteeing legal certainty for the industry and the public authorities, the comitology procedure can be applied only to a limited degree, i.e. only in those areas where a prompter revision of legislative texts is required in response to technical developments and scientific findings.