

6th February 2015

Dear Sir or Madam,

**COMMISSION REGULATION (EU) No 1137/2014 AMENDING ANNEX III OF
REGULATION (EC) NO 853/2004 ON THE HANDLING OF CERTAIN OFFAL
(‘STOMACHS AND FEET’) FROM ANIMALS INTENDED FOR HUMAN
CONSUMPTION**

1. I am writing to advise you of European Commission Regulation (EU) No. 1137/2014¹ (“the new EU Regulation”), which was published in the Official Journal of the EU on 28 October 2014, and came into force on 17 November 2014. The new EU Regulation amends Annex III of Commission Regulation (EC) No. 853/2004² on the handling of certain offal (‘stomachs and feet’) from animals intended for human consumption.
2. The Food Standards Agency (FSA) is seeking your views on the proposed arrangements for applying the amendments under the new EU Regulation. Any comments you may have on the proposed arrangements for applying the amendments should be received by **20th March 2015** to the contact point below.
3. We would in particular; welcome comments on the options and criteria for possible authorisation where slaughterhouses want to send stomachs of ruminants to another approved food business for production of rennet. These are set out in paragraphs 9 to 13 below.
4. We also in particular, welcome comments on the options and conditions for authorisation where slaughterhouses want to send visibly clean feet of ungulates to another approved food business for further handling. These are set out in paragraphs 16 to 23 below.

Purpose of the new EU Regulation

Stomachs of young ruminants

5. Under Annex III to Regulation 853/2004 stomachs of ruminants are required to be scalded or cleaned within the slaughterhouse before they can be transported to another approved food business for further handling. The new EU Regulation amends Regulation 853/2004 to provide that stomachs of young ruminants need only be emptied, and not scalded or cleaned, in the slaughterhouse, in cases where they are destined for rennet production in another approved business. This is intended to assist small and medium sized slaughterhouses that do not have facilities to scald or clean such stomachs. The relevant hygiene

¹ OJ Ref L307 28.10.2014, p.g. 28

² OJ Ref L226 25.6.2004 p.g. 22

requirements under Regulation 853/2004 for handling of offal need to be maintained to ensure safety standards.

Feet of ungulates

6. Under Annex III to Regulation 853/2004 feet of ungulates are required to be skinned or scalded and depilated within the slaughterhouse before they can be transported to another food business for further handling. The new EU Regulation amends Regulation 853/2004 to provide that, when authorised by the Competent Authority, visibly clean feet of ungulates may be transported to, and skinned or scalded and depilated in, another approved food business which is handling the feet for further processing into food. This is intended to assist small and medium sized slaughterhouses that do not have facilities to skin or scald and depilate such feet. The relevant hygiene requirements under Regulation 853/2004 for handling of offal need to be maintained to ensure safety standards.

Requirements of the new EU Regulation

7. The new Regulation has amended Point 18(a) and (c) of Chapter IV of Section I in Annex III to Regulation (EC) 835/2004, to provide greater flexibility for transporting stomachs of young ruminants for the production of rennet and visibly clean feet of ungulates from the slaughterhouse to another establishment for further handling. Point 18 provides that (changes are shown in red):

“When destined for further handling:

- (a) stomachs must be scalded or cleaned; however, in the case of stomachs of young ruminants intended for rennet production, the stomachs need only be emptied;*
- (b) intestines must be emptied and cleaned;*
- (c) heads and feet must be skinned or scalded and depilated; however, when authorised by the competent authority, visibly clean feet may be transported to and skinned or scalded and depilated in an approved establishment further handling the feet for processing into food”.*

8. As section I of Annex III concerns ungulates, (c) applies to feet of ungulates.

Authorisation and implementation

Stomachs of young ruminants - proposed arrangements to apply the amendment under the new EU Regulation

9. Two options are below regarding possible authorisation of slaughterhouses that want to apply the amendment provisions in new EU Regulation to send stomachs of young ruminants to an approved food business for production of rennet. Certain hygiene criteria are set out below.

Option 1: No additional authorisation for approved slaughterhouse

10. Option 1 would mean that any slaughterhouse approved for ruminants could, without additional approval, transport stomachs of ruminants under the provisions

of the new EU Regulation to another approved food business for rennet production. There is no specific reference to authorisation of stomachs in the new EU Regulation and additional authorisation of stomachs does not seem to be required.

Option 2: Plant-by-plant authorisation

11. Option 2 would provide for any slaughterhouse that wants to transport stomachs under the provisions of the new Regulation to request authorisation for the slaughterhouse from its local competent authority (the Official Veterinarian (OV)). This would enable the OV to check that appropriate procedures are in place for cleaning of stomachs and that transport is to establishments undertaking rennet production. A record of all establishments undertaking this practice could also be maintained.
12. The preferred option is Option 1, as to provide for additional authorisation would exceed the requirements of the new EU Regulation.

Hygiene Criteria

13. Where the provisions of the new EU Regulation are applied for stomachs:
 - Only stomachs of young ruminants intended for rennet production will benefit from the provisions of the New EU Regulation, and the stomachs must be emptied as required. The relevant hygiene requirements for offal must be complied with, including storage and transportation at the required temperature from the slaughterhouse to the establishment of destination.
 - Traceability records should be maintained so that it is known to what establishment the stomachs have been dispatched and the date of dispatch. The traceability records should include the weight of the consignment or the number of stomachs in the consignment.
 - The commercial documentation accompanying the consignment should make clear that it is intended for rennet production.
 - The premises where the further handling will take place will need to have appropriate approval for the further handling of the stomachs. As set out in the amendment Regulation, the stomachs must be used only for rennet production in the establishment of destination, and cannot be used for other purposes in those establishments.
14. Your comments are requested on the options and criteria.

Feet of ungulates - proposed arrangements to apply the amendment under the new EU Regulation

15. There are three options below for authorisation where slaughterhouses want to send visibly clean feet of ungulates for further handling in another approved food business. Authorisation is required under the new EU Regulation. Certain conditions of authorisation are set out below.

Option 1: Consignment-by-consignment authorisation

16. Option 1 would provide for each slaughterhouse that wants to transport visibly clean feet to another approved food business, to request authorisation for each individual consignment from its local competent authority (the Official Veterinarian (OV)) subject to meeting hygiene requirements and appropriate conditions. The new EU Regulation requires that visibly clean feet can be transported when authorised and a case-by-case inspection would ensure that each consignment meets the requirements. However, it might potentially cause a delay if a plant wants to transport a consignment and the OV is not available.

Option 2: Plant-by-plant authorisation

17. Option 2 would provide for each slaughterhouse that wants to transport visibly clean feet to another approved food business, to request a general authorisation to transport such consignments from its local competent authority (the OV) subject to meeting hygiene requirements and appropriate conditions. The new EU Regulation requires authorisation for visibly clean feet. There would not normally be inspection of all consignments by the OV under this option. The OV would normally check records held by the slaughterhouse for previous consignments to provide an audit trail on those visibly clean feet that had been transported, and when appropriate check processes and consignments to ensure continued compliance.

Option 3: National authorisation

18. Option 3 would provide for all slaughterhouses approved for ungulates to be authorised at a national level. However, the Regulation requires a specific authorisation to ensure only visibly clean feet are transported. The authorisation would need to take account of the circumstances at individual establishments, such as taking account of procedures in place to meet the requirement, for maintaining an appropriate audit trail for OVs to check during visits to show procedures are being applied and traceability records on transportation to another establishment. A national authorisation would not appropriately take account of individual circumstances.
19. The preferred option is Option 2, plant-by-plant authorisation.

Conditions of authorisation

20. Where the provisions of the new EU Regulation are applied for feet, authorisation would be subject to certain criteria being met to show that the requirements of the new EU Regulation are being met:
- For Options 1 and 2, the authorisation of the OV is given in advance for each slaughterhouse that wants to transport visibly clean feet of ungulates to another approved food business for skinning or scalding and depilation and further handling of the feet for processing into food. For Option 2 the OV will not need to be present for each consignment once authorisation is given. For

Option 1 the OV will need to be present for each consignment to be transported.

21. For all three Options:

- The OV is satisfied that the slaughterhouse has appropriate procedures and record keeping in place to meet the requirements of the new EU Regulation for transport of visibly clean feet of ungulates for further handling. The OV is satisfied that the feet for transport are visibly clean.
- The slaughterhouse meets the hygiene requirements for approval under Regulation 853/2004.
- The slaughterhouse maintains records to enable identification of each consignment dispatched under the provision, including the establishment to which they have been dispatched and the date of dispatch, for inspection by the OV. The traceability records should include the weight of the consignment or the number of feet in the consignment.
- The commercial documentation accompanying the consignment should make clear that it is intended for human consumption following skinning or scalding and depilation and further processing.
- Inspections carried out by the OV confirm that the requirements of the new EU Regulation for feet are being met.
- The feet can only be transported to an approved establishment where they must undergo skinning or scalding and depilation, and further handling for processing into food. The approval of the establishment of destination must be appropriate for such activities.
- Continued authorisation will be based on maintaining the requirements of the new EU Regulation and these conditions. If appropriate an administrative appeals process might in this case be provided where authorisation is refused or revoked.

22. A central record of authorised slaughterhouses will be maintained by the central competent authority.

23. The premises where the further handling will take place will need to have appropriate approval for the further handling required, including skinning or scalding and depilation, and processing into food.

24. Your comments are requested on the options and the conditions.

Arrangements for timing of authorisation

25. All slaughterhouses interested in being authorised will be asked to register their interest by a certain date. All slaughterhouses that have registered by that date and which are subsequently authorised by their OV as meeting requirements, will

be granted authorisation from a common date to provide a level playing field. Requests for authorisation received after the date of registration will be considered for authorisation as soon as possible but the authorisation may be after the common date.

26. Your comments are requested on these proposed timing arrangements.

Implementation

27. Due to the ambulatory provisions contained in the Food Safety and Hygiene (England) Regulations 2013;³ an amending Statutory Instrument is not required to bring into force the requirements of the new EU Regulation.

Impact on businesses and enforcement authorities

28. This amendment is intended to be a deregulatory measure to assist small and medium sized slaughterhouses which wish to send such products to another establishment. The FSA considers that the impact on both enforcement authorities and businesses of the new EU Regulation will be negligible. As such, we have not produced an Impact Assessment; if, however, the consultation should bring to light any impact on enforcement bodies or business, which has not been anticipated, the need for an impact assessment will be considered.

Other relevant documents

29. Commission Regulation (EU) No. 1137/2014 amending Annex III of Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards the handling of certain offal from animals intended for human consumption is available from the EURlex website at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R1137&rid=1>
30. The Food Safety and Hygiene (England) Regulations 2013 are available on the 'legislation.gov.uk' website at: <http://www.legislation.gov.uk/uksi/2013/2996/contents/made>

Responses

31. Responses are required by close **20th March 2015** to me by email at: nasreen.shah@foodstandards.gsi.gov.uk. Please state in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).
32. Thank you in behalf of the Food Standards Agency for participating in this informal consultation.

³ SI 2013 No. 2996

Yours faithfully,

Nasreen Shah
Regulatory Officer
Directorate Support Unit

Enclosed: Commission Regulation (EU) No. 1137/20014, amending Annex III of
Regulation (EC) No. 832/2004

Interested Parties list