COUNCIL DIRECTIVE 94/71/EC

of 13 December 1994

amending Directive 92/46/EEC laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products [1], and in particular Article 21 thereof,

Having regard to the proposal from the Commission,

Whereas, following a detailed study of certain provisions in the Annexes to Directive 92/46/EEC, it has been found necessary to make certain technical adjustments in order to ensure better application; whereas such amendments concern, in particular, the collection temperatures for raw milk, the rules on equipment in treatment or processing establishments and the manufacture of heat-treated milk and milk-based products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 92/46/EEC is hereby amended as follows:

1. in Annex A, Chapter I (1):

   (i) the following phrase shall be added to point (b) (i):

   'except where the milk is intended for the manufacture of cheese with a maturation period of at least two months';

   (ii) the following subparagraph shall be added:

   'Milk and milk-based products must not come from a surveillance zone established under Directive 85/511/EEC (*), unless the milk has undergone, under the supervision of the competent authority, initial pasteurization (71,7 °C for 15 seconds) followed by:

   (a) a second heat treatment resulting in a negative reaction to the peroxidase test; or

   (b) a drying procedure including heating having an effect equivalent to the heat treatment provided for in (a); or

   (c) a second treatment whereby pH is reduced and kept for at least one hour at less than 6.

2. in Annex A, Chapter III (A) (2) shall be replaced by the following:

   '2. Immediately after milking, the milk must be placed in a clean place which is so equipped as to avoid adverse effects on the quality of the milk. If the milk is not collected within two hours of milking, it must be cooled to a temperature of 8 °C or lower in the case of daily collection or 6 °C if collection is not daily. While the milk is being transported to the treatment and/or processing establishment, the temperature of the cooled milk must not exceed 10 °C unless the milk has been collected within two hours of milking.

   For technological reasons concerning the manufacture of certain milk-based products, the competent authorities may authorize derogations from the temperatures laid down in the first subparagraph provided the end product meets the standards set out in Chapter II of Annex C.';

3. in Annex A, Chapter IV:

   (a) the title shall be replaced by the following:

   'Standards to be met at the time of collection from the production holding for acceptance of raw milk at treatment or processing establishments';

[1] OJ No L 268, 14. 9. 1992, p. 1. Directive as last amended by Commission Decision 94/330/EC (OJ No L 146, 11. 6. 1994, p. 23).

(*) Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease (OJ No L 315, 26. 11. 1985, p. 11). Directive as last amended by Commission Decision 92/380/EEC (OJ No L 198, 17. 7. 1992).';

(b) the following introductory sentence shall be inserted before Section A:

'For compliance with these standards, a separate test shall be carried out on a representative sample of the raw milk collected from each production holding.';

(c) in points A.1 and A.2, note (b) shall be replaced by the following:

'(b) Geometric average over a period of three months, with at least one sample a month. Where production levels vary considerably according to season, Member States may be authorized, in accordance with the procedure laid down in Article 31 of this Directive, to apply a different method of calculating results during the low lactation period';

4. in Annex A, Chapter IV, section C shall be replaced by the following:

'C. Raw goat's, sheep's and buffalo's milk must meet the following standards:

1. if it is intended for the manufacture of heat-treated drinking milk or heat-treated milk-based products:

	From 1. 1. 995	From 1. 2. 1999
Plate count at 30 °C (per ml)	≤ 3 000 000	< 1 500 000 (a)

(a) without prejudice to the result of the re-examination to be carried out in accordance with Article 21.'

2. if it is intended for the manufacture of products made with raw milk by a process which does not involve any heat treatment:

	From 1. 1. 1995	From 1. 1. 1999
Plate count at 30 °C (per ml)	≤ 1 000 000	< 500 000

5. In Annex B, Chapter 1, the introductory wording of 3 shall be replaced by the following:

'3. in rooms where the raw materials and the products covered by this Directive are stored, the same conditions as those at 2 (a) to (f), except:';

6. in Annex B, Chapter II (A) (3) shall be replaced by the following:

'3. Working areas, instruments and working equipment must be used only for work on products for which approval has been granted.

However, following authorization by the competent authority, they may be used at the same time or other times for work on other foodstuffs fit for human consumption or other products based on milk for human consumption but intended for use other than human consumption, provided they do not create contamination of the products for which approval has been given.';

7. in Annex B, the title of Chapter III shall be replaced by:

'Special requirements for approval of collection centres';

8. In Annex B, the title of Chapter IV shall be replaced by:

'Special requirements for approval of standardization centres'

9. in Annex B, Chapter V(a) shall be replaced by the following:

'(a) equipment for the mechanical filling and proper automatic sealing of containers which are to be used for packaging heat-treated drinking milk and milk-based products in liquid form, after filling, in so far as such operations are carried out there. This requirement does not apply to churns, tanks and bulk packaging of more than 4 litres.

However, in the case of limited production of liquid milk intended for drinking, the competent authorities may authorize alternative methods using means of filling and sealing which are not automatic, provided that such methods carry equal assurances with regard to hygiene.';

10. in Annex B, Chapter V(b), the reference: 'in the cases provided for in Annex A, Chapters III and IV', shall be replaced by the reference: 'in the cases provided for in Chapters II and IV.';

11. in Annex B, Chapter V(f) shall be replaced by the following:

'(f) 1. in the case of treatment establishments, heat-treatment equipment approved or authorized by the competent authority, fitted with: