COMMISSION DIRECTIVE 92/2/EEC

of 13 January 1992

laying down the sampling procedure and the Community method of analysis for the official control of the temperatures of quick-frozen foods intended for human consumption

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foods intended for human consumption [1], and in particular Article 11 thereof,

Whereas the temperature of quick-frozen foods should be controlled;

Whereas the Member States may use other methods scientifically valid provided that this does not hinder the free movement of quick-frozen foods and that the rules of competition are not altered;

Whereas after checking air temperature records according to procedures laid down in Commission Directive 92/1/EEC of 13 January 1992 on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption [2] and taking into account temperatures required in Article 5 of Directive 89/108/EEC, and where this leaves reasonable doubt, Member States may proceed to a destructive test;

Whereas the inspection conforms to Council Directive 89/397/EEC of 14 June 1989, concerning the official control of foodstuffs [3] and principally to its Articles 4 and 14;

Whereas the provisions provided for in this Directive are in line with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall ensure that the sampling procedure and the method of analysis needed for the official inspection of the temperatures of quick-frozen foods is carried out in accordance with the provisions described in Annexes I and II of this Directive.

2. However, the method of analysis described in Annex II of this Directive may be used only in the case where the inspection leaves reasonable doubts on the threshold of temperatures provided for in Directive 89/108/EEC on the approximation of the laws of the Member States relating to quick-frozen foods intended for human consumption.

Article 2

The introduction of requirements provided for in Article 1 (1) and Annexes I and II shall not preclude Member States from using other scientifically valid methods provided that this does not hinder the free movement of quick-frozen foods recognized as complying with the rules by virtue of the method described in Annex II of this Directive.

However, in the event of differences in the results, those obtained by the use of Community methods shall take precedence.

Article 3

1. Member States shall put into effect the laws, regulations and administrative provisions needed in order to comply with this Directive by, at the latest by 31 July 1993.

They shall forthwith inform the Commission thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 January 1992.

For the Commission

Martin BANGEMANN

Vice-President

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[1] OJ No L 40, 11. 2. 1989, p. 34.
[2] See page 28 of this Official Journal.
[3] OJ No L 186, 30. 6. 1989, p. 23.

ANNEX I

PROCEDURE FOR THE SAMPLING OF QUICK-FROZEN FOODS INTENDED FOR HUMAN CONSUMPTION

1. Selection of packages for inspection

The type and quantity of packages selected shall be such that their temperature is representative of the warmest points of the consignment inspected.

1.1. *Cold-storage*

Samples should be selected from several critical points in the cold store, for example : near the doors (upper and lower levels), near the centre of the cold store (upper and lower levels), and near to the air return of the cooling unit. The duration of storage of any products should be taken into account (for the stabilization of the temperature).

1.2. *Transport*

(a) Where it is necessary to select samples during transport :

Select from the top and the bottom of the consignment adjacent to the opening edge of each door or pair of doors.

(b) Sampling during unloading :

Choose four samples from amongst the following critical points :

— top and bottom of the consignment adjacent to the opening edge of doors,
— top rear corners of the consignment (at a point as far away from the refrigeration unit as possible),
— centre of the consignment,
— centre of the front surface of the consignment (as close as possible to the refrigeration unit),
— top and bottom corners of the front surface of the consignment (as close as possible to the return air to the refrigeration unit).

1.3. *Retail display cabinets*

A sample must be selected for testing from each of three locations representative of the warmest points within the retail display cabinet used.