COMMISSION REGULATION (EU) No 365/2010
of 28 April 2010
amending Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs as regards Enterobacteriaceae in pasteurised milk and other pasteurised liquid dairy products and Listeria monocytogenes in food grade salt
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (1), and in particular Article 4(4) thereof,

Whereas:


(2) According to the article 10 of Regulation (EC) No 2073/2005 microbiological criteria shall be reviewed taking into account progress in science, technology and methodology, emerging pathogenic micro-organisms in foodstuffs, and information from risk assessments.

(3) Chapter 1 of Annex I to Regulation (EC) No 2073/2005 sets out food safety criteria for Listeria monocytogenes in certain ready-to-eat foods. Part 1.3 provides limits for ready-to-eat foods unable to support the growth of L. monocytogenes, other than those intended for infants and for special medical purposes. Food business operators are required to prove compliance with the criteria in products placed on the market during their shelf-life.

(4) According to the Regulation (EC) 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (3), food grade salt is a ready-to-eat food. According to scientific evidence, presence and survival of L. monocytogenes in salt is unlikely in normal circumstances. Therefore, food grade salt should be added to footnote 4 of Chapter 1 of Annex I to Regulation (EC) No 2073/2005 which provides for the ready-to-eat foods in which regular testing of L. monocytogenes is not required.


(6) The analytical reference method set out for Enterobacteriaceae in pasteurised milk and other pasteurised liquid dairy products ISO 21528-1 has been shown to be difficult to use for routine analyses in own checks since it is very laborious and time consuming. Due to the methodological development the analytical reference method of Enterobacteriaceae in pasteurised milk and other pasteurised liquid dairy products should be changed to ISO 21528-2 which is quicker and easier to perform.

(7) Analytical reference methods have an effect on test results. Therefore, the criterion limit of Enterobacteriaceae in pasteurised milk and other pasteurised liquid dairy products needs to be changed accordingly. The change would still guarantee sufficient detection limit for the process hygiene since likely problems in the manufacturing process would cause much higher growth of Enterobacteriaceae.

(8) Given a recent change in taxonomy the name of Enterobacter sakazakii in Regulation (EC) No 2073/2005 should be changed to Cronobacter spp. (Enterobacter sakazakii).

(9) Some of the provisions were applicable until 1 January 2010 and new ones already laid down in the Regulation will apply thereafter. To facilitate readability of these provisions, it is appropriate to delete the old ones.

(10) Regulation (EC) No 2073/2005 should therefore be amended accordingly.

(11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 2073/2005 is amended as follows:

1. Chapter 1 is amended as follows:

   (a) Row 1.5 is replaced by the following:

<table>
<thead>
<tr>
<th>1.5 Minced meat and meat preparations made from poultry meat intended to be eaten cooked</th>
<th>Salmonella</th>
<th>Standards</th>
<th>Products placed on the market during their shelf-life</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.5</td>
<td></td>
<td>EN/ISO 6579</td>
<td></td>
</tr>
</tbody>
</table>

   (b) Row 1.9 is replaced by the following:

<table>
<thead>
<tr>
<th>1.9 Meat products made from poultry meat intended to be eaten cooked</th>
<th>Salmonella</th>
<th>Standards</th>
<th>Products placed on the market during their shelf-life</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.9</td>
<td></td>
<td>EN/ISO 6579</td>
<td></td>
</tr>
</tbody>
</table>

   (c) Row 1.24 is replaced by the following:

<table>
<thead>
<tr>
<th>1.24 Dried infant formulae and dried dietary foods for special medical purposes intended for infants below 6 months of age (14)</th>
<th>Cronobacter spp. (Enterobacter sakazakii)</th>
<th>Standards</th>
<th>Products placed on the market during their shelf-life</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.24</td>
<td></td>
<td>ISO/TS 22964</td>
<td></td>
</tr>
</tbody>
</table>

2. In footnote 4 of Chapter 1 the following indent is added:

   ‘— food grade salt’

3. Part 2.2. of Chapter 2 is amended as follows:

   (a) Row 2.2.1 is replaced by the following:

<table>
<thead>
<tr>
<th>2.2.1 Pasteurised milk and other pasteurised liquid dairy products(6)</th>
<th>Entero-bacteriaceae</th>
<th>Standards</th>
<th>End of the manufacturing process</th>
<th>Check on the efficiency of heat-treatment and prevention of recontamination as well as the quality of raw materials</th>
</tr>
</thead>
</table>
   | 2.2.1                                                                  |                     | ISO 21528-2 |                                |                                                                笑着。
(b) Footnote (2) is replaced by the following:

«2» For points 2.2.1, 2.2.7, 2.2.9 and 2.2.10 m=M'"