



The flexibility provided in the hygiene Regulations for small food businesses

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EU provisions on flexibility

Guiding principles

- ✓ Subsidiarity: Member States are best placed to find solutions to local situations
- ✓ Transparency: draft national measures must be notified to the Commission and to the other Member States



EU HYGIENE RULES

*Hygiene legislation : harmonised rules
(Reg. 852-853-854/2004)*

But allows flexibility :

- ✓ *Exclusions*
- ✓ *Derogation*
- ✓ *Adaptation*



Exclusion from the scope

Art 1(2) of Reg 852/2004, Art 1(3) of Reg 853/2004

- ✓ Direct supply, by the primary producer, of small quantities of primary products to the final consumer and to local retail establishments directly supplying the final consumer
- ✓ Direct supply, by the producer, of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local retail establishments
- ✓ *Hunters who supply small quantities of wild game or wild game meat directly to the final consumer or to local retail establishments directly supplying the final consumer*
- ✓ *Retail to retail when local, marginal and restricted activity*



Derogation/exceptions from Annexes

- ✓ MS can give the possibility to authorise FBOs not to apply specific requirements in specified circumstances.
- ✓ "If competent authorities so permits" "with authorisation of the competent Authority" etc
- ✓ Premises where food with traditional characteristics are exposed to a special environment necessary to develop its characteristics (walls, ceilings, doors etc).



Adaptation of certain requirements of the Annexes

Art 13 of Reg 852/2004 and Art 10 of Reg 853/2004

- ✓ The continued use of traditional methods at any *of the stages* of production, processing or distribution *of food*;
- ✓ Needs of food businesses in regions subject to special geographical constraints;
- ✓ In other cases, adaptation may only concern the requirements on the construction, layout and equipment of establishments.
- ✓ *Risk assessment, justification and establishments concerned*



Traditional methods

- ✓ Recognised historically as traditional products or
- ✓ *Manufactured according to codified or registered technical references to the traditional process, or according to traditional production methods or*
- ✓ Protected as traditional food products by an EU, national, regional or local law.
- ✓ Requirements on structure, equipment, hygiene may be adapted without compromising food safety



CONCLUSIONS Milan EXPO Conference (1/2)

Findings and facts

- EU Hygiene legislation provides the necessary flexibility for small food producers
- Effort needed to ensure that the flexibility provisions are better/more used by National Authorities
- Flexibility is not 'reduced' food safety



Conclusions (2/2)

Drivers for improvement and points for attention

- Better communication
 - The Commission could play a role as facilitator
 - Regular meetings on flexibility (14.12.2015)
- Training (stakeholders/Member States/EU level)
- Development/revision of guides



Thank you for your attention.

