The flexibility provided in the hygiene Regulations for small food businesses

Paolo Caricato
Deputy Head of Unit G4
EU COMMISSION
Health & Food Safety Directorate General
Directorate G — Veterinary and International Affairs
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.