

**Summary of responses to the consultation on the:**

## **The Draft Food Hygiene (England) (Amendment) Regulations 2008**

This full, twelve-week consultation was issued on 2 October 2007 and closed on 4 January 2008. It was issued by email to English stakeholders. Separate but similar, although not necessarily concurrent, consultations took place in Scotland, Wales and Northern Ireland. The Agency is very grateful to those stakeholders who have provided comments.

The policy content of the England consultation fell into two areas:

1. to apply new European Commission implementing and transitional legislation on food hygiene; and
2. to provide for certain national measures in relation to minced meat, certain fresh meat and game meat.

The summary has been set out to show:

1. where comments have been made on the national measures in relation to minced meat, certain fresh meat and game meat (this could include generic comments in the Impact Assessments (IAs));
2. where comments have been made on the EU implementing and transitional regulations; and,
3. where comments have been made on costs and benefits in the IAs.

There were ten responses in all, nine of which contained substantive comments. Comments have been summarised and do not necessarily represent the sum total of the respondent's response. The Agency has responded to some of those comments.

| <b>List of respondents</b>  |                                      |
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| The summary is drawn entirely from comments received from the following stakeholders. |                                      |
| 1   | UNISON                               |
| 2   | FACE-UK                              |
| 3   | National Farmers' Union              |
| 4   | Meat & Livestock Commission          |
| 5   | Foodaware                            |
| 6   | Seafish                              |
| 7   | William Perry Ltd                    |
| 8   | Soil Association                     |
| 9   | NAAC                                 |
| 10  | British Meat Processors' Association |

Full copies of the consultation responses can be obtained from the Food Standards Agency Library at Aviation House, 125 Kingsway, London WC2B 6NH.

**1. National measures:**

The draft Food Hygiene (England) (Amendment) Regulations 2008 proposed a number of national measures in relation to minced meat, certain fresh meat and game meat. these are set out in the left-hand column.

| <b>Proposed measure</b>   | <b>Stakeholder comments</b>  | <b>Agency response</b>   |
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| <p><b>Certain fresh meat production</b></p> <p>1. Exemption from requirements to have certain facilities at slaughterhouses – Article 10(3) of Regulation 853/2002.</p> <p>It is proposed that certain slaughterhouses, formerly classified as low throughput, should be exempt from the requirements to have (i) facilities for detained meat and (ii) facilities for cleansing and disinfection of livestock vehicles.</p> <p>2. National mark – paragraph 9 of Chapter VI of Section I of Annex III to Regulation 853/2004 and paragraph 7 of Chapter III of Section I of Annex I to Regulation 854/2004.</p> <p>In addition, the format of a special health and identification mark to be used on the carcasses of animals subject to emergency slaughter outside a slaughterhouse and on the meat derived from such carcasses is prescribed.</p> | <p><u>1.i. detained meat facilities</u></p> <p>Agency proposal generally supported by stakeholders, with one stakeholder arguing that the exemption apply to all small-scale establishments; that this should be limited to plants not killing OTM cattle or pigs for trichinosis examination. Also, that the interpretation of ‘any alternative detention facility (for further inspection) should be within the locality of the slaughterhouse’ allows meat to be inspected back at farm storage premises.</p> <p>However, one industry stakeholder was opposed stating that the need for detained meat facilities is understood.</p> <p>A consumer organisation was opposed to proposal on the basis that all slaughterhouses should have these facilities.</p> | <p>The proposal was generally supported by stakeholders and the Agency will continue to take forward the proposal.</p> <p>The exemption is intended to avoid the necessity for structural changes in plants that were not required to have these facilities under the previous legislation. Full throughput plants were already required to have these facilities.</p> |

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|  | <p><u>1. ii. Cleansing and disinfecting facilities</u></p> <p>Agency proposal generally supported by stakeholders, with comments suggesting that it should only apply to localised trade and plants where animals transported direct from farm. Also, the exemption should be extended to plants not approved as 'low throughput' before 31 December 2005.</p> <p>The need for operators to have robust hygiene programmes in place in the plants was highlighted.</p> <p>One industry stakeholder did not support the proposal feeling that vehicle cleaning is essential to the safety of the food chain.</p> <p><u>2. National mark</u></p> <p>Agency proposal either supported by stakeholders or no comments made.</p> | <p>It will only apply to those plants taking animals directly from the farm in a single journey. The exemption is intended to avoid the necessity for structural changes in plants that were not required to have these facilities under the previous legislation. Full throughput plants were already required to have these facilities</p> |
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| <p><b>Minced meat production</b></p> <p>National measure proposed under Article 10(3) of Regulation (EC) 853/2004. The proposal is to disapply the criteria in paragraph 2(b), Chapter III, Section V, Annex III of Regulation (EC) 853/2004 regarding the number of days between slaughtering and mincing of chilled meat. The purpose of this is to enable the continuation of the English tradition of ageing meat that is used to produce minced meat.</p> <p><b>To note:</b> This consultation ran in parallel with a similar one with the European Commission and the other Member States (under the Technical Standards Directive) to seek their acceptance of this proposal. Only if the proposal was accepted by the Commission and other Member States, would the proposed amendment be made.</p> | <p>Agency proposal generally supported. However, one stakeholder argued for the total removal of the relevant clause in the EU legislation to create a level pan-European market and would prefer the term 'matured' to replace 'aged'.</p> <p>One consumer organisation did not think the consultation had demonstrated sufficient justification for change and raised concerns that further cooking advice for the consumer might be needed (e.g. a longer cooking time).</p> | <p>Since the issuing of the consultation, the Agency has learned that this national measure is not acceptable to the European Commission. It will need re-working and notification as a technical standard (rather than an adaptation of the hygiene legislation). The Agency is considering this and is consulting industry on the way forward. In the meantime, this proposal must be removed from the draft Food Hygiene (England) (Amendment) Regulations 2008 SI.</p> |
| <p><b>Game meat production:</b></p> <p>Pilot project – Article 17(3) of Regulation 854/2004. It is proposed to establish a pilot project at certain low throughput game handling establishments to determine the value of</p>   | <p>General support for the Agency proposal.</p> <p>It was noted from a Trades Union</p>   | <p>The proposal was generally supported by stakeholders and the Agency intends to continue to take forward the proposal.</p>   |

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| <p>the post mortem inspection carried out by an official veterinarian over and above operators' HACCP-based controls. It is necessary to provide for a legislative framework within which this can happen.</p> | <p>stakeholder that Meat Hygiene Inspectors, not official veterinarians, carry out the majority of the inspections at game handling establishments. This stakeholder also disagreed that post-mortem veterinary inspection does not play a significant role in protecting safety.</p> <p>One stakeholder asked whether there were any longer-term proposals for feral wild boar.</p> | <p>The Agency has no long term proposals for feral wild boar other than to encourage hunters to take a sample of wild boar and send it to a laboratory for testing for trichinella with all the costs being met by the Agency.</p> |
| <p><b>2. The EU implementing and transitional regulations.</b></p>   |  |  |
| <p>Draft Regulation amending Regulation (EC) 2074/2005 (now Commission Regulation 1244/2007)</p>   | <p>Regulation supported by industry stakeholders.</p>  |  |
| <p>Draft Regulation amending Annex III to Regulation (EC) 853/2004. (now Commission Regulation 1243/2007)</p>  | <p>Industry stakeholder questioned the need for this exemption; Regulation (EC) 852/2004 already contains sufficient flexibility in terms of record keeping for primary producers. However, believes the derogation should also apply to those vessels over 12 metres in length or fishing for more than 24hours – does not feel this</p>  | <p>The Agency remains content that this measure could lead to a lowering of burdens for smaller vessels.</p>   |

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|  | is risk-based legislation. |   |
| <b>3. The Impact Assessments</b>   |                            |   |
| <b>Stakeholder comments</b>  |                            | <b>Agency response</b>  |
| Comments on IA 'A' by industry stakeholder (Proposed Commission regulation amending Annex III of Regulation (EC) 853/2004 - now Commission Regulation 1243/2007) which believed the £26,500 cost figure is an overestimate as it is unlikely all smaller vessels complete records and those which supply local markets are also exempt. In terms of the possibility of this exemption resulting in further checks by shore-based businesses, this would only be the case with high-risk fish and seafood and the vast majority of fishing is low risk – no likelihood therefore of an increase in checks by shore-based operators. |                            | In the absence of substantive new figures, the Agency does not intend to amend the figures used in the IA regarding this measure. |