

Report on meeting of Council Working Party Veterinary Experts –Public Health: 13 April 2007

Commission proposal to exempt certain businesses from HACCP

Introduction

The European Commission has proposed an amendment to Article 5 of Regulation EC 852/2004 which requires food businesses to put in place food safety management procedures based on HACCP principles. The proposal falls under the Commission's Better Regulation agenda (and also concerns a separate issue for the abolition of transport rates). As presently drafted it would exclude food businesses with fewer than 10 employees who predominantly sell food to the final consumer to no longer be required to put in place such food safety management procedures. Excluded food business operators would still have to comply with all the other requirements of the Food Hygiene Regulations.

This proposal was discussed by the working party of veterinary experts (public health) on the afternoon of the 13th April. This report covers the main issues raised and is not exhaustive.

Initial views

All Member States present expressed their views and although there was limited discussion not one Member State was able to accept the proposal as drafted.

Five or six delegations, but not enough to form a blocking minority, spoke very strongly against any change in existing HACCP requirements largely on the basis that existing rules, plus the flexibility built into guidance, are sufficient to allow a proportionate approach. Since most delegations have not yet obtained political agreement in their own countries it is difficult to judge whether that strong opposition will be maintained.

Three Member States spoke strongly for the proposal in principle, but wanted the exclusion criterion based on risk, not business size.

All other Member States, including the UK, expressed support for the Commission's Better Regulation Initiative, providing it did not undermine public health protection. Some were not convinced that the proposal was necessary at all because existing arrangements provided for a flexible and proportionate approach. Most thought it would undermine public health protection.

Basing the proposal on business size, rather than risk, was not in accordance with the General Food Law Regulation, and the Commission had not provided

evidence that the current arrangements, which have been in place only a short while, are failing to deliver.

The Chair of the Working Group appealed to those expressing total opposition to the proposal to reflect further in the light of the political imperative underpinning the proposal. The Chair noted any decision to split the proposal, to allow the transport elements to be fast tracked while allowing the food safety aspects to be considered further, could not be taken by the Commission alone.

Next steps

The Chair concluded there was a fairly consistent view that the proposal requires more work, and the Commission, while generally disappointed, agreed. Written comments are to be sent to the Presidency (Germany) by close on 27 April. The Presidency will draw these together in a paper, which will also suggest compromise drafting which would base the proposed exclusions on risk and clarify which businesses will be exempt.

There will be a further Working Group, probably in mid May.

The UK will reflect on the initial views received from stakeholders before responding to the Presidency's request for written comments. A summary of the responses is provided separately on the Agency website.