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To: Interested Parties

20 August 2009

Dear Colleague

## EU REVIEW OF FOOD HYGIENE LEGISLATION

This letter updates you on the European Commission's review of EU food hygiene legislation, and seeks your views on how the issues raised by the Commission might be taken forward.

### Background

New EU food hygiene laws have applied in the UK since January 2006. These are:

- Regulation (EC) 852/2004 on the hygiene of foodstuffs;
- Regulation (EC) 853/2004 laying down specific hygiene rules for food of animal origin; and
- Regulation (EC) 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

The regulations were implemented in Wales by the Food Hygiene (Wales) Regulations 2006 (as amended). Similar regulations apply in England, Scotland and Northern Ireland.

As the EC regulations took an innovative approach to EU hygiene legislation, the food hygiene package contains the legal requirement for the Commission to submit a report to the European Parliament and Council, reviewing the experience gained from their application and, if appropriate, accompanying the report with relevant proposals. Regulation (EC) No 852/2004 also requires the Commission to consider if it is desirable and practicable to extend the HACCP requirements to primary producers.



INVESTOR IN PEOPLE

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## **Recent developments**

The European Commission has been gathering evidence for this review over the past year or so, and has recently published its report. Please see link to the Commission's website:

[http://ec.europa.eu/food/food/biosafety/hygienelegislation/docs/report\\_act\\_part1\\_en.pdf](http://ec.europa.eu/food/food/biosafety/hygienelegislation/docs/report_act_part1_en.pdf)

The report is a factual account of experience so far, as reported to the Commission by Member States, industry and consumer representatives, and the Commission's Food and Veterinary Office. The report states that the overall experience of the food hygiene package is regarded as positive, and there is broad support for the principles introduced by the Regulations. Member States do not consider that the package requires a fundamental overhaul, given the relatively limited experience of implementation. The report concludes there is no support for extending the application of HACCP-based procedures to primary production at this time. The Commission has found that the application of the new legislation did not lead to any major issues and overall Member States have taken the necessary steps to ensure compliance.

The report does identify some difficulties in implementation, but it does not suggest any detailed solutions. The report is not accompanied by any legislative proposals.

## **Next steps**

It is not yet clear how the Commission intends to take forward the review, or whether it plans to bring forward any proposals to amend the current legislation. Sweden currently has the rotating EU Presidency, and has planned three Working Groups this autumn to give Member States opportunity to discuss the content of the Commission's report. The first of these Working Groups is expected to take place on 14 September.

In the meantime we are developing our response to the report and would welcome your views on it. In particular:

- Do you agree with the content and conclusions of the report?
- How might the issues identified be dealt with?
- Are there any other issues arising from the implementation of the hygiene legislation which have not been covered in the report?

It would be helpful to have your comments by 10 September to enable them to be taken into account at the first meeting of the Working Group on 14 September. Please send your comments to [vicki.reilly@foodstandards.gsi.gov.uk](mailto:vicki.reilly@foodstandards.gsi.gov.uk).

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Mike Pender', written in a cursive style.

**Mike Pender**  
**Food Standards Agency Wales**