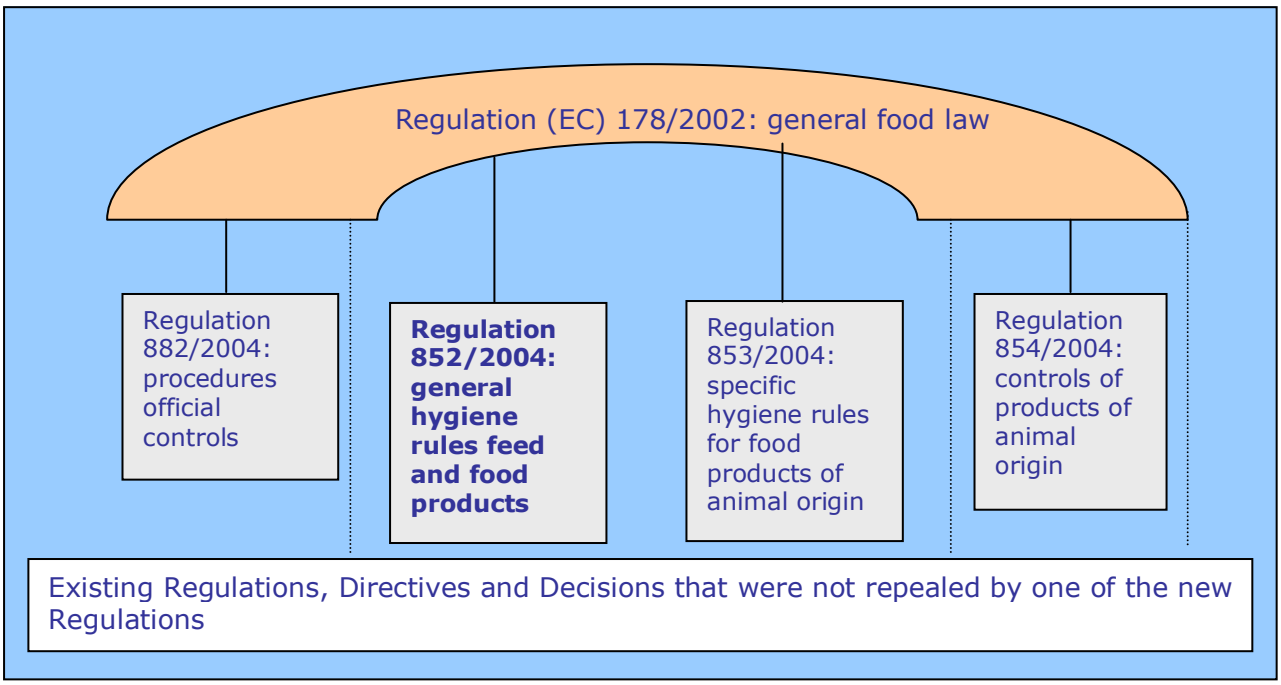
EU legislation: Hygiene of foodstuffs (HACCP)

Introduction

Food safety is the key issue in EU food legislation. Food crises in the nineties put safety on the top of the agenda in EU food policies, which has lead to a restructuring of EU food legislation. This document provides an overview of the requirements that make up the EU food legislation and further outlines EU hygiene legislation as far as relevant to the CBI product groups. As food and feed of animal origin does not fall within the scope of the CBI product groups, only Regulation 852/2004 is here presented.

The structure of EU food safety legislation

The General Food Law, Regulation (EC) 178/2002, constitutes the framework of European food law. The General Food Law establishes that all food marketed in the EU must be safe and further lays down requirements on transparency in the food chain. These principles form a horizontal framework, on which other food legislation in the EU is based. The figure below provided an overview of the structure of EU food safety legislation.



➲ For more information on the other regulations that together make up the complete EU food safety legislation, please refer to the related links.

Outline of the legislation

By 'food hygiene' is meant the measures and conditions during production and processing necessary to control hazards and ensure fitness for final human consumption of a foodstuff.

EU hygiene legislation is based on HACCP, the food hygiene management system on Hazard Analysis and Critical Control Points, and has been implemented in:

- **Regulation 852/2004**: general hygiene rules for all feed and food products,
- **Regulation 853/2004**: hygiene rules for food products of animal origin, and
- **Regulation 854/2004**: official controls on products of animal origin.

Please note that the scope of **Regulation (EC) 853/2004** and **Regulation (EC) 854/2004** is not included in the CBI product groups as these do not include foods from animal origin. These Regulations are therefore not further explained here.

➲ For more information on Regulation (EC) 853/2004 and Regulation (EC) 854/2004, please refer to the external links for the full text of the Regulations.

HACCP
HACCP is short for **Hazard Analysis and Critical Control Points (HACCP)**, where

- **Hazard** means the potential to cause harm and can be microbiological, chemical or physical to it characteristics;
- **Critical control point** is a step in the production process which, if controlled by control measures, will eliminate or reduce a hazard to an acceptable level.
- **Control measures** are actions and/or activities that are required to eliminate hazards or reduce their occurrence to an acceptable level.

HACCP is a system that focuses on hygiene procedures in food production processes throughout the production and transport chain (e.g. transport of refrigerated goods is also covered by HACCP). The aim is to improve the guarantee for food safety through process monitoring, rather than by checking the end product.

➲ For more (background) information on HACCP, please see the related documents.

Outline of Regulation (EC) 852/2004

Regulation (EC) 852/2004 on the hygiene of foodstuffs defines certain specific hygiene requirements for food imported into the EU. The most important aspect of this Regulation is that **hygiene requirements based on a HACCP system will also be legally binding for food produced outside the EU.** Under the Regulation, however, farmers ("primary producers") are not obliged to implement the HACCP system themselves and become certified, although they are encouraged to do so.

In March 2007 an amendment on Regulation 352/2004 was proposed. The actions concerning HACCP requirements aims at introducing an amendment to Regulation (EC) No 852/2004 excluding micro-enterprises from the requirement to putting in place, implementing and maintaining a permanent procedure or procedures based on the HACCP principles. This exemption applies to businesses with less than ten employees that are predominantly selling food directly to the final consumer.

It is however expected that (when the proposal is adopted), this will not lead to relevant changes for exporters form developing countries.

Article 10 of the Regulation, states that the "food business operators' obligations" as laid down in Articles 3 to 6 in the Regulation shall also apply to **food imported into the EU**. These obligations cover the following topics:

1. General obligations (Article 3): Food business operators shall ensure that all stages of **production**, **processing** and **distribution** of food under their control satisfy the relevant hygiene requirements laid down in the Regulation.

2. General and specific hygiene requirements (Article 4): The following specific hygiene measures must be adopted as appropriate:

- Compliance with microbiological criteria for foodstuffs
- Procedures necessary to meet the criteria as laid down in the Regulation
- Compliance with temperature control requirements for foodstuffs
- Maintenance of the cold chain
- Sampling and analysis

3. Hazard analysis and critical control points (Article 5): Food business operators shall put in place and maintain procedures based on the following HACCP principles:

- **Identifying any hazards** that must be prevented, eliminated or reduced to acceptable levels
- **Identifying the critical control points** at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels
- **Establishing critical limits** at critical control points for the prevention, elimination or reduction of identified hazards
- Establishing and implementing effective **monitoring procedures** at critical control points
- **Establishing corrective actions** when monitoring indicates that a critical control point is not under control
- Establishing procedures to **verify** that these measures are working effectively
- Establishing documents and records to **demonstrate the effective application** of these measures

4. Official controls, registration and approval (Article 6): Food business operators must notify the appropriate competent authority of each establishment under its control that carries out any of the stages of production, processing and distribution of food.

➲ Do you have any questions on EU hygiene legislation? Contact CBI at marketaccess@cbi.eu!

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