

Hygiene of foodstuffs

2007/0037B(COD) - 02/04/2008

The Committee on the Environment, Public Health and Food Safety adopted a report by Horst **SCHNELLHARDT** (EPP-ED, D) and amended, in the framework of the codecision procedure, the proposal for a regulation amending Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community and Regulation (EC) No 852/2004 on the hygiene of foodstuffs.

The main amendments were as follows:

-Members changed the title of the proposal, following the decision of the Conference of Presidents of 5 July 2007 authorising the ENVI and TRAN committees each to draw up a legislative report on the basis of Commission proposal. (Please see [COD/2007/0037A](#)). The Committee also deleted the references to transport rates and conditions in this proposal;

-the legal basis for the proposal amending Regulation No 11 should be Article 75(3) of the EC Treaty, and the legal basis for the proposal amending Regulation No 852/2004 on the hygiene of foodstuffs should be Articles 152(4)(b) and 95 of the EC Treaty;

-the competent authorities must apply the flexibility provided for in Regulation (EC) No 852/2004, in particular Article 5(2)(g) and (5) thereof, in order to avoid undue burdens for small businesses;

-food business operators may be exempted from the requirement to put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles. This shall apply only to businesses within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 (with a particular focus on micro-enterprises) and the activities of which consist predominantly in the direct sale of food to the final consumer, and provided the competent authority considers, on the basis of a regular hazard analysis, that either there are no hazards that must be prevented, eliminated or reduced to acceptable levels, or that identified hazards are sufficiently and regularly controlled through the implementation of general and specific food hygiene requirements. In requiring evidence of compliance with the requirements laid down in Article 4(2) to (6), the competent authority shall take due account of the nature and size of the food business.