

Hygiene of foodstuffs

2007/0037B(COD) - 05/06/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 556 votes to 67 and 19 abstentions, a legislative resolution amending 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 report had been tabled for consideration in plenary by Horst **SCHNELLHARDT** (EPP-ED, D) on behalf of the Committee on the Environment, Public Health and Food Safety.

The main amendments – adopted in the 1st reading of the co decision procedure are 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](#)). Parliament 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;

-in Regulation (EC) No 852/2004, the following new recital should be inserted: it is important that the competent authorities allow for the implementation of the flexibility provided for in this Regulation, especially in Article 5 (2)(g) and (5), in particular in relation to businesses which are micro-enterprises within the meaning of Commission Recommendation 2003/361/EC concerning the definition of micro, small and medium-sized enterprises;

-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.