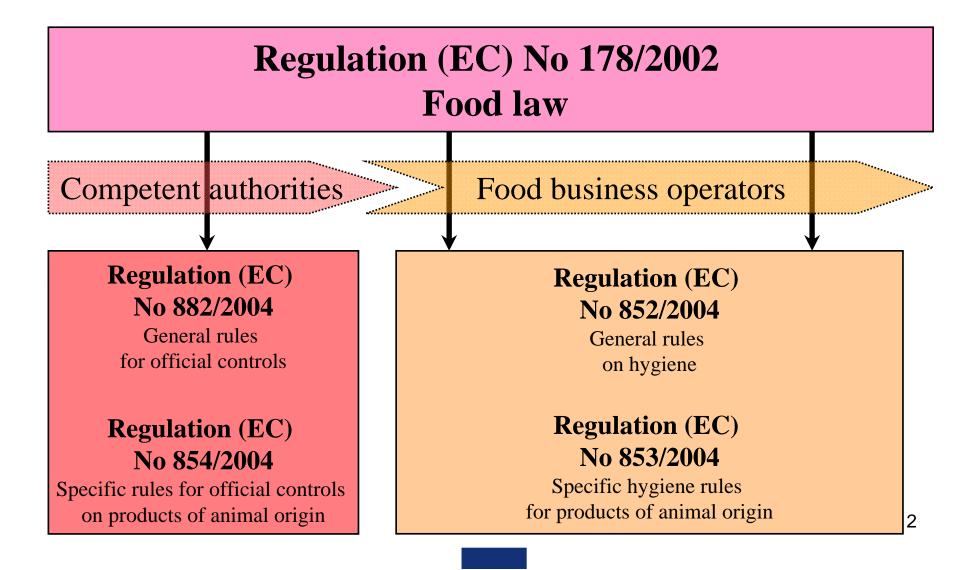


# Flexibility in the Hygiene Package

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## **Community provisions on flexibility**

#### Guiding principles

- Subsidiarity: Member States are best placed to find solutions to local situations
- Transparency: draft national measures must be notified to the Commission and to the other Member States





# **Opportunities in 'Hygiene Package'**

- Exclusions from the scope of the Hygiene Package (HP)
- Derogations / exemptions from certain requirements in the Annexes to the Hygiene Package
- Adaptations of certain requirements in the Annexes to the Hygiene Package



#### **Examples for exclusions**

- Direct supply, by the primary producer, of small quantities of primary products to the final consumer and to local retail establishments directly supplying the final consumer i.e.
- Small quantity of honey sold at farm level of in a local market
- Small quantity of raw milk sold at farm level of in a local market;
- The harvesting of berries and mushrooms in the wild and their transport to the local market
- Private domestic consumption;



#### Examples for derogation/exemptions from the Annexes

Watch out for phrases such as:

- If the competent authority so permits
- With authorisation of the competent authority
- Unless otherwise authorised by the competent authority

Example:

Separate place for cleaning, washing and disinfecting means of transport



#### **Examples of adaptations**

- The continued use of traditional methods of production;
- Needs of food businesses in regions subject to special geographical constraints;
- Adaptation of the requirements on the construction, layout and equipment of establishments;



# Background to mission series on flexibility

- Complaints that Hygiene package introduced too stringent rules
- In particular for 'small establishments' previously approved for the national market
- Six fact-finding missions to volunteering Member States (MS)
  - > CZECH REPUBLIC (2009-8361)
  - > AUSTRIA (2010-8490)
  - FINLAND (2010-8492)
  - > GERMANY (2010-8499)
  - > SPAIN (2010-8485)
  - > UNITED KINGDOM (2010-8491)



### **Conclusions from mission series**

- Application of flexibility varies from MS to MS and within MS
- Notification not applied correctly
- Flexibility pragmatic, not leading to risk for consumers
- The MS are the best placed to apply and verify the flexibility arrangements





#### **Overview Report - Recommendations**

- 1. MS should introduce flexibility measures more widely and to encourage their implementation.
- 2. MS should notify national measures as required.
- 3. MS should provide guidance to all levels of the competent authorities, in particular the CA in charge of approval and supervision of establishments.
- 4. MS should document in the establishment approval file or in official documents the flexibility granted to individual establishments.
- 5. MS should ensure that the objectives of the Hygiene Regulations are achieved despite implementation of flexibility measures



#### **Useful links**

- Overview report 'flexibility small establishments' <u>http://ec.europa.eu/food/fvo/specialreports/index\_en.htm</u>
- Document for FBOs regarding flexibility and FAQ <u>http://ec.europa.eu/food/food/biosafety/hygienelegislation/</u> <u>docs/faq\_all\_business\_en.pdf</u>
- Document for CA regarding flexibility and FAQ <u>http://ec.europa.eu/food/food/biosafety/hygienelegislation/</u> <u>docs/faq\_all\_public\_en.pdf</u>