

ANGUS COUNCIL

ENVIRONMENTAL AND CONSUMER PROTECTION COMMITTEE - 26 SEPTEMBER 2000

EUROPEAN COMMISSION PROPOSES NEW FOOD SAFETY RULES

REPORT BY DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION

ABSTRACT

The European Commission has recently announced proposals for a radical review of the Community's food safety hygiene rules.

1. RECOMMENDATIONS

It is recommended that the Committee note the contents of this report and agree to send a copy of the report to COSLA and the Scottish Executive as the Angus input into this consultation exercise.

2. BACKGROUND

The European Commission has recently announced proposals for a radical shake-up of the present Community's food safety hygiene legislation.

Four new sets of regulations are proposed that will merge, harmonise and simplify existing detailed and complex requirements currently contained in seventeen directives. The aim of the Commission is to create a single European hygiene policy which is transparent and applies to all food operators, from the farm to the table. The new policy thrust will include effective means by which food safety and any other future food crisis throughout the chain can be managed.

The Regulations will be in the form of objective setting legislation which will allow food businesses some flexibility in determining the safety resources that are appropriate rather than the present legislative style of prescription.

3. UNDERLYING PRINCIPLES

The basic principles underpinning the Commission's proposals are:

- The introduction of the farm to the table principle to hygiene policy. It is hoped that this will resolve the present patchwork of rules relating to specific sectors.
- The primary responsibility of food producers for the safety of food through the use of programmes for self-checking and modern hazard control techniques. It is therefore proposed that a harmonised Hazard Analysis Critical Points (HACCP) system will become obligatory for all non-primary food operators.
- The traceability of all food and food ingredients - to this end the Commission is proposing compulsory registration of all food businesses and a requirement for record keeping to enable suppliers of ingredients and foods to be identified. Producers will be required to put in place procedures for the withdrawal from the market of products presenting a serious risk to the consumer's health.

4. THE SIMPLIFIED LEGISLATION

Whilst the approach is to simplify the present overly complicated legislation the Commission recognises that the new legislation proposed regarding HACCP and its application in small to medium sized food businesses could be problematical due to the lack of specialist skills required and special arrangements will need to be implemented eg development of sector specific codes of good hygienic practices.

The Commission also proposes regulations to set additional hygiene rules for food of animal origin including meat, processed meat products, fishery products, dairy products etc. This new approach will not be as prescriptive as our present legislation and will therefore afford flexibility of approach.

A further proposal modifies the obligations of the veterinary authorities in the European Union so as to commence the separation of responsibilities and introduction of the farm to fork principle. This new system should allow member states more flexibility in setting up veterinary controls.

There is also a proposal to update and improve the transparency of animal health measures which are currently covered by seven directives.

The final proposal is for a directive to repeal the existing seventeen food hygiene directives.

5. RESPONSE TO THE CONSULTATION EXERCISE

The concept of simplifying legislation is to be welcomed, not only from the enforcement perspective but from the aspect that the legislation will be more comprehensible to proprietors of food businesses.

However, the introduction of the HACCP system may well have the opposite effect to simplifying and improving food safety law. Our experience with the butchery businesses in Angus would indicate that there will be a cost for small and medium sized businesses in implementing the system. One food expert has estimated the cost for these businesses in Britain to be in the region of two billion pounds if these proposals become law.

If the HACCP system is made compulsory a substantial number of businesses will only introduce it because it will be an offence not to. This is no reason to introduce what is in effect a management system therefore, management of the business must be committed to the techniques and food handlers must be enthusiastic to implement the HACCP principles. Without the commitment and enthusiasm HACCP will not work and will increase significantly the burden on enforcement staff.

In addition, to the Authorised Officers traditional role of assessing premises regarding their level of safety, they will also have to spend time which they can ill afford, on explaining the principles of HACCP and their application, to unwilling proprietors and auditing paperwork generated by the system.

The introduction of HACCP will therefore not simplify the enforcement of Food Safety Law. The EU Commission should revise where HACCP should be made compulsory and should go back to first principles with regard to food safety legislation and its application to the small and medium sized business sectors of the food industry. The role of the Commission should be to "keep it simple".

6. FINANCIAL IMPLICATIONS

There are no financial implications associated with responding to this consultation exercise.

7. CONSULTATION

The Chief Executive, Director of Law and Administration and Director of Finance have been consulted on the contents of this report.

S R Heggie
Director of Environmental and Consumer Protection

JB/FMCI
6.9.00

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report).