

Procedure file

| Basic information | |
|---|-------------------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure) Regulation 2007/0037B(COD) | Procedure lapsed or withdrawn |
| Hygiene of foodstuffs Subject 2.60 Competition 3.10.10 Foodstuffs, foodstuffs legislation 3.45.08 Business environment, reduction of the administrative burdens 4.60.04.04 Food safety | |

| Key players | | | |
|-------------------------------|--|--|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | ENVI Environment, Public Health and Food Safety | | 03/05/2007 |
| | | PPE-DE SCHNELLHARDT Horst | |
| | Committee for opinion on the legal basis | Rapporteur for opinion | Appointed |
| | JURI Legal Affairs | | 14/01/2008 |
| | | PPE-DE PANAYOTOPOULOS-CASSIOTOU Marie | |
| Council of the European Union | | | |
| European Commission | Commission DG Secretariat-General | Commissioner BARROSO José Manuel | |

| Key events | | | |
|------------|---|---|---------|
| 06/03/2007 | Legislative proposal published | COM(2007)0090 | Summary |
| 09/07/2007 | Committee referral announced in Parliament, 1st reading | | |
| 02/04/2008 | Vote in committee, 1st reading | | Summary |
| 10/04/2008 | Committee report tabled for plenary, 1st reading | A6-0143/2008 | |
| 05/06/2008 | Results of vote in Parliament |  | |
| 05/06/2008 | Debate in Parliament |  | |
| 05/06/2008 | Decision by Parliament, 1st reading | T6-0250/2008 | Summary |
| 07/03/2015 | Proposal withdrawn by Commission | | |

| Technical information | |
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| Procedure reference | 2007/0037B(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |

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| Legislative instrument | Regulation |
| Legal basis | EC Treaty (after Amsterdam) EC 152-p4b |
| Stage reached in procedure | Procedure lapsed or withdrawn |
| Committee dossier | ENVI/6/51156 |

Documentation gateway

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|---|------|-------------------------------|------------|----|---------|
| Legislative proposal | | COM(2007)0090 | 06/03/2007 | EC | Summary |
| Document attached to the procedure | | SEC(2007)0301 | 06/03/2007 | EC | |
| Document attached to the procedure | | SEC(2007)0302 | 06/03/2007 | EC | |
| Committee draft report | | PE398.424 | 19/12/2007 | EP | |
| Specific opinion | JURI | PE400.426 | 15/01/2008 | EP | |
| Amendments tabled in committee | | PE402.649 | 20/02/2008 | EP | |
| Committee report tabled for plenary, 1st reading/single reading | | A6-0143/2008 | 10/04/2008 | EP | |
| Text adopted by Parliament, 1st reading/single reading | | T6-0250/2008 | 05/06/2008 | EP | Summary |
| Commission response to text adopted in plenary | | SP(2008)4439 | 16/07/2008 | EC | |

Additional information

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|----------------------|-------------------------|
| National parliaments | IPEX |
| European Commission | EUR-Lex |

Hygiene of foodstuffs

PURPOSE: to amend Regulation 852/2004/EC on the hygiene of foodstuffs by excluding micro-enterprises from the requirement of maintaining permanent procedures based on the HACCP principles.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: on 14 November 2006, the Commission presented a Strategic Review of Better Regulation in the EU (see [INI/2007/2095](#)), including a proposal for a target to reduce the administrative burdens on businesses by 25% by 2012. Ten concrete proposals for "fast track action" were identified in the Action Programme for reducing administrative burdens in the EU (see the summary dated 27/01/2007), based on broad stakeholder consultation and suggestions from Member States and Commission experts. The "fast track actions" aim at significantly reducing administrative burdens on businesses through minor legislative changes without challenging the level of protection or the original purpose of the legislation.

This proposal deals with a "fast track action" relating to Regulation 852/2004/EC on the hygiene of foodstuffs. The purpose is to exempt small food businesses able to control food hygiene simply by implementing the other requirements of Regulation 852/2004/EC from the requirement to put in place, implement and maintain a permanent procedure or procedures based on the hazard analysis and critical control points ("HACCP") principles. This exemption will apply to micro-enterprises that are predominantly selling food directly to the final consumer. These enterprises have less than ten employees and have an annual turnover or annual balance sheet total that does not exceed EUR 2 million. The exemption would therefore not apply to large surface supermarkets and franchisers of supermarket chains.

Another "fast track action" relates to Regulation No 11 852/2004/EC concerning the abolition of discrimination in transport rates and conditions, by removing outdated documentation (see [COD/2007/0037A](#)).

Hygiene of foodstuffs

The Committee on the Environment, Public Health and Food Safety adopted a report by Horst SCHNELLDHARDT (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.

Hygiene of foodstuffs

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 SCHNELLDHARDT (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.