

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn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	PPE-DE SCHNELLHARDT Horst	03/05/2007
Council of the European Union European Commission	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
	JURI Legal Affairs	PPE-DE PANAYOTOPOULOS-CASSIOTOU Marie	14/01/2008
	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07/03/2015	Proposal withdrawn by Commission		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	
Procedure reference	2007/0037B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
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Stage reached in procedure	Procedure lapsed or withdrawn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					
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	
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 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 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.

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 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.