

Food

HYGIENE OF FOODSTUFFS

Regulation (EC) No [852/2004](#) of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs

Objective

To revise EU legislation on food hygiene, establishing new general and specific hygiene rules to ensure a high level of consumer protection with regard to food safety, “from the farm to the table”.

Relevance for the hospitality industry

The regulation is very relevant to the sector because it requires all food operators, including restaurants, cafés and other catering businesses, to comply with general and specific hygiene requirements. General requirements concern issues such as: layout, design and size of premises, surfaces and facilities, storage and disposal of food waste, personal hygiene, equipments, etc. Specific hygiene measures are also to be adopted, “as appropriate”, in relation to compliance with microbiological criteria for foodstuffs, compliance with temperature requirements, maintenance of the cold chain, etc.

Furthermore, food operators, including hospitality businesses, have to put in place food safety management procedures based on HACCP (Hazard Analysis and Critical Control Points) principles. A few provisions in the Regulation allow, however, for arrangements to take the specific situation of small businesses into consideration.

State of progress

Adopted in April 2004 and applied since January 2006.

Art. 16 of the Regulation requires the Commission to submit to the European Parliament and the Council of the EU a report on the application of the legislation within 5 years of its entry into force. The Commission report was issued in July 2009.

Content

The Regulation seeks to ensure a high level of food hygiene at all stages of the production process (production, processing and distribution of food). A key point of the legislation is that the main responsibility for food safety rests with “food business operators”, with a single hygiene policy applicable to all foodstuffs and all operators.

The text defines the obligations of food operators, setting out general and specific hygiene rules and requiring the establishment, implementation and maintenance of procedures based on HACCP principles.

The regulation foresees that food businesses may use guides to good practices as an aid to comply with their obligations. Such guides to good practices for hygiene and for the application of HACCP principles can be developed by each sector at national or Community level.

To facilitate the implementation and interpretation of the Regulation, the European Commission issued the following guidance documents:

- Guidance document on the implementation of certain provisions of Regulation 852/2004/EC on the hygiene of foodstuffs;

- Guidance document on the implementation of procedures based on the HACCP principles, and on the facilitation of the implementation of the HACCP principles in certain food businesses.

For a detailed summary of the Regulation (and related texts) you can visit the [SCADPlus](#) website (European Commission).

HOTREC position

Comprehensive legislation on food safety and hygiene is essential for all food businesses as well as for consumers. Food safety is one of the top priorities of the hospitality sector and the sector works continually to improve its standards and procedures. However, EU legislation in this field has been developed to cover, without distinction, all the activities throughout the food chain including primary producers, manufacturers, packers, importers, retailers, industrial catering and a wide variety of food service operators. These differing sectors have different needs and require different solutions to the challenges and problems facing them. Encompassing all these differing sectors within the same texts has resulted in legislation, which is not appropriate for the restaurant sector and especially not for the 92 % of very small restaurants it represents.

Nonetheless, with the HACCP guidance document, the Commission took account of HOTREC's major concerns related to the predominant "micro-enterprise dimension" of the restaurants sector and other similar food operations. HOTREC have been asking for years for special adjustments for the very small business, with less than 10 employees.

See also:

HOTREC [leaflet](#) "What is on the EU menu for restaurants? An overview of European issues affecting restaurants", September 2004

HOTREC [leaflet](#) "Let's go and eat out - Quality law for quality food", September 2003

Official references

Regulation (EC) No [852/2004](#) of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, O. J. L 139/1 of 30.04.2004

See also:

Report from the Commission to the Council and the European Parliament on the experience gained from the application of the hygiene Regulations (EC) No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004, 28 July 2009 (COM(2009)403 final)

Commission [Guidance document](#) on the implementation of certain provisions of Regulation (EC) No 852/2004 on the hygiene of foodstuffs, 16 February 2009

Commission [Guidance document](#) on the implementation of procedures based on the HACCP principles, and on the facilitation of the implementation of the HACCP principles in certain food businesses, 16 November 2005

Commission Regulation (EC) No [2073/2005](#) of 15 November 2005 on microbiological criteria for foodstuffs, O.J. L 338 of 22.12.2005

Regulation (EC) No [854/2004](#) of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, O. J. L 139/206 of 30.04.2004

Regulation (EC) No [853/2004](#) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin, O. J. L 139/55 of 30.04.2004