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## Small business talking point

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# HAZARD REGULATIONS ARE NOT

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By Ludger Fischer

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The European Commission has recently proposed to exempt micro businesses from HACCP reporting. Regulation 852/2004 is a public health consumer protection safeguard, which requires, inter alia, food business operators “to put in place, implement and maintain a permanent procedure or procedures based on HACCP principles”.

The Commission’s proposal would exclude from the requirement of full documentation of all measures businesses with fewer than 10 employees, which predominantly sell food direct to the final consumer. Exempt food business operators would still have to comply with all the other relevant requirements of this regulation. This is one of the concrete proposals to emerge under the Commission’s Action Programme for Reducing Administrative Burdens. This Programme is a key component of the EU’s better regulation strategy.

“HACCP” stands for Hazard Analysis and Critical Control Points and is a structured approach to managing food safety through the identification of hazards and actions to be taken to control them. During the drafting of the original EC food hygiene regulations UEAPME insisted on the inclusion of words like “where necessary” and “commensurate with the nature and size of the business”. This allows some flexibility on interpretation for low risk undertakings.

A proper HACCP scheme has a team of people monitoring critical points in the production process and keeping copious records to ensure the checks have been

done. Such a scheme is impractical for very small businesses. Think of typical food producers in Southern Europe!

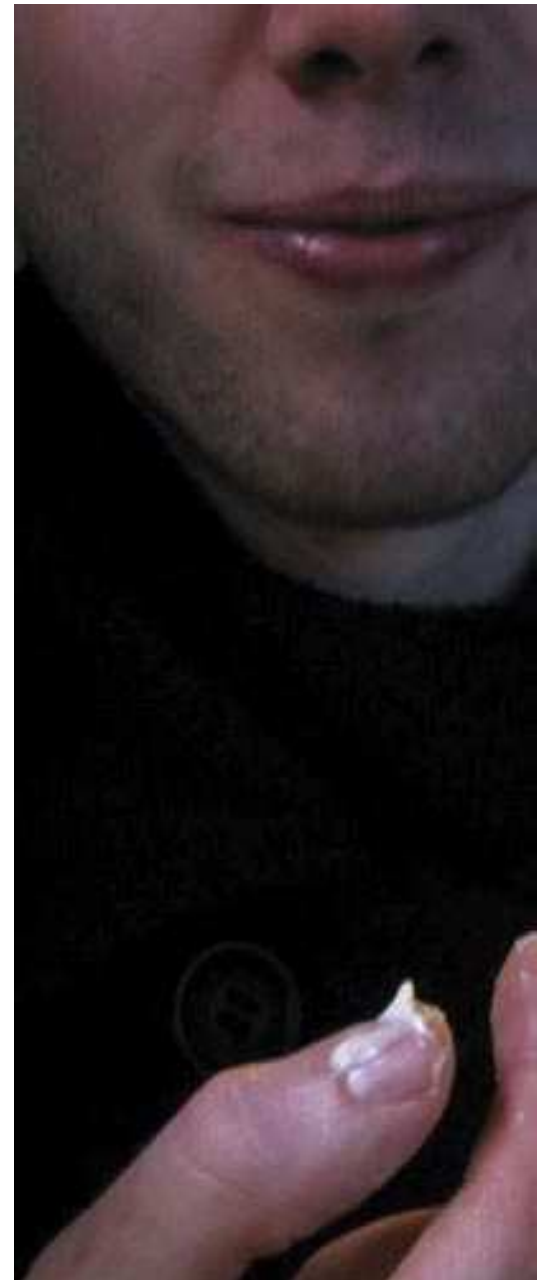
What the European Commission is now proposing is an exemption from record keeping requirements rather than from HACCP itself. Any moves by the Commission to reduce the bureaucratic burdens on small business can be welcomed. We are keen to support the Commission in its drive towards simplification and rationalisation of regulations.

However, UEAPME does have reservations as to the wording of this particular proposal. It must be accepted that very small food businesses - the modal average is three employees - cannot implement a “proper” system in the traditional way.

They cannot have a dedicated team with a qualified team leader as requested. Bob Salmon, NORMAPME’s expert and representative to CEN concludes: “Because of the diversity of small food businesses it is inappropriate to have a procrustean approach to HACCP.”

UEAPME had detailed discussions with DG SANCO in the past and it was agreed that a risk-based approach would be the most appropriate one. This is clearly reflected in subsequent guidance documents by DG SANCO, which UEAPME found perfectly acceptable. Therefore, we see no reason for further legislation on this issue.

The size criterion for exemptions (less




than 10 employees) is impractical in reality for most of the EU small food producers. It would lead to confusion both among enforcers and businesses, and standards of hygiene could be compromised.

UEAPME hopes that the European Com-

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# APPROPRIATE FOR SMALL FIRMS



When the chips are down small businesses need less regulation, not more, says their European organisation UEAPME

to HACCP. UEAPME was able to contribute to the extremely helpful "GUIDANCE DOCUMENT on certain key questions related to the practicalities of compliance with the new rules on food hygiene and official food controls", issued by the European Commission on 29 June 2005.

UEAPME sees the need for a flexible approach to HACCP for small businesses, but we believe that this flexibility should not be limited to micro enterprises.

The definition of a micro business does not fit to the reality of the European food producing businesses, where 16-19 people may be employed in a low risk operation, like retailing pre-packed goods and 2-3 in a high risk procedure, like making meat pies. The definition used is too crude.

This step is not enough to allow for the reality and the needs of the European food producing businesses.

UEAPME demands an extension to businesses, which employ up to 19 employees.

UEAPME would very much welcome the exemption based on the risk on the grounds that it could reduce the level of clerical and bureaucratic burden upon small food businesses.

mission will take small food producers in due consideration when legislating on food-related matters.

UEAPME welcomes in principle the Commission proposal to amend the Hygiene of Foodstuffs Regulation (EC) No 852/2004.

UEAPME fully agrees with the Commission's explanatory memorandum, where it states that the HACCP requirement leads to unnecessary administration burdens and is needlessly time consuming. Because of the diversity of small food businesses it is inappropriate to have a "procrustean approach"

Exemptions cannot only be granted to micro enterprises. This would lead to a significant competitive disadvantage for typical small enterprises in the European food business.

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