

UEAPME¹ position paper on the draft guidance on HACCP SANCO/1955/2005 Rev. 4

Brussels, 30/09/2015

UEAPME is the employers' organisation representing Crafts and SMEs from the EU and accession countries at European level. UEAPME has 80 member organisations covering over 12 million enterprises with 55 million employees. UEAPME is a European Social Partner.

The UEAPME Food Forum with active members of ten European Countries has considered the discussion paper in view of a possible revision/updating of the guidance on the implementation of procedures based on the HACCP principles.

It is noted that the text of the Regulation says "Food business operators shall put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles" Article 5.1 of EC 852/2004. It goes on to say in clause 5g "commensurate with the nature and size of the business".

Therefore a small food business is not under an obligation to implement a scheme of HACCP as defined in ISO 22000 where there should be a full time coordinator and a committee of management as in the *Codex Alimentarius*. It does mean that the philosophy or way of thinking indicated by the seven HACCP principles is required. The objective of the food hygiene rules is to ensure a high level of consumer protection with regard to food safety (EC 852/2004 recital 7).

UEAPME is not clear as to whom this document would ever be addressed. If it were to be designed for officials, then the existing guidance may well be sufficient. If it were to be for small food businesses, then it is useless. No small business operator has the time or skill to read and understand all 43 pages and 11,877 words of this document. Indeed, HACCP is not really considered until between pages 16 and 29. Most small business operators would have given up before they reached this point. It is impossible for most of the SMEs to apply the approach by making a distinction between CCP or PRP. The definition doesn't matter; they want to manage their hygiene and food security by applying a logic, simple and efficient approach and the most important documents in this context are sectoral guidelines for good hygiene practice including short applicable checklists! If this guidelines are good, they include procedures to manage PRPs even CCP efficiently without the need of complicated definitions.

Thus as guidance for food SMEs we consider this document as inappropriate on account of its length and language. Such phrases as "a holistic system of control and assurance activities" and "interactive communication" are not readily relevant to many very small undertakings. This is shown by the necessity for a glossary as early as the sixth page of the document and more in Annex 1 on page 10.

Neither is UEAPME clear on why this revision is necessary. There do not appear to be any significant changes to earlier guidance other than repetition of the flexibility already stated in the legislation.

¹ UEAPME subscribes to the European Commission's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is [55820581197-35](https://ec.europa.eu/transparency/regexp1/index.cfm?do=groupDetail.groupDetail&id=55820581197-35).

In response to the specific questions posed UEAPME would put forward these comments.

Is an update of this document needed?

We do not think that an update is needed. Each member state has drafted adequate guides and this document, as noted above, is too long and detailed for small businesses.

Substantial change of structure needed?

So if any update is demanded, there needs to be a substantial change of structure. For food businesses only offering a limited range of pre-packed goods which are of low risk, there may be only a need for PRPs. Thus the guidance offered in Annex 1 would be sufficient. They do not need section 1 defining the legislation, but the mnemonics listed in section 2 would be useful. Section 3 is not guidance and could be omitted. As most of this Annex 1 is a repeat of Annex 2 of EC 852/2004, we do not see a great need for it.

Again Annex 2 is a repeat of Article 5 of EC 852/2004. The comments on the principles are too verbose.

Should flexibility be a separate annex or integrated in the prerequisites and HACCP annexes?

Flexibility should be made clear at the start of the paper because the text of the regulation says “commensurate with the nature and size of the business” (Article 5; 2.g and 4.a etc).

Need for an annex on prerequisites? Added value to Annex II of R 852/2004?

No, the text used in 852/2004 in Annex II is quite clear and no amendment is needed.

Which parts are unclear or need to be updated for another reason?

As stated above the whole is too long for SMEs.

Higher level of details needed?

No. The Article 5 of the Regulation clearly says in point 1 that any procedure should be based on the HACCP principles. Thus a higher level of detail is not required. Details adopted depend on the nature of the risks and the ability to control them. Thus the details of any two systems may vary in line with the hazards posed.

Feed included?

UEAPME does not represent primary producers and does not have a unanimous position on this.

Do you agree with the following new structure?

The simple answer is no. As explained above it is far too long for SMEs. The requirements are clearly set out in the Regulation in Article 5 with the two annexes. However, it could be an advantage to small businesses to have the difference between PRPs and the HACCP procedures explained simply. Our comments on the new structure are already set out in the introduction. We see it as too long, too verbose and indeed less clear than the regulation itself. Essentially the requirements should come at the start with all the definitions and justifications later on. An SME reader wants to know what he has to do first; then he will read the text which tells him why and how with all the definitions.

With regard to the comment on page 8 the basis of food safety is shown in Article 7 of EC 178/2002 under Precautionary principle. This presupposes adequate PRPs. The essence of EC 178/2002 is in Article 14 where it says “Food shall not be placed on the market if it is unsafe”. HACCP is no more than a practical method of ensuring such safety.

With regard to the comment on page 9 (DSK4) we would reiterate the view already expressed that HACCP is a way of thinking and not a mandatory system. Thus any auditing must take account of the nature of the operation and the way risks are recognised and controlled.

With regard to the comment on page 14 we do not see the need to further develop guidance on all these topics. There is such a variety of businesses that definitions would be inapplicable.

Do you consider the first 5 steps being part of the hazards analysis or should they be separated as preparatory steps in the application of HACCP?

Of course these steps are part of HACCP but our message is clear. They may not be necessary in the majority of low risk enterprises. The steps may well be appropriate for even very small businesses which have high risks, but they would not have a “multidisciplinary team” as it might be the one person.

Do you agree with the criticism that the decision tree is not (sufficiently) acknowledging the implementation of PRPs, so therefore, a CCP is defined while it can be controlled as PRP and leading to production processes with many CCPs?

As already explained in the introduction, low risk businesses have no requirement or need to develop a HACCP scheme as defined in ISO22000 or similar. We see these questions as too detailed for general guidance.

Is the difference between verification and validation sufficiently clear e.g. by the introduction of glossary? Should the paragraph on validation be put separately or elsewhere?

This level of guidance is too detailed and only confuses most SMEs. We would recommend its exclusion.

Should flexibility as regards HACCP be (mainly) considered for all small and medium size enterprises, only small enterprises or only microenterprises?

The answer is clearly negative. Size is not relevant so these definitions can be removed. The complexity/flexibility of any HACCP system depends on the levels of risk, not just on size. Article 5.2g is quite clear. it speaks of “commensurate with the nature and size of the food business”. Article 4.3 includes the words “as appropriate”. Article 7 clearly says “food business operators may use these guides on a voluntary basis”. Therefore we consider the latter part of the document as unnecessary.

Do you agree with the last paragraph, giving the impression that there it is up to the FBO to choose between different option?

Of course. It must be the responsibility of the FBO to assess risk and devise the optimum systems to control it. That may be by adhering to good PRPs or it might involve a complex HACCP system to provide adequate controls. That is the FBO responsibility.

Are these the best examples? Should we not rather refer to retailers, small artisanal producers, ...

No. This question on page 38 asks for too much detail in a guidance document.

Do we agree with this statement or do we keep the position that risk analysis is always required to ensure a risk based approach? At least generic risk analysis and control measures for a certain sector (see third bullet point)?

As already stated, for some businesses hazards can be controlled by adequate PRPs. Risk analysis is always required. If there are none then HACCP is not needed.

Paragraph on frequency of monitoring? E.g. related to the size of the establishment, proportionate to the amount placed on the market, ...

This question on page 41 is unnecessary. Frequency of monitoring is up to the nature of the processes being undertaken and has nothing to do with the size of the operation.

In view of these points the UEAPME Food Forum does not see the need for an update of this document.

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